

August 28, 2014 (Agenda)

Local Agency Formation Commission  
2301 Technology Parkway  
Hollister CA 95023

### **Report on LAFCO Related Legislation**

Dear Members of the Commission:

#### RECOMMENDATION

It is recommended the Commission receive this report, approved the recommended positions and direct the staff to continue to monitor legislation relevant to LAFCO and report on future agendas.

#### DISCUSSION

##### SB 614 (Wolk)

- Description of Legislation

You will recall this bill concerns disadvantaged, unincorporated communities and how best to encourage local agencies to include them and provide public services. The Commission has previously taken a “watch” position. Through the efforts of CALAFCO significant changes have occurred with provisions of the bill that make it more acceptable to LAFCOs. I continue to recommend a watch position.

- Recommended Position – Continue to Watch

##### AB 2443 (Rendon)

- Description of Legislation

Attention is being given in Sacramento to whether mutual water companies should be subject LAFCO jurisdiction regarding their service areas. Discussions have included Assemblymember Anthony Rendon, the California Mutual Water Companies Association and CALAFCO.

This legislation would require LAFCOs, for the first time, to determine the service delivery of private companies. While there may be merit in determining spheres of influence for such entities, it not known how LAFCO can impair contracts, which are the issuance of the stock for service of mutuals.

- Recommended Position – Watch

AB 1739 (Dickinson) and SB 1168 (Pavley) – Groundwater Management

- Description of Legislation

Given the ongoing drought, these bills are generating considerable interest. As of now, LAFCOs have been written out of the organizational process. The bills call for any new agencies formed not be independent special districts. There are obviously still a lot of questions about how this will actually work in practice

These bills would create State policy that groundwater resources be managed sustainably for long-term reliability and multiple economic, social and environmental benefits. The bills state sustainable groundwater management is best achieved locally through plans and programs based on the best available science.

The Department of Water Resources (Department) would be required, in consultation with the Department of Fish and Wildlife, to develop criteria to identify groundwater basins and sub-basins that should be prioritized based on adverse impacts to habitat and surface water resources. The Department would categorize basins as high-, medium-, low-, or very low priority

These bills would - by January 31, 2020 - require groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans. These bills would encourage basins designated as low- or very low priority basins to be managed under groundwater sustainability plans.

These bills would authorize a local agency or combination of local agencies to be a groundwater sustainability agency. It would provide that a county within which an area unmanaged by a groundwater sustainability agency is located is presumed to be the groundwater sustainability agency for that area.

These bills would provide specific authority to a groundwater sustainability agency, including, but not limited to, ability to require registration of a groundwater extraction

facility, require that a groundwater extraction facility be measured with a water-measuring device and regulate groundwater extraction.

These bills would require a groundwater sustainability agency to submit a groundwater sustainability plan to the Department for its review and require the Department to periodically review such plans.

These bills would authorize a local agency to submit to the Department for evaluation and assessment an alternative the agency believes satisfies these objectives. The Department would review such submissions at least every 5 years.

These bills would require a city or county, prior to amending its general plan, to consider a groundwater sustainability plan, groundwater management plan, groundwater management court order, judgment, or decree, adjudication of water rights, or interim plan by the State Water Resources Control Board.

Existing law requires a public water system to provide a city or county with certain information upon being notified of proposal to adopt or substantially amend a general plan. The public water system would be required to report on the anticipated effect of the proposed action the groundwater sustainability plan.

- Recommended Position – Watch

Please contact the LAFCO office if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Bob Braitman" followed by a horizontal line extending to the right.

BOB BRAITMAN  
Executive Officer