

Date of Hearing: April 27, 2016

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT  
Susan Talamantes Eggman, Chair  
AB 2910 (Committee on Local Government) – As Amended April 18, 2016

**SUBJECT:** Local government: organization: omnibus bill.

**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.

Prior bills authored by the Committee include: 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; AB 2672, Chapter 112, Statutes of 2014; and AB 1532, Chapter 114, Statutes of 2015.

This bill reflects the concerns of local agency formation commissions (LAFCOs) and other stakeholders 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 non-controversial changes to the Cortese-Knox-Hertzberg Local Reorganization Act (Act).

Existing law requires the filing of a Notice of Intent to Circulate Petition (NOI) prior to the circulation of any petition to initiate a change of organization. The required contents of the NOI are limited to basic information about the proponent, the type of change, and the reasons for the proposed change. The NOI must be signed by the proponent or a representative of the proponent. Once the NOI is filed with the executive officer, the petition requesting the boundary change may be circulated for signature. Many proposals submitted to LAFCOs are initiated by the sole landowner of the affected territory. This requirement serves no purpose when there is only a single landowner involved and that sole landowner must file this notice before they can sign their own petition.

The NOI requirement originated as a recommendation from the Commission on Local Governance for the 21st Century to assist organizers of complex proposals in understanding the requirements of the LAFCO process. The reasoning was that early notification to LAFCO would provide an opportunity to explain all the requirements to citizen groups and avoid formatting, legal, or procedural mistakes that could lead to delays, such as recirculating a petition signed by thousands of voters. The purpose of this requirement was never directed at simple proposals that are initiated by the sole affected landowner. This bill specifically exempts proposals initiated by a landowner that owns all parcels in the affected territory. This bill does not alter any other notification, posting, or protest requirements contained in LAFCO law for proposed boundary changes.

Current law establishes the composition of LAFCOs, which includes the appointment of a public member and an alternate public member. This bill ensures that existing law reflects the practice of LAFCOs, which requires a public member to be a resident of the affected county. Under LAFCO law, only one restriction is placed on the selection of public members – no officer or employee of a county, city, or district within the county may be appointed as a public member or alternate public member. This bill requires that a public member and alternate public member be residents of the affected county and includes cross references to individual LAFCOs whose composition is established separately in a stand-alone section.

Existing law specifies that one of the purposes of LAFCO is to efficiently provide government services. This bill makes changes to more accurately reflect one of the purposes of LAFCO, which is to encourage that government services provided by local agencies are done so efficiently.

This bill contains technical and conforming changes to statutes recently enacted by SB 239 (Hertzberg), Chapter 763, Statutes of 2015; and, AB 851 (Mayes), Chapter 304, Statutes of 2015. This bill also corrects typos contained in the Act.

- 3) **Arguments in Support.** Supporters argue that the non-controversial changes included in this bill are necessary as LAFCOs implement the Act.
- 4) **Arguments in Opposition.** None on file

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

California Association of Local Agency Formation Commissions (CALAFCO)  
Local Agency Formation Commissions of the Counties of: Alameda, Contra Costa, Imperial,  
Los Angeles, Marin, Riverside, Santa Clara, Solano, Sonoma and Yolo

##### **Opposition**

None on file

**Analysis Prepared by:** Misa Lennox / L. GOV. / (916) 319-3958