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February 10, 2016

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 Representative of
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CAROLYN EMERY
 Executive Officer

TO: Local Agency Formation Commission

FROM: Executive Officer

SUBJECT: Legislative Quarterly Report (February 2016)

BACKGROUND

The Legislature reconvened from the winter recess on January 4, 2016 and the last day to introduce new bills, February 19, is quickly approaching. With the new legislative session just beginning, this legislative quarterly report provides a preview of previous legislation still in play and recently introduced legislative items of interest to LAFCO and our funding agencies. Also discussed within this report are the 2016 legislative priorities approved by the CALAFCO Executive Board at the November 13, 2015 meeting.

The next legislative update is scheduled for May 11, 2016 and will include an update on the bills discussed in this report and any additional legislation introduced. As the Commission is aware, the activity of proposed legislation is often unpredictable and often does not align with the timeline for the LAFCO quarterly legislative reports. Should any items require Commission review or action prior to the next scheduled update, staff will coordinate any necessary responses or actions with the Chairman and, if necessary, the Ad Hoc Committee.

CALAFCO LEGISLATIVE PRIORITIES

Each year the CALAFCO Executive Board identifies legislative priorities that support and preserve the mission of LAFCOs. The CALAFCO Legislative Committee, comprised of several member LAFCOs, serves in an advisory role and recommends to the Board the key areas of importance for the membership. The OC LAFCO Executive Officer continues participation as a member of the CALAFCO Legislative Committee.

On November 13, 2015, the Board identified the following key priorities for 2016:

- **LAFCOs and JPAs**

This year, CALAFCO is sponsoring legislation that seeks to amend State law to expand the filing requirements for certain stand-alone joint-power authorities (JPAs) at the time of their establishment or amendment to include LAFCOs. The proposed legislation key purpose is to enhance the documentation and facilitation of shared public services to produce more accountable and efficient government while concurrently improving the public's awareness of JPA arrangements. Additionally, the proposal helps LAFCOs meet their legislative directive to document, assess, and facilitate shared public service opportunities. CALAFCO has begun a stakeholder outreach effort that has included the Urban County Caucus, CSAC, CSDA and the CA Association of Joint Power Authorities.

- **2016 Omnibus Bill**

Each year, CALAFCO sponsors the annual Omnibus bill which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act). These changes promote greater clarity and efficacy in LAFCO's ability to fulfill its role in facilitating and encouraging efficient local government policies that help shape and guide California's future. This year's proposed changes involve: 1) requirement that LAFCO regular and alternate public members reside within the affected county; 2) allowing emailed notices to public agencies; 3) waiving of notice of intent to circulate petitions in cases of single landowner; 4) minor clean-up language for disincorporation statute; 4) non-substantive typographical and grammatical errors.

LEGISLATION OF LAFCO INTEREST

The Capitol is busy with committees meeting to hear bills that stalled last year and newly introduced ones. The following section includes a brief discussion on legislation of LAFCO interest introduced thus far for consideration during this session.

AB 1362 (Gordon) - Mosquito Abatement and Vector Control Districts: Board of Trustees: Appointment of Members.

This bill is in response to a local issue in San Mateo with their Mosquito Abatement District and concerns with the size of its trustee board. The bill as currently written authorizes a city selection committee to make appointments and the respective County one appointment to the board of trustees of specified mosquito abatement and vector control districts, subject to specified requirements. According to the author, "AB 1362 would grant a mosquito abatement district which has countywide boundaries the

option to utilize its existing city selection committee to appoint Trustees to the district, rather than each city council doing so independently. This reduces pressure on each individual city to appoint a representative, and increases collaboration between neighboring cities by authorizing the city selection committee to make shared decisions on local governance. This process adds an additional level of oversight and accountability to the appointment process, while retaining the city councils' authority to appoint members. Other benefits include reducing the costs associated with meeting expenses and stipends for each member's service, streamlining board communication, reducing duplicative work, and providing more transparency on the Board's representation and decision-making."

OC LAFCO Executive Officer reached out to the General Manager of the Orange County Mosquito and Vector Control District regarding AB 1362 and was informed of the District's opposition to the bill. The District's letter to the Chair of the Assembly Committee on Local Government opposing the bill is attached to this report (**Attachment A**).

SB 817 (Roth) -- Local Government Finance

SB 817, like the three previous attempts, seeks to restore funding to cities that were incorporated after 2004. In all three previous attempts, OC LAFCO and CALAFCO took a "support" position on the bills. Currently SB 817 is a placeholder bill with intent language only.

SB 552 (Wolk) - Public Water Systems: Disadvantaged communities: Consolidation or extension of services

Introduced during the 2015 session, SB 552 as currently written is intended as a vehicle to clean-up the water consolidation legislation passed last year through the SB 88 (budget trailer bill). CALAFCO has participated in one meeting with Senator Wolk's office to continue to express thoughts on SB 88 and understand proposed language in SB 552. However, more recently, CALAFCO has stated that communications with Senator Wolk's staff on SB 552 have stalled despite repeated attempts to reach out to her staff.

In addition to SB 552, the Office of Planning and Research (OPR) and the State Water Resources Control Board (SWRCB) is exploring proposal of a policy bill involving forced water consolidations. For the past several months, CALAFCO has engaged in dialogue with OPR and SWRCB to achieve a clearer understanding of the process for SB 88 and LAFCO's role and the intent of any proposed language to clean-up or expand the SB 88 effort. OPR and SWRCB informed CALAFCO that their effort is to stop future proliferation of unsustainable public water systems in unincorporated areas. The policy bill will be authored by Senators Pavley and Weickowski and is not

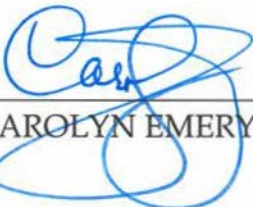
intended to be a part of SB 552. Representatives from OPR and SWRCB have been invited to attend the next legislative committee meeting on February 26 in Sacramento.

RECOMMENDATION:

Staff recommends that the Commission:

1. Receive and file the November 18, 2015 Legislative Report.

Respectfully submitted,



CAROLYN EMERY

Attachment A: OCMVCD AB 1362 Opposition Letter

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DR ALLAN BERNSTEIN

DISTRICT MANAGER
MICHAEL G HEARST
CLERK OF THE BOARD
TAWNIA E PEIT



ATTACHMENT A

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COUNTY OF ORANGE
ANDREW DO

January 12, 2016

The Honorable Brian Maienschein
Chair, Assembly Committee on Local Government
California State Assembly
State Capitol, Room 4139
Sacramento, CA 95814

Re: AB 1362 (Gordon) – Mosquito Abatement District Boards – Oppose

Dear Chairman Maienschein:

My district, Orange County Mosquito and Vector Control District (OCMVCD) writes you to regretfully oppose AB 1362 (Gordon), dealing with mosquito abatement district boards of trustees. Assemblyman Gordon has indicated that local elected in San Mateo County have expressed the desire to consider alternate approaches to appointing boards of trustees to mosquito abatement districts. We appreciate this concern, but we believe this legislation is not warranted and unnecessarily opens the Mosquito Abatement and Vector Control District Law (Health and Safety Code, § 2000 et seq.), a longstanding state law that has provided diverse geographic and demographic representation amongst our member districts' boards of trustees. As such, we **must oppose AB 1362.**

Per longstanding state statute, each independent special district of the Mosquito and Vector Control Association of California (MVCAC) has a board of trustees that is charged with the oversight and governance of the district. AB 1362 would allow certain counties to consider using a city selection committee instead of the traditional county and cities appointments. The nexus of this proposal is reported to come from San Mateo County's concerns with the size of its district's board of trustees. However, as a member of a statewide association comprised of over 60 member agencies, and the manager of a district with a 35 member board it is apparent to me that the problems associated with large boards are imagined.

Twenty-nine of the 35 members on the OCMVCD board are current council members, others are former elected officials and still others are concerned citizens with special interests and skills that qualifies them to serve. Each trustee brings a unique experience and set of skills to the Board. Perhaps most important, the trustees provide a direct conduit to their respective city.

"An Independent Special District Serving Orange County Since 1947"

The mission of the Orange County Mosquito and Vector Control District is to provide the citizens of Orange County with the highest level of protection from vectors and vector-borne diseases.

My district is concerned that there is no guarantee that the appointments will provide equitable geographic representation to all cities in the county, in that some cities might not receive representation on a board of trustees. We are also concerned that smaller cities that have governments with fewer resources than large cities with full-time council staff could be disadvantaged in the selection process.

AB 1362 could alter the appointments process for approximately eight districts around the state, none of which have ever expressed concerns with how their boards of trustees are appointed or that their boards are too large. It has also been posited that a city selection committee would yield more elected officials to serve on the board, thereby creating more accountability. In our experience, we have seen extremely qualified individuals appointed to boards along with elected officials. Other appointees whose experience qualifies them include scientists, physicians, law enforcement officials, ecologists, and other operations of our districts. For these reasons, we must oppose AB 1362.

Sincerely,

A handwritten signature in black ink that reads "M. G. Hearst". The signature is written in a cursive, slightly slanted style.

Michael G. Hearst
District Manager
Orange County Mosquito and Vector Control District