

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
AB 530 (Aguiar-Curry) – As Amended March 20, 2019

SUBJECT: The Fairfield-Suisun Sewer District.

SUMMARY: Makes a number of changes to the provisions of the Fairfield-Suisun Sewer District (FSSD) Act. Specifically, this bill:

- 1) Defines the “Middle Green Valley Specific Plan” as the type, location, density, and extent of development, conditioned by conservation easements, as planned in the version of the Middle Green Valley Specific Plan adopted by the board of supervisors on August 8, 2017.
- 2) Defines “organic materials” as material that is organic in nature, including, but not limited to, plant material, food and beverage waste, and paper products, that can be recycled using treatment processes like composting, digestion, and other processes that decompose organic matter. The gas produced from the process may be captured and used to generate electricity and heat.
- 3) Authorizes the FSSD to accept and contract for the disposal of sewage, upon request of a landowner, emanating from buildings within the Middle Green Valley Specific Plan if approved by the Local Agency Formation Commission (LAFCO).
- 4) Permits the FSSD to accept organic material within or outside of the district as the board determines is in the FSSD’s best interest.
- 5) Allows the FSSD to contract for the purchase of effluent resulting from any sewage treatment plant as the board determines is necessary and in the FSSD’s best interest.
- 6) Requires the FSSD to publish their regulation ordinances in a newspaper of general circulation.
- 7) Makes numerous minor and conforming changes to the FSSD Act.
- 8) Includes an urgency clause to ensure the residents of Solano County have adequate sewer services.

EXISTING LAW:

- 1) Establishes the FSSD, with boundaries coterminous to the cities of Fairfield and Suisun City, and grants it various powers relating to the treatment and disposal of sewage.
- 2) Designates the board of directors for the FSSD and administrative procedures for the operation of the district.
- 3) Prohibits the FSSD from accepting or contracting for the disposal of sewage emanating from outside the FSSD, except sewage from a public building or buildings of a public utility subject to regulation by the Public Utilities Commission.

- 4) Authorizes the FSSD to accept and contract for the disposal of sewage emanating from outside the FSSD if those buildings are connected to the FSSD's sewage treatment system on March 1, 2002.
- 5) Authorizes the sale of any effluent resulting from the operation of any sewage treatment plant constructed by or for the FSSD.
- 6) Requires the FSSD to post their ordinances for one week in three public places in each of the cities.

FISCAL EFFECT: None

COMMENTS:

- 1) **Fairfield-Suisun Sewer District (FSSD).** The FSSD was established by the FSSD Act, which was approved by the Legislature in 1951. FSSD contracts with the cities of Fairfield and Suisun to treat and dispose of all sewage within their boundaries, and to treat sewage in specified areas of unincorporated county land with an out-of-area contract. Every time the FSSD wants to extend their services or make any other changes to their bylaws, these changes must be approved by the Legislature. The FSSD Act has been modified eight times, the last occurring in 2002 to authorize service by contract to some nearby unincorporated areas.
- 2) **Middle Green Valley.** Middle Green Valley is an unincorporated, undeveloped area located to the west of the cities of Fairfield and Suisun. In 2017, the Solano County Board of Supervisors unanimously approved of the Middle Green Valley Specific Plan, which outlines proposed development in Middle Green Valley. The Plan stipulates that the majority of housing in Middle Green Valley be connected to a public sewer system, rather than use septic tanks and leach fields. The Plan was unanimously endorsed by the Citizens Advisory Committee and the Green Valley Landowners Association. The landowners are now moving forward to execute the Plan, including obtaining tentative maps and environmental agency permits. However, legislation is required for FSSD to provide sewer service to the new developments laid out in the Plan.
- 3) **LAFCO.** The Cortese-Knox-Hertzberg Act of 2000 controls the manner in which local officials change the boundaries of cities and special districts, and designates a LAFCO in each county to oversee boundary changes. Besides the more common annexations to cities and special districts, LAFCOs also control district formations, consolidations, and dissolutions, as well as city incorporations, consolidations, and disincorporations. The statutory mission of LAFCOs is to discourage urban sprawl and encourage the orderly formation and development of local agencies.

The Cortese-Knox-Hertzberg Act requires that cities and districts must get a LAFCO's written approval before they can serve territory outside their boundaries, pursuant to AB 1335 (Gotch), Chapter 1307, Statutes of 1993. This requirement was established because of a concern that some cities and districts might circumvent LAFCO review by signing contracts to provide services outside their boundaries without annexing the territory. AB 1335, however, recognized the need to accommodate unexpected local conditions and purposely established several exemptions from the approval requirements. For example, LAFCO approval is not required for contracts or agreements solely involving two or more

public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the exiting provider.

- 4) **Bill Summary and Author's Statement.** This bill authorizes the FSSD to, if approved by the LAFCO, extend their services to Middle Green Valley. It also allows the FSSD to accept organic material from anywhere as the board determines is in the FSSD's best interest. This bill authorizes the FSSD to contract for the purchase of sewage from any sewage treatment plant the board determines is necessary and in the FSSD's best interest. Additionally, this bill requires the FSSD to publish their ordinances in a newspaper of general circulation. Lastly, this bill makes a number of technical and clarifying changes to the FSSD Act.

The FSSD is the sponsor of this bill.

According to the author, "Solano County has already approved the development of 400 new homes in Middle Green Valley, an unincorporated portion of the County, and we need to ensure that these future homes have a way to get rid of and treat their sewage in a sanitary way. The FSSD Act was adopted by the Legislature in 1951 and did not consider the creation of LAFCOs more than 10 years later. Due to the restrictive nature of the FSSD Act and its prohibition from providing services outside of its boundaries, FSSD is not allowed to utilize the existing LAFCO process to provide for the extension of services to Middle Green Valley. AB 530 allows the FSSD to provide necessary sewer services to the current and future residents of Middle Green Valley while maintaining the existing LAFCO approval process."

- 5) **Arguments in Support.** FSSD, the sponsor of the bill, states, "AB530 would allow the District to provide sewer service to Middle Green Valley, a public service that has been anticipated, analyzed, and supported by Solano County since the Middle Green Valley specific plan was first conceived. Public sewer service has been a core component to create clustered development and permanently preserve over 1,500 acres of agricultural open space. By amending the Act, AB530 will facilitate agricultural operations in a rural residential setting that will grow food for the local community supported by the neighbors who live there."
- 6) **Arguments in Opposition.** Solano County Orderly Growth Committee states, "We have a fairly narrow focus on protecting farmlands and natural spaces in Solano County. We do not propose that there should be restrictions on imports of materials from other counties. But, in Solano County we passionately believe in protecting these lands from developments that require urban levels of service. We oppose AB 530 unless it is amended to exclude FSSD's ability to import bio-solid materials from developments in unincorporated Solano."
- 7) **Committee Amendment.** The Assembly Rules Committee approved the addition of an urgency clause to this bill on March 28, 2019, and is proposed to be added to this bill as a committee amendment.

REGISTERED SUPPORT / OPPOSITION:

Support

Fairfield-Suisun Sewer District [SPONSOR]

Opposition

Fairfield Responsible Growth (unless amended)

Greenbelt Alliance (unless amended)

Solano County Orderly Growth Committee (unless amended)

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