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Carl Hilliard
Councilmember
City of Del Mar

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Jim Janney
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Jo MacKenzie
Vista Irrigation District

Harry Mathis
Public Member

Executive Officer

Michael D. Ott

Counsel

Thomas Bosworth

AGENDA
SPECIAL DISTRICTS ADVISORY COMMITTEE
FRIDAY, December 16, 2011, 9:30 A.M.
Note: Location Change for This Meeting
LEUCADIA WASTEWATER DISTRICT
1960 LA COSTA AVE
CARLSBAD, CA 92009

<u>Agenda Item:</u>	<u>Recommended Action:</u>
1. Roll Call	
2. Introduction of New Advisory Committee Members	
3. Approval of Minutes of Meeting held October 21, 2011	Approve
4. Consultant's Recommended Agenda Revisions	Receive
5. Committee Member / Consultant's Announcements	Information
6. 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.	
7. Election of Officers; Chairperson and Vice Chairperson	Direction
8. Report on Work Program for Implementation of SB 244 and AB 54 Legislation from 2011-2012 Session	Information/ Discussion
9. Process for Filling Advisory Committee Vacancy	Discussion
10. Adjournment to the January 20, 2012 Meeting Date if Necessary	Discussion

Note: Refreshments will be available at the meeting.

LOCAL AGENCY FORMATION COMMISSION
SPECIAL DISTRICTS ADVISORY COMMITTEE
OCTOBER 21, 2011 MEETING
DRAFT

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There being a quorum present, the meeting was convened at 9:35 a.m., by Chairman Tom Pocklington (Bonita-Sunnyside FPD). Attending were: **Committee Members** - Gary Arant (Valley Center MWD), Gary Croucher (Otay Water District), Judy Hanson (Leucadia WD), Larry Jackman (San Miguel Consolidated FPD), Margarette Morgan (Vista FPD), Poltl (Vallecitos WD), Augie Scalzitti (Padre Dam MWD), Dennis Shepard (North County Cemetery District), Dennis Shepard (North County Cemetery District) arrived at 9:40 a.m., Terry Thomas (South Bay Irrigation District). Absent were: **Committee Members** - Ron Fuller (Alpine FPD); Douglas Humphrey (Resource Conservation District), John Pastore (Rancho Santa Fe CSD), Kimberly Thorner (Olivenhain MWD), and Diana Towne (Rincon del Diablo, MWD). Attending: Harry Ehrlich, LAFCO Consultant, and Paul Bushee of the public were present.

Item 2

Approval of Minutes of April 15, 2011

ON MOTION of Judy Hanson, seconded by Terry Thomas, and unanimously approved by the remaining Committee members, the Committee dispensed with reading the April 15, 2011 minutes and approved said minutes.

Item 3

Consultant's Recommended Agenda Revisions

Harry Ehrlich indicated there are no revisions.

Item 4

Committee Member/Consultant's Announcements

Michael Ott, Executive Officer, provided a brief tour to the Committee of the new LAFCO office and the County Operations facility.

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

Harry Ehrlich announced the retirement of Peter Detwiler from the Legislative Senate office and he was honored at the CSDA Annual Conference.

Item 4

Committee Member/Consultant's Announcements (Cont.)

Gary Arant asked if there was any information from the Legislative Analyst's Office (LAO) regarding the review request from Assemblyman Dickinson's letter related to Special Districts. Mr. Ehrlich responded that a response is expected at the end of the month and if we receive a copy we can send one to the committee members requesting one. Paul Bushee, Leucadia Wastewater District, commented that his agency met with Mr. Dickinson's staff in August to discuss regionalization issues with the wastewater districts. Harry Ehrlich mentioned the LAO staff also met with LAFCO Executive Officer and staff to discuss and provide information.

Gary Arant asked if any legislative information from Cal Forward has come out. Mr. Ehrlich responded that a draft report will be provided soon.

Member Terry Thomas announced an opening for Assistant General Manager with the South Bay Irrigation District. Ms. Thomas also announced the completion of their Purdue plant upgrade including a dissolved air flotation (DAF) system.

Item 5

Public Comment

No members of the public requested to speak.

Item 6

Review of 2010 Legislation Relating to LAFCO

Harry Ehrlich announced the legislature has adjourned for the year. He summarized the most recent activity on legislative bills to the committee. The four bills Mr. Ehrlich reviewed and discussed with the committee members were: AB 1430 (Assembly Local Government Omnibus): Cortese-Knox-Hertzberg Act; SB 912 (Gordon) Local Government: organization and dissolution; AB 307 (Nestande) Joint Powers Agreements: public agency; federally recognized Indian tribe; and SB 244 (Wolk) General plan; disadvantaged communities.

Item 7

Update on SDAC/Alternate Commissioner Election

Harry Ehrlich informed the committee members there were 24 of the 64 district votes submitted, four districts indicated they were not voting. He announced ballots are due today and can be faxed into the LAFCO office and originals can be mailed directly to the office if they are postmarked today. Mr. Ehrlich informed the committee, there will be one vacancy and the Chairman will be asked to propose a process to fill that position.

Item 8

Current LAFCO and Special Districts Projects

Harry Ehrlich informed and discussed with the committee members some of the larger projects LAFCO will be working on during the upcoming 2012 year: Yuima MWD – request for a Municipal Service Review along with Mootamai and Pala - proposing to realign costs and services; San Diego County Hybrid Plan, Fire Districts – Phase II (Shirley Anderson, Asst. Executive Officer, is the contact person for this project).

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 Friday, December 16, 2011, if a meeting is to be held. Please note: the meeting location may be held at the Leucadia Wastewater District Office. The meeting was adjourned at 11:03 a.m.

**Ruth Arellano
Administrative Assistant**

Chairman

December 5, 2011

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Carl Hilliard
Councilmember
City of Del Mar

Vice Chairwoman

Dianne Jacob
County Board of
Supervisors

TO: Local Agency Formation Commission

FROM: Executive Officer
Local Governmental Analyst

Members

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City of San Diego

SUBJECT: Implementation of Senate Bill No. 244 (Wolk) and Assembly Bill No. 54 (Solorio) in FY2011-2012 and FY2012-2013

EXECUTIVE SUMMARY

On October 7, 2011, Governor Brown signed into law Senate Bill (SB) No. 244 (Wolk) and Assembly Bill (AB) No. 54 (Solorio). SB 244 requires cities, counties, special districts, and LAFCOs to plan for disadvantaged unincorporated communities; AB 54 authorizes LAFCO to include mutual water companies in municipal service reviews.

These two bills are effective as of January 1, 2012 and establish specific requirements for LAFCO, special districts, cities, and counties that will be implemented during FY2011-2012 and FY2012-2013. This staff report summarizes the requirements of the two bills and identifies implementation responsibilities and tasks for LAFCO and affected local agencies. The Commission is requested to provide comments regarding the implementation identified for SB 244 and AB 54.

Alternate Members

Greg Cox
County Board of
Supervisors

Sherri Lightner
Councilmember
City of San Diego

Jim Janney
Mayor
City of Imperial Beach

Jo MacKenzie
Vista Irrigation District

Harry Mathis
Public Member

Executive Officer

Michael D. Ott

Counsel

Thomas Bosworth

Senate Bill No. 244 (Wolk)

SB 244 is intended to identify "*disadvantaged unincorporated communities*" within or adjacent to the spheres of influence of cities. SB 244 also contains provisions that require the identification of disadvantaged communities within the existing spheres of special districts that provide public facilities or services related to sewers, municipal and industrial water, or structural fire protection.

SB 244 states the intent of the Legislature to encourage investment in these communities and address the complex legal, financial, and political barriers that contribute to regional inequity and infrastructure deficits within disadvantaged unincorporated communities.

A *disadvantaged community* is defined as an inhabited area (containing 12 or more registered voters) comprised of 10 or more dwellings in which the median household income is 80% or less of the statewide annual median household income. According to the U.S. Census Bureau, the 2010 statewide annual median household income for California was \$54,459. A qualifying disadvantaged unincorporated community would, therefore, have a corresponding annual median household income of \$43,567.20 or less, and be comprised of 10 or more dwellings in which 12 or more registered voters reside.

Cities/County Requirements

SB 244 requires a city or county to review and update the land use element of its general plan, on or before the next adoption of its housing element, to include an analysis of the presence of *island, fringe, or legacy* unincorporated communities (as defined). SB 244 defines these communities as follows:

- “*Disadvantaged unincorporated community*” means a fringe, island, or legacy community in which the median household income is 80 percent or less than the statewide annual median household income.
- “*Unincorporated fringe community*” means any inhabited and unincorporated territory that is within a city’s sphere of influence.
- “*Unincorporated island community*” means any inhabited and unincorporated territory that is surrounded or substantially surrounded by one or more cities or by one or more cities and a county boundary or the Pacific Ocean.
- “*Unincorporated legacy community*” means a geographically isolated community that is inhabited and has existed for at least 50 years.

The SB 244-required general plan analysis of these communities would include: a description of the community and a map designating its location; an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies for each identified community; and an analysis of benefit assessment districts or other financing alternatives that could make the extension of services to the identified communities financially feasible.

Following the initial revision and update of its general plan, SB 244 requires the subject city or county planning agency, to review, and if necessary, amend the general plan to update the information, goals, and program of action relating to these island, fringe, or legacy unincorporated communities.

SB 244 also provides authorization for counties, cities, and special districts to be eligible to borrow money and incur indebtedness for purposes of the State Water Pollution Control Revolving Fund towards the construction of publicly owned treatment facilities and other related purposes, in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

LAFCO Requirements

Annexations to Cities

In its consideration of proposed city annexations, SB 244 requires LAFCO to disapprove an annexation to a city of any territory greater than 10 acres (or as determined by commission policy) where an identified disadvantaged unincorporated community exists that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community to the subject city has been filed with the executive officer. The bill exempts the requirement to submit an application to annex a contiguous disadvantaged community if either of the following applies:

- A prior application for annexation of the same disadvantaged community has been made in the preceding five years; or,
- LAFCO finds, based upon written evidence, that a majority of the residents within the affected territory are opposed to annexation.

Sphere of Influence Determinations

Under existing law, when establishing or updating a sphere of influence of each local agency, LAFCO is required to consider and prepare specific written determinations regarding:

- The present and planned land uses in the area, including agricultural and open-space lands.
- The present and probable need for public facilities and services in the area.
- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

In the review or update of a sphere of influence of a city or a special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, SB 244 requires LAFCO, on or after July 1, 2012, to include an additional written determination regarding the present and probable need for public facilities and services of disadvantaged unincorporated communities *within the existing sphere of influence*.

When determining a sphere of influence, SB 244 also:

- Authorizes LAFCO to assess the feasibility of governmental reorganization of particular agencies and recommend reorganization of those agencies when reorganization is found to be feasible and if reorganization will further the goals of orderly development and efficient and affordable service delivery; and,
- Requires LAFCO to establish the nature, location, and extent of any functions or classes of services provided by existing special districts, and requires the subject districts to file written statements with LAFCO specifying the functions or classes of services provided by those districts.

Municipal Service Review Determinations

Prior to or in conjunction with an action to establish or update a sphere of influence, existing law requires LAFCO to conduct a comprehensive service review of all of the agencies that provide municipal services within a designated geographic area, and prepare written determinations regarding:

- Growth and population projections for the affected area.
- Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
- Financial ability of agencies to provide services.
- Status of, and opportunities for, shared facilities.
- Accountability for community service needs, including governmental structure and operational efficiencies.
- Any other matter related to effective or efficient service delivery, as required by commission policy.

When preparing a municipal service review, SB 244 requires LAFCO to include an additional written determination regarding the location and characteristics of any disadvantaged unincorporated communities *within or contiguous to the subject sphere of influence*. LAFCO is also required to determine the present and planned capacity of public facilities, adequacy of

public services, and infrastructure needs or deficiencies related to sewers, water, and structural fire protection in any disadvantaged unincorporated communities *within or contiguous to the subject sphere of influence*.

SB 244 also authorizes LAFCO to assess alternatives for improving efficiency and affordability of infrastructure and service delivery *within and contiguous to the sphere of influence*, including, but not limited to, the consolidation of governmental agencies.

SB 244 Implementation

San Diego LAFCO Implementation

Task 1: Determining Need for Public Services of Disadvantaged Communities

As discussed above, SB 244 requires LAFCO, on July 1, 2012 or after, in the review or update of each sphere of influence of a city or a special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, to include an additional written determination regarding the present and probable need for public facilities and services of disadvantaged unincorporated communities *within the existing sphere of influence*.

This task will require identification of the subject special districts based on their currently authorized and provided water, sewer, and/or fire protection services, and identification and analysis of their corresponding spheres of influence.

Task 2: Coordination with SANDAG

To implement Task 1, it will be necessary for San Diego LAFCO to coordinate with the San Diego Association of Governments (SANDAG), which serves as the local council of governments and the Regional Census Data Center for the San Diego region. SANDAG maintains a variety of census-related data and information, including reports, tables, digital data, and maps. SANDAG also works with the U.S. Census Bureau, local agencies, and the public on all census-related issues in the region.

Task 3: Development of Geographic Information System Data Base

The goal of the coordination with SANDAG would be to identify qualifying disadvantaged unincorporated communities within San Diego County by using Geographic Information System (GIS) data regarding annual household income levels. Once the qualifying household income levels within San Diego County have been geographically established, the next step would be to overlay these areas with LAFCO-maintained city and special district sphere of influence GIS information.

Task 4: Analysis of Geographic Information System Data

The geographic combination of income-related data and local agency sphere data would reveal the presence of the defined disadvantaged unincorporated communities in relation to their location both within and/or contiguous to existing city and special district sphere boundaries. The next step of this process would be to identify the inhabited areas comprised of 10 or more dwelling units within qualified income levels that are located within and contiguous to existing city and special district spheres of influence.

Inhabited areas are defined as containing 12 or more registered voters residing within the subject territory. This step will involve obtaining registered voter GIS data from the Registrar of Voters to overlay the LAFCO-maintained city and special district sphere of influence GIS information and SANDAG income level data. Coordination with the County Department of Planning and Land Use will also be necessary to confirm the presence of 10 or more dwelling units that will satisfy the definition of a "community."

Task 5: Coordination with the County, Cities, and SANDAG

Because SB 244 requires LAFCO to address these identified disadvantaged unincorporated communities in its review or update of spheres on or after July 1, 2012, San Diego LAFCO staff will need to engage SANDAG, the incorporated cities, the County, and special districts on an accelerated schedule during the remaining time of FY2011-2012.

During FY2012-2013, San Diego LAFCO will coordinate closely with the cities, county and SANDAG to implement the housing element requirements of SB 244. This process will start by using the GIS information for the identified disadvantaged unincorporated communities to establish the locations of all unincorporated fringe, island, and legacy communities, as defined by SB 244. Discussion of specific implementation by the county, cities, and special districts follows below.

Task 6: LAFCO Policy/Procedures Update and Outreach

Additional LAFCO SB 244 implementation tasks will include:

- Updating the Municipal Service Review and Sphere of Influence policies, procedures, and programs to reflect the SB 244 requirements.
- Updating the San Diego LAFCO website and application forms.
- Outreach and consultation to clarify the SB 244 requirements and responsibilities with SANDAG, the County, the incorporated cities and special districts.
- Outreach and coordination with all existing special districts to establish the nature, location, and extent of any functions or classes of services currently provided.
- Specific outreach and consolidation to the incorporated cities and special districts that provide public facilities or services related to sewers, municipal and industrial water, or structural fire protection.

Cities/County Implementation

Existing provisions in State Law require counties and incorporated cities to prepare and adopt a general plan for its jurisdiction containing specific elements, including a housing element. The housing element is required to contain a 5 to 8-year program that specifies a schedule of actions to implement the element's goals and objectives. The housing element is also required to make adequate provision for the existing and projected housing needs of all economic segments of the respective community.

Prior to the start of a housing element cycle the State of California Department of Housing and Community Development (HCD), in coordination with each local council of governments, develops a program called the Regional Housing Needs Allocation (RHNA). The RHNA identifies a regional target number of low- and very-low income housing needs, and allocates the target housing need numbers to the county and each individual incorporated city within the subject region based on a specific methodology developed by the local council of governments in coordination with the affected jurisdictions.

SB 244 requires the county and the cities to review and update the land use element of its respective general plan to include identification and analysis of disadvantaged unincorporated communities, including island, fringe, and/or legacy unincorporated communities (as defined) on or before the next adoption of its housing element.

Current provisions in State Law require the County of San Diego and all incorporated cities in the San Diego region to update their housing elements no later than 18 months after SANDAG adopts its Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS).

SANDAG adopted their RTP/SCS on October 27, 2012; therefore, the final date for all housing elements in the San Diego region to be updated has been set for April 27, 2013.

The implementation of SB 244 will require each city to identify all unincorporated islands and fringe communities (as defined) within the subject city's sphere of influence. For a county, SB 244 requires the identification of each legacy community (as defined) within the boundaries of the county, but not including any area within the sphere of influence of any city.

SB 244 requires this identification of the specific disadvantaged unincorporated communities to include: a description of the community and a map designating its location; an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies within each community; and an analysis of benefit assessment districts or other financing alternatives that could make the extension of services to identified communities financially feasible.

SB 244 also requires that, for each subsequent revision of a city or county's housing element, each city and county must review, and if necessary, amend its general plan to update the required analysis of water, wastewater, stormwater drainage, and structural fire protection needs and/or deficiencies, and financing alternatives.

Special District Implementation

SB 244 specifies that, on July 1, 2012 or after, whenever LAFCO updates the sphere of influence for a special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, LAFCO is required to include a written statement of its determinations regarding the present and probable need for those public facilities and services of any disadvantaged unincorporated communities identified within the subject district's existing sphere of influence.

SB 244 also requires existing special districts to file written statements with LAFCO specifying the functions or classes of services provided by those districts. This will enable LAFCO to establish the nature, location, and extent of any functions or classes of services provided by existing special districts, as required by SB 244.

To fulfill the SB 244 requirements, the special districts will need to utilize the GIS data to be developed by LAFCO (in coordination with SANDAG, the cities, and the County) that will identify the specified disadvantaged unincorporated communities that are located within the subject district's existing sphere of influence.

Once this data is available, the districts that provide sewer, water, or fire protection services will be able to overlay their respective master plans and/or capital improvement programs to analyze and identify the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within their existing sphere of influence.

Assembly Bill No. 54 (Solario)

AB 54 addresses the relationship between LAFCO and mutual water companies by authorizing LAFCO to include mutual water companies in a municipal service review when establishing or updating a sphere of influence.

AB 54 also authorizes LAFCO with the purview to approve or disapprove, in whole or in part, with or without conditions, the annexation into a city or a special district of territory served by a mutual water company that operates a public water system.

AB 54 includes the following additional requirements for LAFCO and mutual water companies:

- Specifies that any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for irrigation purposes or for domestic use must be known as a *mutual water company*.

- Requires by December 31, 2012, that each mutual water company that operates a public water system submit to the Secretary of State and LAFCO a map depicting the approximate boundaries of the property that the corporation serves.
- Authorizes LAFCO, in conducting a municipal service review, to include a review of whether the subject agencies, including any public water system, are in compliance with California Safe Drinking Water Act (SDWA).
- Authorizes LAFCO, as part of a municipal service review, to request information from a mutual water company or a privately-owned public utility that provides wholesale or retail supply of drinking water.
- Requires a mutual water company that operates a public water system, upon request of LAFCO or a county department, to provide within 45 days of the request all reasonably available, non-confidential information, or provide written explanation regarding why any requested information is not reasonably available.
- Requires all construction on public water systems operated by a mutual water company to be designed and constructed to comply with the applicable California Waterworks standards.
- Requires a mutual water company that operates a public water system to maintain a financial reserve fund to be used for repairs and replacements to its water productions, transmission and distribution facilities at a level sufficient for continuous operation of facilities in compliance with the federal Safe Drinking Water Act.
- Authorizes a mutual water company to be eligible to borrow money and incur indebtedness for purposes of the State Water Pollution Control Revolving Fund.
- Requires each board member of a mutual water company operated as a public water system to, within six months of taking office, complete a two-hour course offered by a qualified trainer regarding the duties of board members of mutual water companies, including, but not limited to, the duty of a corporate director to avoid contractual conflicts of interest and fiduciary duties, the duties of public water systems to provide clean drinking water that complies with the federal Safe Drinking Water Act, and long-term management of a public water system.
- Authorizes fines pursuant to the SDWA to be imposed on directors of a mutual water company if the mutual water company has received notice of a violation as specified.

AB 54 Implementation

LAFCO Implementation

Task 1: Identification of Mutual Water Companies

As mutual water companies (MWC) have not previously been included in LAFCO's statutory purview, the initial LAFCO task will include conducting research to identify and establish contact information for all MWCs located within San Diego County. This task will be conducted during the remaining FY2011-2012 period.

Task 2: Development and Submittal of Mutual Water Company Service Area Maps

Once a comprehensive list of local MWCs has been developed, the next step would be conducted during FY2012-2013 to coordinate with the subject entities to develop and submit an approximate map for each MWC service area prior to the AB 54 requirement of December 31, 2012.

Task 3: LAFCO Policy/Procedures Update and Outreach

Additional LAFCO AB 54 implementation tasks will include:

- Updating the Municipal Service Review and Sphere of Influence policies, procedures, and programs to reflect the AB 54 requirements for mutual water companies.
- Creating GIS maps of the approximate MWC service areas at a parcel-level detail.
- Updating the San Diego LAFCO website to include the digital maps of the approximate MWC service areas and related contact information.
- Updating the San Diego LAFCO application forms and guidelines to reflect the AB 54 requirements.
- Outreach to the incorporated cities and special districts regarding AB 54 provisions and the locations of any adjacent MWCs.

Conclusion

This staff report represents an initial implementation program for the anticipated tasks and responsibilities incumbent on LAFCO and the affected local agencies. SB 244 and AB 54 will require extensive LAFCO coordination with the affected local agencies during FY2011-2012 and FY2012-2013. Accordingly, LAFCO may need to make revisions to its existing policies, programs, and procedures.

The implementation of SB 244 and AB 54 may also necessitate obtaining legal opinion and/or direction from the Commission regarding undefined terms within the subject bills that should be clarified based on local conditions and circumstances. Following outreach and consultation with the affected agencies regarding the SB 244 and AB 54 requirements, it may be helpful for the Special Districts Advisory Committee and/or the Ad-hoc Cities Advisory Committee to convene and discuss any questions or concerns with the proposed implementation program. Therefore it is:

REQUESTED: That your Commission

1. Review and discuss the proposed SB 244 and AB 54 implementation program; and,
2. Provide comments for additional staff direction and consideration.

Respectfully submitted,



MICHAEL D. OTT
Executive Officer



ROBERT BARRY, AICP
Local Governmental Analyst

MDO:RB:trl

Attachments

Senate Bill No. 244 (Wolk)
Assembly Bill No. 44 (Solorio)

Senate Bill No. 244

CHAPTER 513

An act to amend Sections 56375, 56425, and 56430 of, and to add Sections 53082.5, 56033.5, and 65302.10 to, the Government Code, and to add Section 13481.7 to the Water Code, relating to local government.

[Approved by Governor October 7, 2011. Filed with
Secretary of State October 7, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 244, Wolk. Local government: land use: general plan: disadvantaged unincorporated communities.

(1) The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning. That law also requires the general plan to contain specified mandatory elements, including a housing element for the preservation, improvement, and development of the community's housing.

This bill would require, on or before the next adoption of its housing element, a city or county to review and update the land use element of its general plan to include an analysis of the presence of island, fringe, or legacy unincorporated communities, as defined, and would require the updated general plan to include specified information. This bill would also require the city or county planning agency, after the initial revision and update of the general plan, to review, and if necessary amend, the general plan to update the information, goals, and program of action relating to these communities therein. By adding to the duties of city and county officials, this bill would impose a state-mandated local program.

(2) The Cortese-Knox-Hertzberg Act of 2000 requires a local agency formation commission to develop and determine the sphere of influence of each local governmental agency within the county and to enact policies designed to promote the logical and orderly development of areas within the sphere, and requires the commission, in preparing and updating spheres of influence to conduct a service review of the municipal services provided in the county or other area designated by the commission, and to prepare a written statement of its determinations with respect to the growth and population projections for the affected area, the present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies, financial ability of agencies to provide services, status of, and opportunities for, shared facilities, accountability for community service needs, including governmental structure, and operational efficiencies, as specified.

This bill would also require the agency to include in its written statement a determination with respect to the location and characteristics and the present and planned capacity of public facilities and adequacy of public services, including sewers, water, and structural fire protection needs or deficiencies, of any disadvantaged unincorporated communities within or adjacent to the sphere of influence, thereby imposing a state-mandated local program. The bill would also require a commission, upon the review and update of a sphere of influence on or after July 1, 2012, to include in the review or update of each sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection to include the present and probable need for public facilities and services of disadvantaged unincorporated communities within or adjacent to the sphere of influence, and would authorize the agency to assess the feasibility of governmental reorganization of particular agencies, as specified.

(3) Existing law generally grants various powers to cities, counties, and certain special districts, including the power to issue bonds and incur indebtedness for certain purposes and subject to certain restrictions.

Existing law continuously appropriates state and federal funds in the State Water Pollution Control Revolving Fund to the State Water Resources Control Board for loans and other financial assistance for the construction of publicly owned treatment works and other related purposes, to a municipality, intermunicipal agency, interstate agency, or state agency in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

This bill would authorize those public agencies, including counties, cities, and special districts, subject to applicable constitutional restrictions, to borrow money and incur indebtedness for purposes of the State Water Pollution Control Revolving Fund.

(4) This bill would incorporate changes to Sections 56375 and 56430 of the Government Code proposed by this bill and AB 54, to be operative if both bills are enacted and become operative as specified.

(5) 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 no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Hundreds of disadvantaged unincorporated communities, commonly referred to as "colonias," exist in California. There are more than 200 of these communities in the San Joaquin Valley alone. Many of these communities are geographically isolated islands, surrounded by the city limits of large and medium-sized cities.

(2) Conditions within these disadvantaged unincorporated communities evidence a distinct lack of public and private investment that threatens the health and safety of the residents of these communities and fosters economic, social, and educational inequality. Many of these communities lack basic infrastructure, including, but not limited to, streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service.

(3) The Clean Water State Revolving Fund, the Safe Drinking Water State Revolving Fund, and the Community Development Block Grant are robust and continuous sources of funding for drinking water, wastewater, and other basic infrastructure.

(b) It is the intent of the Legislature to encourage investment in these communities and address the complex legal, financial, and political barriers that contribute to regional inequity and infrastructure deficits within disadvantaged unincorporated communities.

SEC. 2. Section 53082.5 is added to the Government Code, to read:

53082.5. Subject to all applicable constitutional restrictions, a county, a city, or a special district that provides, or intends to provide, wastewater treatment facilities or services may borrow money and incur indebtedness pursuant to Chapter 6.5 (commencing with Section 13475) of Division 7 of the Water Code.

SEC. 3. Section 56033.5 is added to the Government Code, to read:

56033.5. "Disadvantaged unincorporated community" means inhabited territory, as defined by Section 56046, or as determined by commission policy, that constitutes all or a portion of a "disadvantaged community" as defined by Section 79505.5 of the Water Code.

SEC. 4. Section 56375 of the Government Code is amended to read:

56375. The commission shall have all of the following powers and duties subject to any limitations upon its jurisdiction set forth in this part:

(a) (1) To review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.

(2) The commission may initiate proposals by resolution of application for any of the following:

(A) The consolidation of a district, as defined in Section 56036.

(B) The dissolution of a district.

(C) A merger.

(D) The establishment of a subsidiary district.

(E) The formation of a new district or districts.

(F) A reorganization that includes any of the changes specified in subparagraph (A), (B), (C), (D), or (E).

(3) A commission may initiate a proposal described in paragraph (2) only if that change of organization or reorganization is consistent with a recommendation or conclusion of a study prepared pursuant to Section 56378, 56425, or 56430, and the commission makes the determinations specified in subdivision (b) of Section 56881.

(4) A commission shall not disapprove an annexation to a city, initiated by resolution, of contiguous territory that the commission finds is any of the following:

(A) Surrounded or substantially surrounded by the city to which the annexation is proposed or by that city and a county boundary or the Pacific Ocean if the territory to be annexed is substantially developed or developing, is not prime agricultural land as defined in Section 56064, is designated for urban growth by the general plan of the annexing city, and is not within the sphere of influence of another city.

(B) Located within an urban service area that has been delineated and adopted by a commission, which is not prime agricultural land, as defined by Section 56064, and is designated for urban growth by the general plan of the annexing city.

(C) An annexation or reorganization of unincorporated islands meeting the requirements of Section 56375.3.

(5) As a condition to the annexation of an area that is surrounded, or substantially surrounded, by the city to which the annexation is proposed, the commission may require, where consistent with the purposes of this division, that the annexation include the entire island of surrounded, or substantially surrounded, territory.

(6) A commission shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements.

(7) The decision of the commission with regard to a proposal to annex territory to a city shall be based upon the general plan and rezoning of the city. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. A commission shall require, as a condition to annexation, that a city prezone the territory to be annexed or present evidence satisfactory to the commission that the existing development entitlements on the territory are vested or are already at build-out, and are consistent with the city's general plan. However, the commission shall not specify how, or in what manner, the territory shall be rezoned.

(8) (A) Except for those changes of organization or reorganization authorized under Section 56375.3, and except as provided by subparagraph (B), a commission shall not approve an annexation to a city of any territory greater than 10 acres, or as determined by commission policy, where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community to the subject city has been filed with the executive officer.

(B) An application to annex a contiguous disadvantaged community shall not be required if either of the following apply:

(i) A prior application for annexation of the same disadvantaged community has been made in the preceding five years.

(ii) The commission finds, based upon written evidence, that a majority of the residents within the affected territory are opposed to annexation.

(b) With regard to a proposal for annexation or detachment of territory to, or from, a city or district or with regard to a proposal for reorganization that includes annexation or detachment, to determine whether territory proposed for annexation or detachment, as described in its resolution approving the annexation, detachment, or reorganization, is inhabited or uninhabited.

(c) With regard to a proposal for consolidation of two or more cities or districts, to determine which city or district shall be the consolidated successor city or district.

(d) To approve the annexation of unincorporated, noncontiguous territory, subject to the limitations of Section 56742, located in the same county as that in which the city is located, and that is owned by a city and used for municipal purposes and to authorize the annexation of the territory without notice and hearing.

(e) 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 rezoning designations. No subsequent change may be made to the general plan for the annexed territory or zoning that is not in conformance to the rezoning designations for a period of two years after the completion of the annexation, unless the legislative body for the city makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the rezoning in the application to the commission.

(f) With respect to the incorporation of a new city or the formation of a new special district, to determine the number of registered voters residing within the proposed city or special district or, for a landowner-voter special district, the number of owners of land and the assessed value of their land within the territory proposed to be included in the new special district. The number of registered voters shall be calculated as of the time of the last report of voter registration by the county elections official to the Secretary of State prior to the date the first signature was affixed to the petition. The executive officer shall notify the petitioners of the number of registered voters resulting from this calculation. The assessed value of the land within the territory proposed to be included in a new landowner-voter special district shall be calculated as shown on the last equalized assessment roll.

(g) To adopt written procedures for the evaluation of proposals, including written definitions consistent with existing state law. The commission may adopt standards for any of the factors enumerated in Section 56668. Any standards adopted by the commission shall be written.

(h) To adopt standards and procedures for the evaluation of service plans submitted pursuant to Section 56653 and the initiation of a change of organization or reorganization pursuant to subdivision (a).

(i) To make and enforce regulations for the orderly and fair conduct of hearings by the commission.

(j) To incur usual and necessary expenses for the accomplishment of its functions.

(k) To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.

(l) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty of those boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, and other similar matters affecting the proposed boundaries.

(m) To waive the restrictions of Section 56744 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

(n) To waive the application of Section 22613 of the Streets and Highways Code if it finds the application would deprive an area of a service needed to ensure the health, safety, or welfare of the residents of the area and if it finds that the waiver would not affect the ability of a city to provide any service. However, within 60 days of the inclusion of the territory within the city, the legislative body may adopt a resolution nullifying the waiver.

(o) If the proposal includes the incorporation of a city, as defined in Section 56043, or the formation of a district, as defined in Section 2215 of the Revenue and Taxation Code, the commission shall determine the property tax revenue to be exchanged by the affected local agencies pursuant to Section 56810.

(p) To authorize a city or district to provide new or extended services outside its jurisdictional boundaries pursuant to Section 56133.

(q) To enter into an agreement with the commission for an adjoining county for the purpose of determining procedures for the consideration of proposals that may affect the adjoining county or where the jurisdiction of an affected agency crosses the boundary of the adjoining county.

SEC. 4.5. Section 56375 of the Government Code is amended to read:

56375. The commission shall have all of the following powers and duties subject to any limitations upon its jurisdiction set forth in this part:

(a) (1) To review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.

(2) The commission may initiate proposals by resolution of application for any of the following:

(A) The consolidation of a district, as defined in Section 56036.

(B) The dissolution of a district.

(C) A merger.

(D) The establishment of a subsidiary district.

(E) The formation of a new district or districts.

(F) A reorganization that includes any of the changes specified in subparagraph (A), (B), (C), (D), or (E).

(3) A commission may initiate a proposal described in paragraph (2) only if that change of organization or reorganization is consistent with a

recommendation or conclusion of a study prepared pursuant to Section 56378, 56425, or 56430, and the commission makes the determinations specified in subdivision (b) of Section 56881.

(4) A commission shall not disapprove an annexation to a city, initiated by resolution, of contiguous territory that the commission finds is any of the following:

(A) Surrounded or substantially surrounded by the city to which the annexation is proposed or by that city and a county boundary or the Pacific Ocean if the territory to be annexed is substantially developed or developing, is not prime agricultural land as defined in Section 56064, is designated for urban growth by the general plan of the annexing city, and is not within the sphere of influence of another city.

(B) Located within an urban service area that has been delineated and adopted by a commission, which is not prime agricultural land, as defined by Section 56064, and is designated for urban growth by the general plan of the annexing city.

(C) An annexation or reorganization of unincorporated islands meeting the requirements of Section 56375.3.

(5) As a condition to the annexation of an area that is surrounded, or substantially surrounded, by the city to which the annexation is proposed, the commission may require, where consistent with the purposes of this division, that the annexation include the entire island of surrounded, or substantially surrounded, territory.

(6) A commission shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements.

(7) The decision of the commission with regard to a proposal to annex territory to a city shall be based upon the general plan and rezoning of the city. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. A commission shall require, as a condition to annexation, that a city prezone the territory to be annexed or present evidence satisfactory to the commission that the existing development entitlements on the territory are vested or are already at build-out, and are consistent with the city's general plan. However, the commission shall not specify how, or in what manner, the territory shall be prezoned.

(8) (A) Except for those changes of organization or reorganization authorized under Section 56375.3, and except as provided by subparagraph (B), a commission shall not approve an annexation to a city of any territory greater than 10 acres, or as determined by commission policy, where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community to the subject city has been filed with the executive officer.

(B) An application to annex a contiguous disadvantaged community shall not be required if either of the following apply:

(i) A prior application for annexation of the same disadvantaged community has been made in the preceding five years.

(ii) The commission finds, based upon written evidence, that a majority of the residents within the affected territory are opposed to annexation.

(b) With regard to a proposal for annexation or detachment of territory to, or from, a city or district or with regard to a proposal for reorganization that includes annexation or detachment, to determine whether territory proposed for annexation or detachment, as described in its resolution approving the annexation, detachment, or reorganization, is inhabited or uninhabited.

(c) With regard to a proposal for consolidation of two or more cities or districts, to determine which city or district shall be the consolidated successor city or district.

(d) To approve the annexation of unincorporated, noncontiguous territory, subject to the limitations of Section 56742, located in the same county as that in which the city is located, and that is owned by a city and used for municipal purposes and to authorize the annexation of the territory without notice and hearing.

(e) 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 rezoning designations. No subsequent change may be made to the general plan for the annexed territory or zoning that is not in conformance to the rezoning designations for a period of two years after the completion of the annexation, unless the legislative body for the city makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the rezoning in the application to the commission.

(f) With respect to the incorporation of a new city or the formation of a new special district, to determine the number of registered voters residing within the proposed city or special district or, for a landowner-voter special district, the number of owners of land and the assessed value of their land within the territory proposed to be included in the new special district. The number of registered voters shall be calculated as of the time of the last report of voter registration by the county elections official to the Secretary of State prior to the date the first signature was affixed to the petition. The executive officer shall notify the petitioners of the number of registered voters resulting from this calculation. The assessed value of the land within the territory proposed to be included in a new landowner-voter special district shall be calculated as shown on the last equalized assessment roll.

(g) To adopt written procedures for the evaluation of proposals, including written definitions consistent with existing state law. The commission may adopt standards for any of the factors enumerated in Section 56668. Any standards adopted by the commission shall be written.

(h) To adopt standards and procedures for the evaluation of service plans submitted pursuant to Section 56653 and the initiation of a change of organization or reorganization pursuant to subdivision (a).

(i) To make and enforce regulations for the orderly and fair conduct of hearings by the commission.

(j) To incur usual and necessary expenses for the accomplishment of its functions.

(k) To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.

(l) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty of those boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, and other similar matters affecting the proposed boundaries.

(m) To waive the restrictions of Section 56744 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

(n) To waive the application of Section 22613 of the Streets and Highways Code if it finds the application would deprive an area of a service needed to ensure the health, safety, or welfare of the residents of the area and if it finds that the waiver would not affect the ability of a city to provide any service. However, within 60 days of the inclusion of the territory within the city, the legislative body may adopt a resolution nullifying the waiver.

(o) If the proposal includes the incorporation of a city, as defined in Section 56043, or the formation of a district, as defined in Section 2215 of the Revenue and Taxation Code, the commission shall determine the property tax revenue to be exchanged by the affected local agencies pursuant to Section 56810.

(p) To authorize a city or district to provide new or extended services outside its jurisdictional boundaries pursuant to Section 56133.

(q) To enter into an agreement with the commission for an adjoining county for the purpose of determining procedures for the consideration of proposals that may affect the adjoining county or where the jurisdiction of an affected agency crosses the boundary of the adjoining county.

(r) To approve with or without amendment, wholly, partially, or conditionally, or disapprove pursuant to this section the annexation of territory served by a mutual water company formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code that operates a public water system to a city or special district. Any annexation approved in accordance with this subdivision shall be subject to the state and federal constitutional prohibitions against the taking of private property without the payment of just compensation. This subdivision shall not impair the authority of a public agency or public utility to exercise eminent domain authority.

SEC. 5. Section 56425 of the Government Code is amended to read:

56425. (a) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies to advantageously provide for the present

and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere.

(b) Prior to a city submitting an application to the commission to update its sphere of influence, representatives from the city and representatives from the county shall meet to discuss the proposed new boundaries of the sphere and explore methods to reach agreement on development standards and planning and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. If an agreement is reached between the city and county, the city shall forward the agreement in writing to the commission, along with the application to update the sphere of influence. The commission shall consider and adopt a sphere of influence for the city consistent with the policies adopted by the commission pursuant to this section, and the commission shall give great weight to the agreement to the extent that it is consistent with commission policies in its final determination of the city sphere.

(c) If the commission's final determination is consistent with the agreement reached between the city and county pursuant to subdivision (b), the agreement shall be adopted by both the city and county after a noticed public hearing. Once the agreement has been adopted by the affected local agencies and their respective general plans reflect that agreement, then any development approved by the county within the sphere shall be consistent with the terms of that agreement.

(d) If no agreement is reached pursuant to subdivision (b), the application may be submitted to the commission and the commission shall consider a sphere of influence for the city consistent with the policies adopted by the commission pursuant to this section.

(e) In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following:

(1) The present and planned land uses in the area, including agricultural and open-space lands.

(2) The present and probable need for public facilities and services in the area.

(3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

(5) For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

(f) Upon determination of a sphere of influence, the commission shall adopt that sphere.

(g) On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence.

(h) In determining a sphere of influence, the commission may assess the feasibility of governmental reorganization of particular agencies and recommend reorganization of those agencies when reorganization is found to be feasible and if reorganization will further the goals of orderly development and efficient and affordable service delivery. The commission shall make all reasonable efforts to ensure wide public dissemination of the recommendations.

(i) When adopting, amending, or updating a sphere of influence for a special district, the commission shall do all of the following:

(1) Require existing districts to file written statements with the commission specifying the functions or classes of services provided by those districts.

(2) Establish the nature, location, and extent of any functions or classes of services provided by existing districts.

SEC. 6. Section 56430 of the Government Code is amended to read:

56430. (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) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

(3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

(4) Financial ability of agencies to provide services.

(5) Status of, and opportunities for, shared facilities.

(6) Accountability for community service needs, including governmental structure and operational efficiencies.

(7) Any other matter related to effective or efficient service delivery, as required by commission policy.

(b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area. The commission may assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the sphere of influence, including, but not limited to, the consolidation of governmental agencies.

(c) The commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or Section 56426.5 or to update a sphere of influence pursuant to Section 56425.

SEC. 6.5. Section 56430 of the Government Code is amended to read:

56430. (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) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

(3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.

(4) Financial ability of agencies to provide services.

(5) Status of, and opportunities for, shared facilities.

(6) Accountability for community service needs, including governmental structure and operational efficiencies.

(7) Any other matter related to effective or efficient service delivery, as required by commission policy.

(b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area. The commission may assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the sphere of influence, including, but not limited to, the consolidation of governmental agencies.

(c) In conducting a service review, the commission may include a review of whether the agencies under review, including any public water system as defined in Section 116275, are in compliance with the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12 of Division 104 of the Health and Safety Code). A public water system may satisfy any request for information as to compliance with that act by submission of the consumer confidence or water quality report prepared by the public water system as provided by Section 116470 of the Health and Safety Code.

(d) The commission may request information, as part of a service review under this section, from identified public or private entities that provide wholesale or retail supply of drinking water, including mutual water companies formed pursuant to Part 7 (commencing with Section 14300) of

Division 3 of Title 1 of the Corporations Code, and private utilities, as defined in Section 1502 of the Public Utilities Code.

(e) The commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or 56426.5 or to update a sphere of influence pursuant to Section 56425.

SEC. 7. Section 65302.10 is added to the Government Code, to read:

65302.10. (a) As used in this section, the following terms shall have the following meanings:

(1) "Community" means an inhabited area within a city or county that is comprised of no less than 10 dwellings adjacent or in close proximity to one another.

(2) "Disadvantaged unincorporated community" means a fringe, island, or legacy community in which the median household income is 80 percent or less than the statewide median household income.

(3) "Unincorporated fringe community" means any inhabited and unincorporated territory that is within a city's sphere of influence.

(4) "Unincorporated island community" means any inhabited and unincorporated territory that is surrounded or substantially surrounded by one or more cities or by one or more cities and a county boundary or the Pacific Ocean.

(5) "Unincorporated legacy community" means a geographically isolated community that is inhabited and has existed for at least 50 years.

(b) On or before the due date for the next adoption of its housing element pursuant to Section 65588, each city or county shall review and update the land use element of its general plan to include all of the following:

(1) In the case of a city, an identification of each unincorporated island or fringe community within the city's sphere of influence. In the case of a county, an identification of each legacy community within the boundaries of the county, but not including any area within the sphere of influence of any city. This identification shall include a description of the community and a map designating its location.

(2) For each identified community, an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies.

(3) An analysis, based on then existing available data, of benefit assessment districts or other financing alternatives that could make the extension of services to identified communities financially feasible.

(c) On or before the due date for each subsequent revision of its housing element pursuant to Section 65588, each city and county shall review, and if necessary amend, its general plan to update the analysis required by this section.

SEC. 8. Section 13481.7 is added to the Water Code, to read:

13481.7. Subject to all applicable constitutional restrictions, a municipality may borrow money and incur indebtedness pursuant to this chapter.

SEC. 9. Section 4.5 of this bill incorporates amendments to Section 56375 of the Government Code proposed by both this bill and Assembly

Bill 54. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2012, (2) each bill amends Section 56375 of the Government Code, and (3) this bill is enacted after Assembly Bill 54, in which case Section 4 of this bill shall not become operative.

SEC. 10. Section 6.5 of this bill incorporates amendments to Section 56430 of the Government Code proposed by both this bill and Assembly Bill 54. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2012, (2) each bill amends Section 56430 of the Government Code, and (3) this bill is enacted after Assembly Bill 54, in which case Section 6 of this bill shall not become operative.

SEC. 11. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O

Assembly Bill No. 54

CHAPTER 512

An act to amend Section 14300 of, and to add Sections 14300.5, 14301.1, 14301.2, and 14301.3 to, the Corporations Code, to amend Sections 56375 and 56430 of the Government Code, and to add Section 116760.65 to, and to add Article 12 (commencing with Section 116755) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, relating to drinking water.

[Approved by Governor October 7, 2011. Filed with
Secretary of State October 7, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 54, Solorio. Drinking water.

(1) Existing law authorizes any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for irrigation purposes, and requires any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for domestic use, to provide in its articles or bylaws that water shall be sold, distributed, supplied, or delivered only to owners of its shares and that those shares are appurtenant to certain lands, as specified.

This bill would specify that any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for irrigation purposes, and any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for domestic use that provides in its articles or bylaws that the water shall be sold, distributed, supplied, or delivered only to owners of its shares and that those shares are appurtenant to certain lands shall be known as a mutual water company.

The bill would also require each mutual water company that operates a public water system to, by December 31, 2012, submit a map depicting the approximate boundaries of the property that the municipal water company serves to the local agency commission within the county in which the mutual water company operates. The bill would prohibit a mutual water company from expanding its boundaries without approval from the appropriate local agency formation commission. The bill would require a mutual water company that operates a public water system to supply certain information to a local agency formation commission upon request, as specified. This bill would require a mutual water company that operates a public water system to maintain a financial reserve fund to be used for certain types of activities.

The bill would also require each board member of a mutual water company that operates a public water system to, within 6 months of taking office, complete a 2-hour course offered by a qualified trainer, as specified.

(2) Existing law, the California Safe Drinking Water Act, requires the State Department of Public Health to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adopting enforcement regulations, and conducting studies and investigations to assess the quality of water in domestic water supplies.

Existing law establishes the Safe Drinking Water State Revolving Fund, continuously appropriated to the department for the provision of grants and revolving fund loans to provide for the design and construction of projects for public water systems that will enable suppliers to meet safe drinking water standards. Existing law requires the department to establish criteria to be met for projects to be eligible for consideration for this funding.

This bill would provide that in considering an application for funding a project, the department shall not be prejudiced by the applicant initiating the project prior to the department approving the application for funding. This bill would also provide that preliminary project costs or construction costs that are otherwise eligible for funding shall not be ineligible because the costs were incurred by the applicant during certain time periods.

(3) Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the powers and duties of a local agency formation commission, including, among others, the powers to review and approve or disapprove with or without amendment, wholly, partially, or conditionally, proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.

This bill would additionally authorize the commission to approve, with or without amendment, wholly, partially, or conditionally, or disapprove the annexation of territory served by a mutual water company that operates a public water system into the jurisdiction of a city, a public utility, or a special district, with the consent of the respective public agency or public utility and mutual water company.

(4) Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, each local agency formation commission is required to develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere of influence. In order to prepare and update spheres of influence, the commission is required to conduct a service review, including the review of growth and population projections for the affected area, present and planned capacity of public facilities and adequacy of public services, financial ability of agencies to provide services, the status of, and opportunities for, shared facilities,

accountability for community service needs, and any other matter related to effective or efficient service delivery, as required by commission policy.

This bill would authorize the commission to include in the service review, a review of whether the agencies under review comply with safe drinking water standards. This bill would provide that a public water system may comply with that review by submitting certain documents.

(5) Existing law provides for the imposition of civil fines in amounts up to \$5,000 or \$25,000 for specified violations of the California Safe Drinking Water Act.

This bill would provide that a mutual water company is liable for any fines, penalties, costs, expenses, or other amounts that may be imposed upon the mutual water company under the California Safe Drinking Water Act. This bill would authorize a mutual water company to levy an assessment to pay those fines. This bill would provide that if the amount of those fines exceeds 5% of the annual budget of a mutual water company, then the mutual water company would be required to levy an assessment to pay those fines.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Californians rely on a broad diversity of public and private organizations to deliver clean and safe drinking water to their home water taps. Regardless of the form of the organization that operates a public water system, these organizations provide a public service that remains one of the core duties of the people's government.

(b) While the state's goal is to ensure clean and safe drinking water, California's drinking water quality has deteriorated and some public water systems continue to suffer poor water quality that are inconsistent with safe drinking water standards.

(c) The state provides funding to public water systems to improve drinking water quality through the Safe Drinking Water Revolving Fund, but demand far exceeds the available funding. Based on the United States Environmental Protection Agency's Drinking Water Infrastructure Needs Survey and Assessment, which was performed in 2007, the State Department of Public Health estimates that the 20-year drinking water infrastructure need for California is \$39 billion. Funding for such projects, however, for 1997–2008 totaled only \$1.2 billion.

SEC. 2. Section 14300 of the Corporations Code is amended to read:

14300. (a) Any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for irrigation purposes may provide, and any corporation organized for or engaged in the business of selling, distributing, supplying, or delivering water for domestic use shall provide, in its articles or bylaws that water shall be sold, distributed, supplied, or delivered only to owners of its shares and that the shares shall be appurtenant to certain lands when the same are described in the certificate

issued therefor; and when the certificate is so issued and a certified copy of the articles or bylaws recorded in the office of the county recorder in the county where the lands are situated the shares of stock shall become appurtenant to the lands and shall only be transferred therewith, except after sale or forfeiture for delinquent assessments thereon as provided in Section 14303. Notwithstanding this provision in its articles or bylaws, any such corporation may sell water to the state, or any department or agency thereof, or to any school district, or to any public agency, or, to any other mutual water company or, during any emergency resulting from fire or other disaster involving danger to public health or safety, to any person at the same rates as to holders of shares of the corporations; and provided further, that any corporation may enter into a contract with a county fire protection district to furnish water to fire hydrants and for fire suppression or fire prevention purposes at a flat rate per hydrant or other connection. In the event lands to which any stock is appurtenant are owned or purchased by the state, or any department or agency thereof, or any school district, or public agency, the stock shall be canceled by the secretary, but shall be reissued to any person later acquiring title to the land from the state department, agency, or school district, or public agency.

(b) A corporation described in subdivision (a) shall be known as a mutual water company.

SEC. 3. Section 14300.5 is added to the Corporations Code, to read:

14300.5. For purposes of this chapter, "public water system" shall have the same meaning as provided in Section 116275 of the Health and Safety Code.

SEC. 4. Section 14301.1 is added to the Corporations Code, to read:

14301.1. (a) No later than December 31, 2012, each mutual water company that operates a public water system shall submit to the local agency formation commission for its county a map depicting the approximate boundaries of the property that the mutual water company serves.

(b) A mutual water company that operates a public water system shall respond to a request from a local agency formation commission, located within a county that the mutual water company operates in, for information in connection with the preparation of municipal service reviews or spheres of influence pursuant to Chapter 4 (commencing with Section 56425) of Part 2 of Division 3 of Title 5 of the Government Code within 45 days of the request. The mutual water company shall provide all reasonably available nonconfidential information relating to the operation of the public water system. The mutual water company shall explain, in writing, why any requested information is not reasonably available. The mutual water company shall not be required to disclose any information pertaining to the names, addresses, or water usage of any specific shareholder. This subdivision shall not be interpreted to require a mutual water company to undertake any study or investigation. A mutual water company may comply with this section by submitting to the local agency formation commission the same information that the mutual water company submitted to the State Department of Public Health.

(c) A mutual water company that operates a public water system shall be subject to the requirements of, and has the powers granted by, subdivision (b) of Section 116755 of the Health and Safety Code.

SEC. 5. Section 14301.2 is added to the Corporations Code, to read:

14301.2. Each board member of a mutual water company that operates a public water system shall comply with the training requirements set out in subdivision (a) of Section 116755 of the Health and Safety Code.

SEC. 6. Section 14301.3 is added to the Corporations Code, to read:

14301.3. (a) All construction on public water systems operated by a mutual water company shall be designed and constructed to comply with the applicable California Waterworks standards, as provided in Chapter 16 of Title 22 of the California Code of Regulations.

(b) A mutual water company that operates a public water system shall maintain a financial reserve fund for repairs and replacements to its water production, transmission, and distribution facilities at a level sufficient for continuous operation of facilities in compliance with the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.) and the California Safe Drinking Water Act (Chapter 4 (commencing with 116270) of Part 12 of Division 104 of the Health and Safety Code).

SEC. 7. Section 56375 of the Government Code is amended to read:

56375. The commission shall have all of the following powers and duties subject to any limitations upon its jurisdiction set forth in this part:

(a) (1) To review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.

(2) The commission may initiate proposals by resolution of application for any of the following:

(A) The consolidation of a district, as defined in Section 56036.

(B) The dissolution of a district.

(C) A merger.

(D) The establishment of a subsidiary district.

(E) The formation of a new district or districts.

(F) A reorganization that includes any of the changes specified in subparagraph (A), (B), (C), (D), or (E).

(3) A commission may initiate a proposal described in paragraph (2) only if that change of organization or reorganization is consistent with a recommendation or conclusion of a study prepared pursuant to Section 56378, 56425, or 56430, and the commission makes the determinations specified in subdivision (b) of Section 56881.

(4) A commission shall not disapprove an annexation to a city, initiated by resolution, of contiguous territory that the commission finds is any of the following:

(A) Surrounded or substantially surrounded by the city to which the annexation is proposed or by that city and a county boundary or the Pacific Ocean if the territory to be annexed is substantially developed or developing, is not prime agricultural land as defined in Section 56064, is designated for

urban growth by the general plan of the annexing city, and is not within the sphere of influence of another city.

(B) Located within an urban service area that has been delineated and adopted by a commission, which is not prime agricultural land, as defined by Section 56064, and is designated for urban growth by the general plan of the annexing city.

(C) An annexation or reorganization of unincorporated islands meeting the requirements of Section 56375.3.

(5) As a condition to the annexation of an area that is surrounded, or substantially surrounded, by the city to which the annexation is proposed, the commission may require, where consistent with the purposes of this division, that the annexation include the entire island of surrounded, or substantially surrounded, territory.

(6) A commission shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements.

(7) The decision of the commission with regard to a proposal to annex territory to a city shall be based upon the general plan and rezoning of the city. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. A commission shall require, as a condition to annexation, that a city prezone the territory to be annexed or present evidence satisfactory to the commission that the existing development entitlements on the territory are vested or are already at build-out, and are consistent with the city's general plan. However, the commission shall not specify how, or in what manner, the territory shall be rezoned.

(b) With regard to a proposal for annexation or detachment of territory to, or from, a city or district or with regard to a proposal for reorganization that includes annexation or detachment, to determine whether territory proposed for annexation or detachment, as described in its resolution approving the annexation, detachment, or reorganization, is inhabited or uninhabited.

(c) With regard to a proposal for consolidation of two or more cities or districts, to determine which city or district shall be the consolidated successor city or district.

(d) To approve the annexation of unincorporated, noncontiguous territory, subject to the limitations of Section 56742, located in the same county as that in which the city is located, and that is owned by a city and used for municipal purposes and to authorize the annexation of the territory without notice and hearing.

(e) 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 rezoning designations. No subsequent change may be made to the general plan for the annexed territory or zoning that is not in conformance to the rezoning designations for a period of two years after the completion of the annexation, unless the legislative body for the city makes a finding at a public hearing that a substantial change has occurred

in circumstances that necessitate a departure from the rezoning in the application to the commission.

(f) With respect to the incorporation of a new city or the formation of a new special district, to determine the number of registered voters residing within the proposed city or special district or, for a landowner-voter special district, the number of owners of land and the assessed value of their land within the territory proposed to be included in the new special district. The number of registered voters shall be calculated as of the time of the last report of voter registration by the county elections official to the Secretary of State prior to the date the first signature was affixed to the petition. The executive officer shall notify the petitioners of the number of registered voters resulting from this calculation. The assessed value of the land within the territory proposed to be included in a new landowner-voter special district shall be calculated as shown on the last equalized assessment roll.

(g) To adopt written procedures for the evaluation of proposals, including written definitions consistent with existing state law. The commission may adopt standards for any of the factors enumerated in Section 56668. Any standards adopted by the commission shall be written.

(h) To adopt standards and procedures for the evaluation of service plans submitted pursuant to Section 56653 and the initiation of a change of organization or reorganization pursuant to subdivision (a).

(i) To make and enforce regulations for the orderly and fair conduct of hearings by the commission.

(j) To incur usual and necessary expenses for the accomplishment of its functions.

(k) To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.

(l) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty of those boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, and other similar matters affecting the proposed boundaries.

(m) To waive the restrictions of Section 56744 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

(n) To waive the application of Section 22613 of the Streets and Highways Code if it finds the application would deprive an area of a service needed to ensure the health, safety, or welfare of the residents of the area and if it finds that the waiver would not affect the ability of a city to provide any service. However, within 60 days of the inclusion of the territory within the city, the legislative body may adopt a resolution nullifying the waiver.

(o) If the proposal includes the incorporation of a city, as defined in Section 56043, or the formation of a district, as defined in Section 2215 of the Revenue and Taxation Code, the commission shall determine the property

tax revenue to be exchanged by the affected local agencies pursuant to Section 56810.

(p) To authorize a city or district to provide new or extended services outside its jurisdictional boundaries pursuant to Section 56133.

(q) To enter into an agreement with the commission for an adjoining county for the purpose of determining procedures for the consideration of proposals that may affect the adjoining county or where the jurisdiction of an affected agency crosses the boundary of the adjoining county.

(r) To approve with or without amendment, wholly, partially, or conditionally, or disapprove pursuant to this section the annexation of territory served by a mutual water company formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code that operates a public water system to a city or special district. Any annexation approved in accordance with this subdivision shall be subject to the state and federal constitutional prohibitions against the taking of private property without the payment of just compensation. This subdivision shall not impair the authority of a public agency or public utility to exercise eminent domain authority.

SEC. 8. Section 56430 of the Government Code is amended to read:

56430. (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.
- (6) Any other matter related to effective or efficient service delivery, as required by commission policy.

(b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area.

(c) In conducting a service review, the commission may include a review of whether the agencies under review, including any public water system as defined in Section 116275, are in compliance with the Safe Drinking Water Act. A public water system may satisfy any request for information as to compliance with the Safe Drinking Water Act by submission of the consumer confidence or water quality report prepared by the public water system as provided by Section 116470 of the Health and Safety Code.

(d) The commission may request information, as part of a service review under this section, from identified public or private entities that provide wholesale or retail supply of drinking water, including mutual water companies formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code, and private utilities, as defined in Section 1502 of the Public Utilities Code.

(e) The commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or 56426.5 or to update a sphere of influence pursuant to Section 56425.

SEC. 9. Article 12 (commencing with Section 116755) of Chapter 4 of Part 12 of Division 104 is added to the Health and Safety Code, to read:

Article 12. Board Member Training

116755. (a) Each board member of a mutual water company that operates a public water system, as defined in Section 116275, shall, within six months of taking office, or by December 31, 2012, if that member was serving on the board on December 31, 2011, complete a two-hour course offered by a qualified trainer regarding the duties of board members of mutual water companies, including, but not limited to, the duty of a corporate director to avoid contractual conflicts of interest and fiduciary duties, the duties of public water systems to provide clean drinking water that complies with the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.) and this chapter, and long-term management of a public water system. For the purposes of this subdivision, a trainer may be qualified in any of the following ways:

(1) Membership in the California State Bar.

(2) Accreditation by the International Association of Continuing Education and Training (IACET) ANSI/IACET 1-2007.

(3) Sponsorship by either the Rural Community Assistance Corporation or the California Rural Water Association.

(b) A mutual water company formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code shall be liable for the payment of any fines, penalties, costs, expenses, and other amounts that may be imposed upon the mutual water company pursuant to this chapter. The mutual water company may levy an assessment, pursuant to Section 14303 of the Corporations Code, to pay these fines, penalties, costs, expenses, and other amounts so imposed. If the amount of outstanding fines, penalties, costs, expenses and other amounts imposed pursuant to this chapter exceed 5 percent of the annual budget of the mutual water company, then the mutual water company shall levy an assessment, pursuant to Section 14303 of the Corporations Code, to pay those fines, penalties, costs, expenses, and other amounts so imposed.

SEC. 10. Section 116760.90 of the Health and Safety Code is amended to read:

116760.90. (a) The department shall not approve an application for funding unless the department determines that the proposed study or project is necessary to enable the applicant to meet safe drinking water standards, and is consistent with an adopted countywide plan, if any. The department may refuse to fund a study or project if it determines that the purposes of this chapter may more economically and efficiently be met by means other than the proposed study or project. The department shall not approve an application for funding a project with a primary purpose to supply or attract future growth. The department may limit funding to costs necessary to enable suppliers to meet primary drinking water standards, as defined in Chapter 4 (commencing with Section 116270).

(b) With respect to applications for funding of project design and construction, the department shall also determine all of the following:

(1) Upon completion of the project, the applicant will be able to supply water that meets safe drinking water standards.

(2) The project is cost-effective.

(3) If the entire project is not to be funded under this chapter, the department shall specify which costs are eligible for funding.

(c) In considering an application for funding a project that meets all other requirements of this chapter and regulations, the department shall not be prejudiced by the applicant initiating the project prior to the department approving the application for funding. Preliminary project costs that are otherwise eligible for funding pursuant to the provisions of this chapter shall not be ineligible because the costs were incurred by the applicant prior to the department approving the application for funding. Construction costs that are otherwise eligible for funding pursuant to the provisions of this chapter shall not be ineligible because the costs were incurred after the approval of the application by the department but prior to the department entering into a contract with the applicant pursuant to Section 116761.50.

Chairman

Carl Hilliard
Councilmember
City of Del Mar

December 16, 2011

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Vice Chairwoman

Dianne Jacob
County Board of
Supervisors

TO: Special Districts Advisory Committee

FROM: Harry Ehrlich; LAFCO Special Districts Consultant

Members

Bill Horn
County Board of
Supervisors

RE: Consideration of Process for Filling Advisory Committee Vacancy

Bud Pocklington
South Bay
Irrigation District

As a result of the election completed in October, there remains one vacant position on the committee; a two year term. This was due to having only a limited number of candidates apply. The committee's rules provide for the Chairman to nominate a candidate for any vacancy and ratification by the committee. There is no set protocol for obtaining candidates but two methods have been used in the past.

Mark Lewis
Mayor
City of El Cajon

1. If there were unsuccessful candidates from a recent election; review of their qualifications and consideration of them for a vacancy, or;
2. Announcing a vacancy, accepting nominations by agencies for candidates and the committee selecting the preferred candidate.

John Ingalls
Santa Fe
Irrigation District

Andrew L. Vanderlaan
Public Member

Lorie Zapf
Councilmember
City of San Diego

As a result of the recent election, there were two unsuccessful candidates for the Alternate Special District position and one write-in candidate for the Advisory Committee position that was disqualified because the ballot was not completed correctly. This provides an alternative for the Committee to consider for appointment of one of those candidates to fill the vacancy.

Alternate Members

Greg Cox
County Board of
Supervisors

Staff will present the specific information and requests committee discussion at the meeting to identify the preferred method to proceed with filling the vacancy.

Sheri Lightner
Councilmember
City of San Diego

Sincerely,

Jim Janney
Mayor
City of Imperial Beach



Jo MacKenzie
Vista Irrigation District

Harry Ehrlich, SDA
Local Government Consultant

Harry Mathis
Public Member

Executive Officer

HE:ra

Michael D. Ott

Counsel

Thomas Bosworth