

Date of Hearing: May 6, 2015

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Brian Maienschein, Chair

AB 1532 (Committee on Local Government) – As Introduced March 23, 2015

SUBJECT: Local government: omnibus.

SUMMARY: Makes several non-controversial changes to the laws affecting local government organization and reorganization.

EXISTING LAW establishes the procedures for the organization and reorganization of cities, counties, and special districts under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000.

FISCAL EFFECT: None

COMMENTS:

- 1) **Background.** As statutes go into effect, local officials and others often discover problems or inconsistencies in the language of the law and approach the Legislature to correct them. These minor problems do not warrant separate bills, so this Committee has found that it is expeditious and relatively inexpensive to respond to multiple minor, non-controversial requests on related issues by combining them into an annual "omnibus bill." Since the major rewrite of the law governing local agency organization and reorganization [AB 2838 (Hertzberg), Chapter 761, Statutes of 2000], the Committee has focused its omnibus bill efforts on LAFCO-related issues, most recently with AB 2795, Chapter 47, Statutes of 2010; AB 1430, Chapter 300, Statutes of 2011; AB 2698, Chapter 62, Statutes of 2012; AB 1427, Chapter 87, Statutes of 2013; and, AB 2672, Chapter 112, Statutes of 2014.

This bill reflects the concerns of LAFCOs and others who have brought proposals and issues to the Committee. All proposals are vetted by a large number of stakeholders. Any proposal that provokes any controversy or opposition is rejected for inclusion.

- 2) **Bill Summary.** This bill makes several technical changes to the Cortese-Knox-Hertzberg Local Reorganization Act.

Current law establishes the composition of Santa Clara LAFCO. As authorized by current law, Santa Clara LAFCO added two special district members to their Commission in 2013. Therefore, the composition of Santa Clara LAFCO is now a seven member commission, including one public member. This bill updates current law which states that the public member is appointed by the other four members of Santa Clara LAFCO to reflect its current composition.

Current law authorizes LAFCOs to appoint alternate legal counsel if there is a financial conflict of interest as defined in the Political Reform Act. The current definition of "conflict of interest" does not include instances when legal counsel represents clients with potentially adverse interests. This bill expands the definition of "conflict of interest" to authorize the commission to appoint alternate legal costs and recover their costs for doing so. The

definition of "conflict of interest" in Rule 3-310 is currently used in statute in instances when county counsel or a district attorney may have a conflict of interest in representing an assessor or sheriff.

Current law requires an applicant proposing a change of organization or reorganization to submit a plan for providing services within the affected territory. That plan must include a description of the services and an indication of when services can be extended to the affected territory. However, current law allows LAFCOs to approve the extension of services prior to annexation in anticipation of the annexation of that territory at a later date. Due to existing law an application for the annexation of territory already provided with services would be invalid. This bill makes changes to recognize that services may be currently provided.

This bill updates the "State Department of Health Services" to its current name the "State Department of Health Care Services" and deletes the "California Medical Assistance Commission" which was eliminated in 2012.

This bill is sponsored by the California Association of Local Agency Formation Commissions.

3) **Arguments in Support.** Supporters argue that the non-controversial changes included in this bill are necessary as LAFCOs implement the Cortese-Knox-Hertzberg Act Local Government Reorganization Act of 2000.

4) **Arguments in Opposition.** None on file

REGISTERED SUPPORT / OPPOSITION:

Support

Alameda Local Agency Formation Commission
 California Association of Local Agency Formation Commissions (CALAFCO)
 Contra Costa Local Agency Formation Commission
 Local Agency Formation Commission for the County of Los Angeles
 Local Agency Formation Commission for San Bernardino County
 Local Agency Formation Commission of Yolo County
 Nevada County Local Agency Formation Commission
 Riverside Local Agency Formation Commission
 San Benito Local Agency Formation Commission
 San Luis Obispo Local Agency Formation Commission
 San Mateo Local Agency Formation Commission
 Sonoma Local Agency Formation Commission
 Stanislaus Local Agency Formation Commission

Opposition

None on file

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