

2003

## 2003 Legislative Summary

Assembly Committee on Local Government

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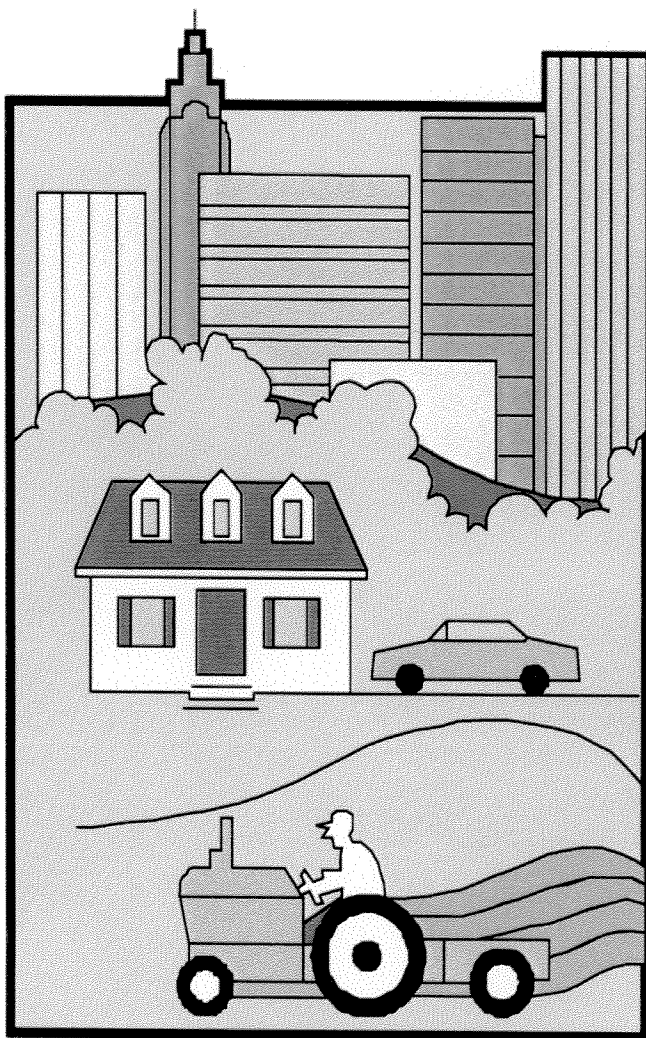
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# 2003 LEGISLATIVE SUMMARY

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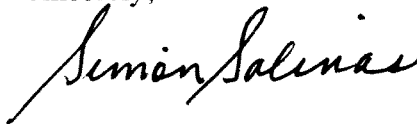
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Bills of interest that were referred to the Local Government Committee during this past legislative year, included ones dealing with the housing element of general plans, the jurisdiction of which is shared with the Committee on Housing and Community Development. Among these bills were AB 1160 and AB 1426 (Steinberg), which were supported by housing advocates but opposed by many local governments. Other measures, such as AB 980 (Salinas) and AB 1158 (Lowenthal), which attempted to streamline the process by which local governments obtain certification of their housing elements from the Department of Housing and Community Development (HCD), had local government support but were opposed by housing advocates. Given the wide range of these bills and the continued polarization of much of the debate, Assemblymember Salinas, Chair of the Local Government Committee, advocated a temporary moratorium on housing element legislation until the work group led by HCD has had an opportunity to meet and make recommendations.

Other issues before the committee that were the subject of significant debate included, but were not limited to, allowing local governments to assess local income taxes AB 1690 (Leno); electronic recordation of legal documents such as deeds and titles AB 578 (Leno); requiring local governments in the San Joaquin Valley to incorporate air quality components into their general plans AB 170 (Reyes); and authorizing the inclusion of capital costs in the monthly utility service rates charged to public agencies, such as the University of California AB 1051 (Goldberg).

The following report, which divides bills into subject areas and provides a final status, summarizes legislation referred to the Local Government Committee during the first year of the 2003-04 legislative session.

Sincerely,



Simón Salinas

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# ASSEMBLY LOCAL GOVERNMENT COMMITTEE

## 2003 LEGISLATIVE SUMMARY

### LAND USE AND HOUSING

**AB 35 (Wiggins) Local planning agencies: duties.**

Corrects drafting errors in previous legislation pertaining to annual reports from local planning agencies. **Status:** *In Senate: To inactive file on motion of Senator Torlakson. \**

**AB 51 (Simitian) General plans: child care facilities.**

Requires cities and counties to identify categories of land use, if any, that provide for child care facilities, not including family day care homes no later than one year after the next regularly scheduled revision of the land use element of their general plans that occurs after January 1, 2004. **Status:** *Vetoed*

**AB 77 (La Suer) San Diego County Regional Airport Authority.**

Prohibits existing aerial fire fighting locations in the San Diego Region from being displaced or interfered with in any way by the siting of an international airport.

**Status:** *Re-referred to Assembly Local Government Committee.*

**AB 170 (Reyes) Air quality element: San Joaquin Valley.**

Requires cities and counties within the jurisdiction of the San Joaquin Valley Air Pollution Control District to amend existing elements of their general plans to include goals, policies, and strategies for improving air quality.

**Status:** *Chapter 472, Statutes of 2003*

**AB 192 (Harman) Local agency formation: annexations.**

Clarifies that a city may annex up to 300 acres of noncontiguous land as part of a single proposal, upon approval of a local agency formation commission (LAFCO).

**Status:** *In Assembly Local Government Committee: hearing postponed by committee.*

**AB 208 (Harman) Local agency formation commission.**

Provides that a successor agency may not be prevented from continuing to perform any or all functions of the extinguished local agency, regardless of whether the successor agency had previously performed that function. **Status:** *In Assembly Local Government Committee: set second hearing. Hearing canceled at the request of author.*

**AB 218 (Simitian) Local planning: housing elements.**

Defines "senior housing unit" to include congregate housing, and requires the Department of Housing and Community Development (HCD) to apply this definition in its determination of whether a city or county meets its share of the regional housing need.

**Status:** *Vetoed*

**AB 305 (Mullin)      Density bonuses: child care facilities.**

Requires a city or county to grant an additional density bonus, concession, or incentive to a developer of housing, otherwise entitled to a density bonus or other incentive if that developer includes a child care facility as part of the housing development, unless the city or county makes a finding that the existing area has adequate child care facilities.

**Status: Chapter 430, Statutes of 2003**

**AB 332 (Mullin)      Airports: land use commissions.**

Requires a local agency which overrides a decision made by an airport land use commission to provide notice of its proposed decision to the commission and Caltrans and to include in its published decision responses by the airport land use commission and Caltrans.

**Status: Chapter 351, Statutes of 2003**

**AB 361 (Kehoe)      San Diego Consolidated Transportation Agency.**

Establishes a public collaborate planning process by which the San Diego Consolidated Transportation Agency would move forward on issues involving comprehensive planning in the San Diego region.

**Status: Chapter 508, Statutes of 2003**

**AB 470 (Bermudez) Conditional use permit: religious facility.**

Prohibit a city or county on land that is zoned to permit religious use, from requiring, in addition to a conditional use permit, an applicant for this permit who intends to use the property for religious services, worship, or other religious activities to prepare and submit planning documents or any other documents that are not directly related to the proposed use or occupancy of the property. **Status: Re-referred to Assembly Local Government Committee.**

**AB 494 (Garcia)      Redevelopment.**

Prohibit the transfer of local redevelopment housing funds if the local housing element is not certified by HCD. **Status: Referred to Assembly Committees on Housing and Community Development and Local Government: In Housing and Community Development: set, first hearing. Hearing canceled at the request of author.**

**AB 518 (Salinas)      Local agency formation commission.**

Requires a LAFCO to assess the impact that a local agency annexation has on a city or cities and the county in achieving their respective fair shares of the regional housing needs, and extends the sunset date for Broadmoor Police Protection District's special detachment provisions. **Status: Chapter 176, Statutes of 2003**

**AB 520 (Salinas)      Local agency reorganization: Santa Cruz County.**

Provides that, in the case of an annexation proposed by the City of Watsonville in Santa Cruz County, the effective date of the change of organization shall be fixed in the terms and conditions of the LAFCO resolution confirming the annexation.

**Status: Chapter 36, Statutes of 2003**

**AB 600 (Maddox) Government regulation: religious exercise.**

Prohibit any local, state, or other public agency from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, unless the agency demonstrates that the imposition of the burden on that person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. The bill would authorize any person to bring an action to enforce those rights, as specified. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 668 (Cox) General plans: housing elements.**

Allows a city and county, in the event of an incorporation, to reach a mutually acceptable revision of their respective regional housing need allocations.

**Status:** Chapter 760, Statutes of 2003

**AB 728 (Leno) Real estate: subdivisions.**

Allows developers to make binding pre-sale contracts with potential buyers of condominiums earlier in the construction process, and retain enough of the buyer's deposit to cover actual damages suffered when a buyer of a pre-sold unit defaults on the contract by establishing an exception to the existing "liquidated damages" statute for contracts for the sale of residential property. **Status:** Chapter 434, Statutes of 2003

**AB 768 (Leno) Hunters Point Shipyard Public Trust Exchange Act.**

Authorizes the exchange of public trust lands within the Hunters Point Shipyard in order to free some lands from the public trust and make others subject to it, based on specified criteria.

**Status:** Chapter 435, Statutes of 2003

**AB 838 (Spitzer) Preincorporation regulations: City of Rancho Santa Margarita.**

Declares that upon its incorporation, the City of Rancho Santa Margarita's general plan policies, zoning regulations, or building and construction requirements supersede any inconsistent property restrictions that regulate design or development standards, requirements, or conditions on the development, use, or occupancy of commercial or industrial property within the City. **Status:** *In Senate Local Government: set, second hearing: Hearing canceled at the request of author.*

**AB 944 (Matthews) Agricultural lands: local plans.**

Renames the "open-space element" of a general plan as the "agricultural and open-space element," makes conforming changes to the State Planning and Zoning Law, and authorizes each county to add to or amend its agricultural and open-space element to include differing measures for different areas, as specified. **Status:** *In Senate: To inactive file on motion of Senator Machado. \**

**AB 953 (Houston) Subdivision Map Act: subdividers.**

Provides for the waiver of any condition of a tentative map requiring construction or installation of off-site improvements if the city or county has failed to acquire title in the necessary land within 120 days.

**Status:** Chapter 728, Statutes of 2003

**AB 980 (Salinas) Housing element: self-certification.**

Create an alternative production-based certification process for the housing elements of cities and counties. **Status:** *Referred to Assembly Committees on Local Government and Housing and Community Development. From Local Government Committee: Do pass, and re-refer to Committee on Housing and Community Development.*

**AB 994 (Cox) Housing: prison beds.**

Require a council of governments to take into account the amount of land within a city or county owned by the state or federal government and unable to be rezoned by the city or county when it distributes regional housing needs. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1015 (Laird) Land use: water supply.**

Require that the land use element of a general plan include a statement of existing and planned sources of water supply incorporating specified relevant information. **Status:** *In Assembly: To inactive file on motion of Assembly Member Laird.*

**AB 1019 (Nakanishi) Parks: property conversion and exchange.**

Transfers specified land within the Oak Grove Park in San Joaquin County to the City of Stockton and provides for the acquisition of substitute land.

**Status:** Chapter 114, Statutes of 2003

**AB 1089 (Dutton) Local planning: housing elements.**

Requires, when evaluating whether a housing element is consistent with state law, to count student dormitories that are identified within the housing element of a city or county for purposes of determining whether the city or county meets its share of the regional housing needs. **Status:** *In Assembly Local Government Committee: hearing postponed by committee. Amend, and re-referred to Housing and Community Development. \**

**AB 1112 (Lowenthal) Housing opportunity districts.**

Allow local governments to apply to HCD for the creation of a tax increment district around a transit station to fund the development of housing. **Status:** *In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 1117 (Matthews) Grazing lands: payments.**

Requires the State Controller to pay federal grazing fee revenues to counties under the same formula that the federal government uses to collect the fees.

**Status:** Chapter 131, Statutes of 2003

**AB 1158 (Lowenthal) General plans: housing elements.**

Reforms the Regional Housing Needs Assessment procedure.

**Status:** *Referred to Committees on Local Government and Housing and Community Development. In Housing and Community Development: hearing postponed by committee.*

**AB 1160 (Steinberg) Housing: second units.**

Restrict local governments' ability to deny or place restrictions on the development of second unit housing. **Status:** *Referred to Committees on Local Government and Housing and Community Development. In Housing and Community Development: hearing postponed by committee.*

**AB 1187 (Leno) Redevelopment: Hunters Point Shipyard.**

Create the Hunters Point Shipyard Development Authority (HUSPDA).

**Status:** *In Assembly: To inactive file on motion of Assembly Member Leno.*

**AB 1188 (Cohn) Park and open-space districts.**

Clarify park and open space district laws relating to land conveyances under threat of condemnation, and police officers' powers. **Status:** *In Assembly Local Government committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1192 (Dutra) Land use.**

Require that that a local government is solely responsible for compliance with the existing requirement to identify adequate sites to ensure no net loss in residential unit capacity subsequent to a downzoning except when a project applicant makes specified requests in an initial application. **Status:** *In Assembly: Concurrence in Senate amendments pending. Passed on file.*

**AB 1195 (Cohn) Subdivision Map Act: exemptions.**

Exclude conveyances to and from regional park and open space districts from certain requirements of the planning and zoning law. **Status:** *In Senate Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1268 (Wiggins) Land use.**

State legislative intent to address the issues of growth zones and housing.

**Status:** *Re-referred to Senate Local Government Committee.*

**AB 1309 (Goldberg) School facilities: displaced residential development.**

Authorizes a city or county to acquire real property for construction of new school site replacement housing, if the acquisition of a school site by a school district results in a loss of housing, and if the local governing agency has determined that an extreme shortage of affordable housing, as defined, exists in the vicinity of the school site. Requires the adoption of a replacement housing plan, and for that plan to provide for the development of at least: 1) the number of housing units already on the property acquired for replacement housing; and, 2) 75% of the dwelling units demolished in connection with the new school site construction. Requires that a specified number of the dwelling units developed be available at an affordable cost. **Status:** **Chapter 574, Statutes of 2003**

**AB 1347 (Maze) Development agreements.**

Requires cities and counties to follow the accounting and reporting requirements of the Mitigation Fee Act for any fees they receive or costs they recover from development agreements entered into, on, or after January 1, 2004. **Status:** **Chapter 288, Statutes of 2003**

**AB 1426 (Steinberg) Affordable housing: greater Sacramento region.**

Create a pilot affordable housing production standard program in the greater Sacramento region, including six specified counties, that sunsets on January 1, 2010.

**Status:** *In Senate: To inactive file on motion of Senator Ortiz.*

**AB 1634 (Keene) Public lands: transfer.**

Authorizes the City of Chico to sell, convey or, exchange land to certain property owners, as specified. **Status:** Chapter 522, Statutes of 2003

**SB 114 (Torlakson) Financial assistance: relocation of vehicle dealers and big box retailers.**

Eliminates the authority of a redevelopment agency or local agency to provide any form of financial assistance to a vehicle dealer or big box retailer that is relocating from one community to another community within the same market area, and abolishes the requirement that the California Research Bureau report by January 1, 2004, on the implementation of an existing related statute. **Status:** Chapter 781, Statutes of 2003

**SB 446 (Machado) General plans.**

Require the Governor's Office of Planning and Research to notify the Attorney General of general plans that have not been revised in eight years instead of 10 years.

**Status:** *Referred to Assembly Local Government Committee.*

**SB 487 (Torlakson) District annexations.**

Requires a special district to make written findings supported by substantial evidence when it requests that a LAFCO terminate a proceeding that includes annexation of territory.

**Status:** Chapter 123, Statutes of 2003

**SB 491 (Ducheny) Local government: housing elements.**

Extends the statutory deadline, by one year, for all cities and counties to complete the fourth revision of their housing element.

**Status:** Chapter 58, Statutes of 2003

**SB 654 (Agriculture and Water Resources) Water Omnibus Act of 2003.**

Requires the Governor's Office of Planning and Research to notify the Attorney General of general plans that have not been revised in eight years instead of 10 years.

**Status:** *In Assembly: Read third time. Amended. Re-referred to Committee on Water, Parks and Wildlife pursuant to Assembly Rule 77.2. \**

**SB 699 (Sher) Local planning agencies: duties.**

Waives the Planning and Zoning Law's referral requirement if local planners have already complied with CEQA's referral requirement. In so doing, this bill restores language that previously appeared in the Planning and Zoning Law.

**Status:** *Referred to Assembly Local Government Committee.*

**SB 707 (Florez) Environmental quality: large dairy cow farms.**

Places restrictions on the construction or expansion of large dairy cow farms (defined as a commercial operation where more than 700 cows are lactating) near populated areas with the

intent of reducing human exposure to environmental impacts, including exposure to particulate matter (PM) emissions. **Status:** *In Assembly: Notice of motion to remove from inactive file given by Assembly member Reyes. Action rescinded whereby motion given.*

**SB 745 (Ashburn) Environmental subdivision.**

Makes the environmental subdivision provisions of the Subdivision Map Act permanent, and makes specified provisions for parcels of less than 20 acres.

**Status:** Chapter 76, Statutes of 2003

**SB 806 (Sher) General plans: transportation element.**

Rename the circulation element in local general plans the transportation element and makes other technical and conforming changes.

**Status:** *In Senate: placed on inactive file on request of Senator Sher.*

**SB 898 (Burton) Open space and agricultural land.**

Make legislative findings and declarations concerning the importance of enacting legislation that provides long-term protection for and preservation of California's agricultural lands.

**Status:** *Referred to Assembly Local Government Committee.*

**SB 1037 (Sher) Subdivisions.**

Consolidate existing Subdivision Map Act recommendations concerning proposed subdivisions in any adjoining city, or in any adjoining unincorporated territory provided the proposed subdivisions are within three miles of the exterior boundary of the requesting local agency, thus permitting local subdivision ordinances to provide for cable television systems and communications systems, including, but not limited to, telephone and Internet services to each parcel in all subdivision. **Status:** *Referred to Assembly Local Government Committee.*

## **LOCAL GOVERNMENT FINANCE**

**AB 5 (Cogdill) Local government finance: property tax apportionment.**

Forgives the Counties of Madera and Tuolumne from the obligation to repay the state General Fund for past underallocations to the Educational Revenue Augmentation Fund (ERAF) in each county. **Status:** *In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 53 (Simitian) Property tax revenue shifts: limitation.**

Caps the property tax shifts from cities, counties, and special districts to the ERAF in each county over a multi-year period. **Status:** *In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 127 (La Malfa) Property tax revenue allocations: County of Colusa.**

Forgives the County of Colusa from the obligation to repay the state General Fund for past underallocations to ERAF. **Status:** *In Assembly Appropriations Committee: set, first hearing. Held under submission.*



**AB 357 (Maze) Property taxation: exemption: possessory interests.**

Increase the limit for property tax exemption relating to a possessory interest from \$50,000 to \$100,000 for a qualified county, as defined. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author. Amend, and re-refer to Health Committee. \**

**AB 427 (Longville) Local transportation sales taxes.**

Deletes the 20-year limitation on the duration of a local transportation sales tax and provides that any such tax remain in effect for the period of time specified in the tax ordinance.

**Status:** Chapter 129, Statutes of 2003

**AB 574 (Yee) Vehicles: registration: local charge.**

Authorizes the City and County of San Francisco to require by ordinance or resolution a fee to be paid at the time of registration or renewal of every vehicle registered to an address within San Francisco. Require that revenues from the fee be expended only to fund programs for the construction, improvement, and maintenance of streets and highways in San Francisco.

**Status:** *In Senate Appropriations Committee: hearing postponed by committee.*

**AB 613 (Campbell) State-mandated local programs: funding.**

Provides that, if a local agency or school district has failed over a period of at least two years to receive full funding from the state to implement or give effect to a statute or executive order that has been determined by the Legislature, the Commission on State Mandates, or any court to constitute a new state-mandated program requiring reimbursement pursuant to Section 6 of Article XIII B of the California Constitution, the mandate is inapplicable to that jurisdiction if its governing body has decided by majority vote not to implement or give effect to the statute or executive order. **Status:** *In Assembly Local Government Committee: set, first hearing. Held under submission.*

**AB 619 (Garcia) Booking fees.**

Appropriates annually from the General Fund to the Controller the sum of up to \$38,220,000 for reimbursement to cities and qualified special districts for actual costs incurred in the payment of booking and processing fees. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 637 (Harman) State-mandated local programs.**

Makes changes to the appointment powers and duties of the Commission on State Mandates (Commission), revises time periods in which specified actions must occur, and amends the procedure for removing a mandated program from the State Mandates Apportionment System (SMAS). **Status:** *In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 646 (Mullin) Local agencies: revenue sharing.**

Requires that cities and counties that adopt regional tax revenue-sharing agreements, including, but not limited to, contracts that apportion sales tax generated by automobile dealerships or big box retailers, be given priority eligibility by all state agencies in the

awarding of competitive state infrastructure funds. **Status:** *In Assembly Local Government Committee: set, second hearing. Hearing canceled at the request of author.*

**AB 723 (Matthews) Jobs-housing opportunities districts.**

Authorizes cities and counties to create infrastructure financing districts in designated jobs-housing opportunity zones to finance public facilities in the five-county Interregional Partnership area of Northern California. **Status:** *In Senate Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 893 (Mountjoy) Local government: licenses.**

Extends to every member of the armed services who is on active duty an exemption from paying a business license tax or fee. **Status:** *In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 1113 (Garcia) Supplemental Firefighting Services Fund.**

Establish in each county treasury a Supplemental Firefighting Services Fund and require that money from this fund be allocated to local agencies in accordance with specified requirements for specified front line fire service activities. These provisions would become inoperative on July 1, 2005, and would be repealed on January 1, 2006. **Status:** *In Assembly Local Government Committee: hearing postponed by committee.*

**AB 1172 (Berg) Joint powers agreement: public agencies.**

Declares a federally recognized Indian tribe as a public agency.  
**Status:** Chapter 39, Statutes of 2003

**AB 1182 (Ridley-Thomas) Government financing.**

Updates and streamlines various government financing provisions.  
**Status:** *In Assembly: Concurrence in Senate amendments pending. Passed on file.*

**AB 1199 (Berg) County of Del Norte.**

Provides that the annual loan payment of \$119,000 from the County of Del Norte to the state is postponed for one year if the local sales tax revenues derived by the county in any quarter pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law is less than the amount received for the corresponding quarter of the previous year. **Status:** *In Senate Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1221 (Steinberg) Taxation.**

Exchanges a portion of a city's or county's locally levied sales tax revenue for an equivalent amount of property tax revenue from the state, and makes related changes to sales and property tax rates and allocations. **Status:** *In Assembly: To inactive file on motion of Assembly Member Steinberg.*

**AB 1222 (Montanez) Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act.** Eliminates the local matching money requirement for Roberti-Z'berg-Harris Urban Open Space and Recreation Program Act grants to local governments from funds made available

pursuant to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002. **Status:** *In Senate Appropriations Committee: set, first hearing. Held under submission.*

**AB 1235 (Daucher) Local government finance: property tax revenue allocation: dissolved redevelopment agencies.** Establishes a procedure for reallocating the ad valorem property tax revenues from a dissolved redevelopment agency, beginning in the 2004-05 fiscal year. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1378 (Horton) Property taxation: revenue allocation reductions: condemnations.** Requires any reduction in property tax revenue resulting from the condemnation of state-assessed property to be applied exclusively to the local entity that condemned the property. Require a county auditor to exclusively apply any reduction in assessed value that is assigned to a countywide tax area resulting from the condemnation of state-assessed property to the local public entity that condemned the property on or after July 1, 2004. **Status:** *In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 1546 (Simitian) Local governments: vehicle fee for congestion and stormwater management programs.** Authorizes the City/County Association of Governments of San Mateo County to assess an annual fee of up to \$4 on vehicles registered within San Mateo County for programs to manage traffic congestion and storm water pollution. **Status:** *In Senate Appropriations Committee: hearing postponed by committee.*

**AB 1568 (Correa) Property tax revenue shifts: local fiscal relief.** Establishes a 15.5% floor for property tax allocations to county governments by transferring property tax revenues from ERAF in each county that receives less than this minimum to county government in equal increments over five years. **Status:** *In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 1602 (Bates) Local government finance.** Allows a qualified county, as defined, in a qualified fiscal year, as defined, to apply to the Governor to request that local agencies in that county be permitted to negotiate the allocation of that portion of the annual tax increment that exceeds 2% of total property tax revenues allocated in the county for the immediately preceding fiscal year. This bill would, in the event that the application is approved but the negotiations do not result in an agreement, provide for a revenue allocation determination by an allocation board, as provided, and the review of that allocation determination at least every five years. This bill would also specify, for the same county in the same qualified fiscal year, that an amount of property tax revenue, equal to 50% of the total amount of property tax revenue collected in that qualified fiscal year, be allocated among school entities in the qualified county, with the balance of revenues being allocated among local agencies in the qualified county. This bill also would provide that school entities be reimbursed by the state for any revenue losses resulting from the bill, and provide that an

amount of property tax revenue that is equal to 20% of these reimbursements be allocated among the county and the cities in the qualified county to meet affordable housing goals, as specified. **Status:** *Re-referred to Assembly Local Government Committee.*

**AB 1690 (Leno) Public safety finance agencies.**

Authorizes any county or city and county that forms a public safety finance agency to levy a local general income tax and shift a specified portion of annual property tax allocation income to the public safety finance agency. **Status:** *In Senate Appropriations Committee: hearing postponed by committee.*

**ACA 5 (Cogdill) Local government finance: property tax revenue allocation: local agency relief.** Places in the State Constitution a cap on the property tax shift from cities, counties, and special districts to ERAF in each county. **Status:** *In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**ACA 6 (Campbell) Expenditure limit.**

Repeals existing constitutional limitations on state and local government spending, and, instead, establishes a new, more restrictive constitutional limit on the annual expenditures of only state government. Specifies how revenues received in excess of the spending limit are disposed, and requires that annual state budgets not exceed available revenues.

**Status:** *Referred to Assembly Committees on Education and Local Government. In Education Committee: set, first hearing. Hearing canceled at the request of author.*

**ACA 9 (Levine) Local governmental taxation: special taxes: voter approval.**

Amends the California Constitution to lower the voter approval requirement from a two-thirds vote to a simple majority of local voters for special taxes to fund local capital infrastructure construction projects. **Status:** *In Assembly: passed on file. To inactive file - Rule 78.*

**ACA 10 (Harman) Local government: property-related fees.**

Amends the California Constitution to exempt fees and charges for storm water and urban runoff management from voter approval requirements for the imposition or increase of property-related fees. **Status:** *In Assembly: To inactive file on motion of Assembly Member Harman.*

**ACA 11 (Levine) Local government: general obligation bonds: infrastructure projects.**

Amends the California Constitution to lower the voting threshold for local infrastructure bond propositions from two-thirds to 55%. **Status:** *In Assembly: passed on file. To inactive file - Rule 78.*

**ACA 14 (Steinberg) Local government: transactions and use taxes: local development.**

Amends the California Constitution to lower the voter approval requirement for a transaction and use tax used exclusively to fund local infrastructure projects from two-thirds to 55%. **Status:** *In Assembly: To inactive file on motion of Assembly Member Steinberg.*

**ACA 17 (Daucher) Taxation: local sales and use tax revenues and ad valorem property tax revenues: allocation.** Amends the California Constitution to require cities and counties to

exchange a portion of locally levied sales and use tax revenue for an equivalent amount of property tax revenue from ERAF in each county. **Status:** *In Assembly Local Government Committee: set, second hearing. Hearing canceled at the request of author.*

**SB 61 (Local Government) First Validating Act of 2003.**

Enacts the First Validating Act of 2003, which validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. **Status:** Chapter 9, Statutes of 2003

**SB 62 (Local Government) Second Validating Act of 2003.**

Enacts the Second Validating Act of 2003, which validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. **Status:** Chapter 294, Statutes of 2003

**SB 63 (Local Government) Third Validating Act of 2003.**

Enacts the Third Validating Act of 2003, which validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. **Status:** Chapter 295, Statutes of 2003

**SB 83 (Soto) Local agency assessments.**

Authorizes, in addition to taxes, fees and charges, that an "assessment" and schedule of adjustments adopted prior to Proposition 218 can be re-adopted, implemented, and increased within that set range.

**Status:** Vetoed

**SB 93 (Alpert) Counties: real property purchases.**

Revises procedures for purchasing and leasing county property.

**Status:** Chapter 732, Statutes of 2003

**SB 348 (Poochigian) People v. Scott Peterson.**

Authorizes the City of Modesto to be reimbursed for 90% of its costs associated with the homicide trial of People v. Scott Peterson. **Status:** *Read third time. Amended. Re-referred to Assembly Committee on Local Government pursuant to Assembly Rule 77.2. From committee: Do pass as amended, but first amend, and re-refer to Committee on Appropriations. \**

**SB 407 (Torlakson) Local government financing: enterprise special districts: property tax revenue allocations.** Requires enterprise special districts, except hospital and transit districts, that are currently exempt from contributing to ERAF in each county to shift a specified portion of their property tax revenues into ERAF, and repays counties for costs associated with specified statewide elections from the ERAF in each county. **Status:** *In Assembly: Read third time. Refused passage. Motion to reconsider on next legislative day made by Assembly Member Mullin.*

**SB 410 (Aanestad) Educational Revenue Augmentation Fund: counties.**

Clarifies that the reduction in property tax revenues shifted to ERAF in counties with a population of less than 350,000 for fire protection services in the 1993-94 fiscal year is permanent. This change would reverse the audit finding by the State Controller's Office in 2002 that the property tax reduction was authorized only for one year, and that Butte County had improperly carried forward this reduction to subsequent years. **Status:** *In Assembly Appropriations Committee: set, second hearing. Held in committee and under submission.*

**SB 567 (Torlakson) Local ordinances: penalties for violation.**

Increases the fines for violations of city or county building and safety codes determined to be an infraction for the second violation of the same ordinance within one year from \$200 to \$500, and for the third violation of the same ordinance within one year from \$500 to \$1,000. **Status:** Chapter 60, Statutes of 2003

**SB 787 (Battin) Local agency investments.**

Authorizes local agencies to invest temporarily idle funds in asset-backed commercial paper as an eligible security in addition to unsecured commercial paper.

**Status:** Chapter 197, Statutes of 2003

## **LOCAL POWERS AND DUTIES**

**AB 222 (Corbett) California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2004.** Establishes the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2004, authorizing the issuance of \$4.47 billion in bonds for the purpose of financing library construction and renovation, as well as specified youth library services, subject to voter approval. **Status:** *In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 241 (Pacheco) Law enforcement: real estate fraud.**

Increases the membership of the Real Estate Fraud Prosecution Trust Fund Committee to include a fourth member from the law enforcement community.

**Status:** Chapter 46, Statutes of 2003

**AB 281 (Bermudez) Local Agency Public Construction Act: bidder prequalification: notice.**

Make changes to the bidder prequalification form that is required under the Local Agency Public Construction Act: bidder prequalification. **Status:** *In Assembly Local Government Committee: set, second hearing. Hearing canceled at the request of author.*

**AB 312 (Spitzer) Grand juries: final reports.**

Make three significant changes to grand jury proceedings. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 326 (Dutton) Dog license: issuers.**

Authorizes a county board of supervisors or animal control department to allow veterinarians to issue dog licenses, in addition to either or both the county clerk's office and the animal control department. **Status: Chapter 33, Statutes of 2003**

**AB 504 (Yee) Parks and recreation: park and open-space districts: penalties.**

Increases the fines for misdemeanors and infractions resulting from violations of park and open space districts' ordinances, rules and regulations.

**Status: Chapter 106, Statutes of 2003**

**AB 578 (Leno) County recorders: electronic recording.**

Creates the Electronic Recording Delivery System Act of 2003. **Status: In Senate Judiciary Committee: set, first hearing. Hearing canceled at the request of author.**

**AB 589 (Ridley-Thomas) Metropolitan water district: employees.**

Restricts the level of increase in the salary of any employee of the district in the unclassified service so that it does not exceed the highest level of increase, from the preceding fiscal year, in the salary of any employee in the classified service that is determined through collective bargaining. The new requirements for the board of the district established by the bill would impose a state-mandated local program. **Status: In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.**

**AB 920 (Nakano) Real estate disclosures: nuisance: local government.**

Clarifies various disclosures required to be made by sellers of residential property, and would amend disclosure forms to reflect changes in law and practice in the residential real estate industry. **Status: In Senate: Read third time, amended, and re-referred to Committee on Rules.**

**AB 1188 (Cohn) Park and open-space districts.**

Clarify park and open space district laws relating to land conveyances under threat of condemnation, and police officers' powers. **Status: In Assembly Local Government committee: set, first hearing. Hearing canceled at the request of author.**

**AB 1228 (Dutton) Zoning ordinances: radio antennas.**

Requires cities and counties to make a reasonable effort to accommodate amateur radio antennas; and declares that it is the intent of the Legislature in enacting this bill to codify in state law with specified federal regulations relating to amateur radio station facilities.

**Status: Chapter 50, Statutes of 2003**

**AB 1267 (Runner) County design-build contracts.**

Authorizes the County of San Bernardino to use the design-build project delivery method.

**Status: In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.**

**AB 1612 (Kehoe) Public safety funds.**

Require the County of San Diego to earmark \$4.5 million annually from the county Public Safety Augmentation Fund for a regional fire-based helicopter and for reimbursement of emergency fire dispatches. **Status:** *Re-referred to Assembly Appropriations Committee.*

**AB 1695 (Ridley-Thomas) Metropolitan water district: civil service.**

Requires the board of a metropolitan water district to prescribe a system of civil service that, with certain exceptions, includes every officer and employee of the district. Require the district to establish a civil service commission consisting of five members appointed by the board for five-year terms. Require the board to enforce the civil service rules and, by majority vote, to prescribe probationary periods and classifications. The bill would require permanent appointments and promotions to be made in accordance with a general system based on merit ascertained by competitive examination. The bill would authorize a temporary appointment to be made to a position for which there is no employment lists for a period not to exceed nine months in a 12-month period. By establishing these requirements on a metropolitan water district, the bill would impose a state-mandated program.

**Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**SB 66 (Local Government) Local Government Omnibus Act of 2003.**

Makes several minor, non-controversial changes to the laws affecting local agencies' powers and duties. **Status:** Chapter 296, Statutes of 2003

**SB 155 (Scott) Public officers: conflict of interest.**

Creates the fourteenth remote interest exemption to the conflict of interest rule.

**Status:** Chapter 701, Statutes of 2003

**SB 303 (Torlakson) Local agency facilities.**

Clarifies that local agencies may choose an alternative method of compensating developers for public works within community facilities districts.

**Status:** Chapter 55, Statutes of 2003

**SB 392 (Local Government) Local agency assessments.**

Conforms the notification and approval requirements for levying benefit assessments under the Improvement Act of 1911 and the Municipal Improvement Act of 1913 to the requirements of Proposition 218. **Status:** Chapter 194, Statutes of 2003

**SB 570 (Chesbro) Local government.**

Adds Solano County to the existing authority granted to 13 other counties to employ peace officers who are working as custodial officers, and makes changes to county officer duties, and programs. **Status:** Chapter 710, Statutes of 2003

**SB 1068 (Local Government) Controller: annual report.**

Sets publication deadlines for specified local agency reports that are compiled by the State Controller. **Status:** Chapter 126, Statutes of 2003



**SB 1069 (Chesbro) North Coast Railroad Authority: board of directors.**

Creates an exception from the common law doctrine that prohibits an elected local government official from simultaneously holding two incompatible offices for those local government officers that are eligible to be appointed to the North Coast Railroad Authority's board of directors. **Status:** Chapter 11, Statutes of 2003

## **OPEN MEETINGS**

**AB 171 (Cohn) Public records and meetings: health-related entities.**

Provides exemptions from the Public Records Act and the Ralph M. Brown Open Meetings Act for a governing board of a Local Initiative Health Plan to allow the board to meet in closed session to consider and take action on matters pertaining to health plan trade secrets, contracts and contract negotiations by the health plan with health care service providers.

**Status:** Chapter 424, Statutes of 2003

**AB 172 (Nakanishi) Law enforcement funding.**

Authorizes boards of supervisors to hold a public hearing in order to consider and determine submitted requests for frontline law enforcement funding either at a time the board determines, or within 30 days of a request for a hearing by a recipient agency if the county has received the funds from the state.

**Status:** Chapter 377, Statutes of 2003

**AB 1236 (Horton) Open meetings: closed sessions: security information.**

Includes as additional matters that may be considered in closed sessions under these provisions measures proposed or taken, including the deployment of law enforcement personnel, to protect against these threats. **Status:** *Referred to Assembly Local Government Committee.*

**AB 1636 (Kehoe) Open meetings: closed sessions: assessment.**

Provides that, notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to conduct an assessment of its performance in governance, practices and procedures, and ethics, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency. The bill also would provide that a closed session held for this purpose may include a person who will conduct an assessment or provide training related to an assessment. **Status:** *In Assembly Local Government Committee: amend, and be re-referred to the Education Committee. \**

## **SPECIAL DISTRICTS**

**AB 10 (Firebaugh) Los Angeles County Health Authority.**

Authorizes the County of Los Angeles to establish the Los Angeles County Health Authority that would exercise prescribed powers with respect to the provision of health services in the county. The bill would also specify the membership of the authority's board of directors.

**Status:** *In Assembly Health Committee: hearing postponed by committee.*

**AB 148 (Dymally) Municipal water districts.**

Authorizes a district to construct necessary works to achieve groundwater replenishment.

**Status:** *In Assembly Local Government Committee: amended, and re-referred to Rules.*

**AB 157 (Salinas) Pajaro River Watershed Flood Prevention Authority.**

Allows for the appointment of alternate members to the governing board of the Pajaro River

Watershed Flood Prevention Authority. **Status:** *In Assembly Local Government Committee: hearing postponed by committee.*

**AB 474 (Salinas) Districts: record retention.**

Provides special districts with a structure to create their own records management program.

**Status:** *In Senate Local Government Committee: hearing postponed by committee.*

**AB 536 (Calderon) Water replenishment districts.**

Requires a water replenishment district, before building, leasing, purchasing, or contracting for a capital improvement project, to determine the feasibility of such a project by ordering or preparing and reviewing a written cost-benefit analysis based upon reasonable assumptions.

**Status:** *Referred to Assembly Committees on Water, Parks and Wildlife and Local Government: In Water, Parks and Wildlife: set, first hearing. Hearing canceled at the request of author.*

**AB 607 (Plescia) Landscape water conservation.**

Enacts the Landscape Water Conservation Rate Structure Act, and permits a city or county located wholly within the boundaries of one or more water districts that have adopted a landscape water conservation rate structure consistent with this Act to exempt itself from the Water Conservation in Landscaping Act. **Status:** *In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 650 (Plescia) Local government.**

Allows the San Diego County Water Authority to impose liens on those properties that obstruct its rights-of-way, and reduces the membership of the North Bakersfield Recreation and Park District's Board of Directors from seven to five members.

**Status:** Chapter 863, Statutes of 2003

**AB 686 (Houston) Sacramento County sanitation districts: governing body.**

Revises the composition of the above board of directors on January 1, 2004, and, notwithstanding the above provisions or any other provision of law, would provide for the composition of the Board of Directors of the Sacramento Regional County Sanitation District and its voting powers. It would also revise the composition of this regional board of directors on January 1, 2005, or on the date the board of directors notifies the Legislature that construction of a pipeline facility in the unincorporated portion of Yolo County is completed, whichever is later, and would make conforming changes. **Status:** *Referred to Assembly Local Government Committee.*

**AB 706 (Maldonado) Community services districts.**

Authorizes the Los Osos Community Services District to lend money to certain property owners for a specified purpose, and secure the loan by means of a lien, as specified.

**Status:** Chapter 111, Statutes of 2003

**AB 710 (Correa) Orange County Transportation Authority.**

Expands the membership of the Orange County Transportation Authority from 12 members to 18 members, and revises the composition and representation of the board of the authority.

**Status:** *In Senate: Read third time, passage refused. Reconsideration granted.*

**AB 773 (Strickland) Ventura County Transportation Commission.**

Reconstitutes the membership of the Ventura County Transportation Commission. The commission would comprise up to 18 members, consisting of the five members of the Board of Supervisors, one member of each of the 10 incorporated cities in the county, two citizen members (permissive) and one nonvoting member. **Status:** Vetoed

**AB 839 (Salinas) Local government records: recordings: public transit systems.**

Requires transit agencies, when installing new security monitoring systems, to install equipment capable of storing at least one year of recorded images unless specified conditions apply. **Status:** Chapter 564, Statutes of 2003

**AB 867 (Nakano) Controller: penalties.**

Authorizes the State Controller to waive penalties for late filing of specified financial reports by county auditors and financial officers of local agencies upon a satisfactory showing of good cause. **Status:** Chapter 86, Statutes of 2003

**AB 878 (Pavley) Harbor districts.**

Makes financial and administrative changes to harbor district laws.

**Status:** Chapter 389, Statutes of 2003

**AB 944 (Steinberg) Property and business improvement areas: benefit assessments.**

Allows Property and Business Improvement Districts to use bonds to finance public works and levy assessments on business owners to pay for the bonds.

**Status:** Chapter 763, Statutes of 2003

**AB 1051 (Goldberg) Capital facilities fees.**

Authorizes a public agency utility to charge public agency customer's rates or charges on the same basis as comparable nonpublic users, except for "capital facilities fees," which a public agency utility must negotiate with schools, public higher education, and state agencies.

**Status:** Vetoed

**AB 1117 (Cogdill) Mountain Ranch Subdivision Community Services District. \***

Authorizes the Mountain Ranch Subdivision Community Services District to enforce the covenants, conditions, and restrictions within its boundaries. *In Senate Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1125 (Houston) Alameda County Flood Control and Water Conservation District.**  
Clarifies and streamlines the relationship between Zone 7 and the Alameda County Flood Control and Water Conservation District.  
**Status:** Chapter 284, Statute of 2003

**AB 1188 (Cohn) Park and open-space districts.**  
Clarifies park and open space district laws relating to land conveyances under threat of condemnation, and police officers' powers. **Status:** *In Assembly Local Government committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1208 (Cogdill) Conflicts of interest.**  
Creates a new exemption to the definition of "remote interest" for a board member of a landowner voter district, as defined.  
**Status:** Chapter 822, Statutes of 2003

**AB 1385 (Haynes) County water authorities.**  
Requires significant actions taken by the San Diego County Water Authority to be passed by both a weighted vote and a majority vote. **Status:** *In Assembly Local Government Committee: set, second hearing. Hearing canceled at the request of author.*

**AB 1425 (Pacheco) Water service: Paradise Ranch Mobile Home Parks.**  
Extends the boundaries of the Newhall County Water District and the Castaic Lake Water Agency to include the Paradise Ranch Mobile Home Park. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1652 (Nakano) Los Angeles Metropolitan Transportation Authority.**  
Expands the number of members of the Los Angeles Metropolitan Transportation Authority (LACMTA) governing board from 14 to 16 by increasing the number of appointees from the cities in Los Angeles County. **Status:** *In Assembly Appropriations Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1725 (Committee on Agriculture) Table Grape Pest and Disease Control District Law.\***  
Creates the Table Grape Pest and Disease Control District Law. **Status:** *In Senate Committee on Agriculture and Water Resources. From committee chair with author's amendments.*

**SB 10 (Poochigian) Irrigation districts: assessment sales.**  
Repeals the authority for irrigation districts to assign a certificate of sale to a third party in order to recover delinquent assessments, penalties, and costs.  
**Status:** Chapter 120, Statutes of 2003

**SB 149 (McPherson) Monterey Peninsula Water Management District.**  
Changes the powers of the Monterey Peninsula Water Management District board.  
**Status:** *In Assembly Appropriations Committee: set, second hearing. Held in committee and under submission.*

**SB 341 (Local Government) Public Cemetery District Law.**  
Revises and modernizes the state laws governing public cemetery districts.  
**Status: Chapter 57, Statutes of 2003**

**SB 633 (Ashburn) Table Grape Pest and Disease Control District Law.**  
Creates the Table Grape Pest and Disease Control District Law.  
**Status: Chapter 244, Statutes of 2003**

**SB 833 (Machado) Eastern Water Alliance Joint Powers Agency.**  
Authorizes the Eastern Water Alliance Joint Powers Agency to grant funds to a member public agency for purposes of assisting that member public agency in acquiring water under specified conditions and to be granted funds by the San Joaquin County Board of Supervisors; authorizes the JPA to impose an annual plan implementation charge on landowners within its boundaries, and makes other changes to relevant sections of the Water Code.  
**Status: Chapter 740, Statutes of 2003**

**SB 906 (Escutia) Water districts.**  
Makes administrative adjustments to contract procedures for the Water Replenishment District (WRD) of Southern California. **Status: *Read third time. Amended. Re-referred to Committee on Public Employees, Retirement and Social Security pursuant to Assembly Rule 77.2.* \***

**SB 938 (McPherson) Parking and business improvement areas.**  
Authorizes a resolution of intention allowing a 1989 Act Parking and Business Improvement District to levy annual assessments for a period not to exceed five years; Change the date on which a public hearing for a parking and business improvement area must take place to at least 45 days after adoption of the resolution of intention; and (3) adds to the list of information required in the notice to business owners for public meetings and hearings involving adoption of new or increased assessments. **Status: *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.***

**SB 999 (Machado) San Joaquin Valley Unified Air Pollution Control District.**  
Changes the governance structure of the San Joaquin Valley Unified Air Pollution Control District. **Status: *Re-referred to Assembly Appropriations Committee.***

**\* Summary of bill as pertaining to jurisdiction of the Assembly Local Government Committee; bill subsequently amended and subject matter changed.**