NOTICE

LEGISLATIVE COMMITTEE MEETING AND AGENDA

Tuesday, February 5, 2019
1401 Los Gamos Drive Suite 220
San Rafael, California 94903

Appointed Members
Jack Baker (Chair) | Lew Kious (Vice Chair) | Chris Skelton

11:00 AM – Call to Order by Chair Baker

PUBLIC COMMENT
This portion of the meeting is reserved for persons desiring to address the committee on any relevant matter not listed on this agenda. Speakers are limited to three minutes.

BUSINESS ITEMS
The Committee is scheduled to discuss and provide direction on the following items.

1. Approval of November 27, 2018 Meeting Minutes
2. Recommendation of New Policy for Legislative Response
3. Positions on AB 213 and SB 99

ADJOURNMENT

ATTEST:

Jason Fried

_____

Jason Fried
Executive Officer

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Vacant, Public, Public Member
Chris Skelton, Alternate, Public Member

Any writings or documents pertaining to an open session item provided to a majority of the Commission less than 72 hours prior to a regular meeting shall be made available for public inspection at Marin LAFCo Administrative Office, 1401 Los Gamos Drive, Suite 220, San Rafael, CA 94903, during normal business hours.

Pursuant to GC Section 84308, if you wish to participate in the above proceedings, you or your agent are prohibited from making a campaign contribution of $250 or more to any Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCo and continues until 3 months after a final decision is rendered by LAFCo. If you or your agent have made a contribution of $250 or more to any Commissioner during the 12 months preceding the decision, in the proceeding that Commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings. Separately, any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCo office at least three (3) working days prior to the meeting for any requested arraignments or accommodations.

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Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT
February 5, 2019
Item No. 1 (Business)

TO: Legislative Committee

FROM: Candice Bozzard, Commission Clerk

SUBJECT: Approve the November 27, 2018 Legislative Committee Meeting Minutes

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Background

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and establishes standards and processes therein for the public to attend and participate in meetings of local government bodies as well as those local legislative bodies created by State law; the latter category applying to LAFCOs. The "Brown Act" requires – and among other items – public agencies to maintain minutes for all meetings.

Discussion

The draft minutes for the November 27, 2018 Legislative Committee meeting accurately reflect the Committee's actions as recorded by staff and are attached. A copy of the approved meeting minutes are available online.

Staff Recommendation for Action

1. **Staff recommendation** – Approve the draft minutes prepared for the Legislative Committee meeting with any desired corrections or clarifications.
2. Alternative Option - Continue consideration of the item to the next committee meeting and provide direction to staff, as needed.

Attachment:
1) Draft Minutes for November 27, 2018

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DRAFT

LEGISLATIVE COMMITTEE MEETING MINUTES

Tuesday, November 27, 2018
1401 Los Gamos Drive Suite 220
San Rafael, California 94903

Appointed Members
Jack Baker | Lew Kious | Chris Skelton

CALL TO ORDER

Interim Executive Director Jason Fried called the meeting to order at 11:00 AM.

PUBLIC COMMENT

IEO Jason Fried asked if there was any public comment. Having none, public comment was closed.

BUSINESS ITEMS

IEO Jason Fried suggested moving Item 2 to the end of the agenda. Item 2 was moved by consensus, to change the order of the agenda.

1. Election of Committee Chair and Vice Chair

Commissioner Skelton moved to nominate Commissioner Kious as committee Chair and Commissioner Baker as Vice Chair. A friendly amendment was made after Commissioner expressed interest in Chairing the Public/Technical Information Committee. Commissioner Skelton amended the motion.

APPROVED; M/S Commissioners Skelton and Baker to nominate Commissioner Baker as Committee Chair, and Commissioner Kious as Vice Chair.

Ayes: Commissioners Baker, Kious, Skelton
Noes: None
Absent: None
Abstaining: None

Motion was approved 3-0

Commissioner Baker took over Chairing the meeting.

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3. Review of How the Legislative Process Works in Sacramento

a. Informational Review of the CALAFCo Legislative Process Works

IEO Fried gave an overview of the legislative process and discussed "spot bills" and how they work.

IEO Fried asked if the Committee would like to set up policies and procedures to handle legislation when it impacts Marin LAFCo and other LAFCo's across the state.

Commissioner Baker asked how often a bill impacts Marin LAFCo. IEO Fried replied that there is a once a year clean-up bill, and explained that it is customary to give friendly support to other LAFCos.

Commissioner Kious expressed that he would like to see staff track bills that impact special districts.

b. Discussion on the Marin LAFCo Process

Commissioner Kious discussed the authority of the Legislative committee, and would like the committee to have decision making authority without going to the full commission.

Commission Baker asked if there was any public comment on this item. Having none, public comment was closed.

APPROVED; M/S Commissioners Kious and Skelton moved to request from the full Commission authority to draft a policy for legislative matter and to have staff draft this policy to present at the next committee meeting.

Ayes: Commissioners Kious, and Skelton
Noes: Commissioner Baker
Absent: None
Abstaining: None

Motion was approved 2-1

2. Set Calendar for Committee Meetings for 2019

At the Committee Chair's discretion meetings will be kept ad hoc. No meetings were scheduled.

Chair Baker called the meeting adjourned at 11:45 am.

ATTEST:

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Jason Fried
Interim Executive Officer

Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT
February 5, 2019
Item No.2 (Business)

TO: Legislative Committee

FROM: Jason Fried, Executive Officer

SUBJECT: **Review of New Policy for Legislative Response**

Background

The full Commission authorized the Legislative Committee to draft a new policy on how to handle legislative matters as they work through the governmental process. Attached is language drafted by staff to meet the needs of Commission.

Staff Recommendation for Action

1. **Staff recommendation** – Approve the attached policy with any desired corrections or clarifications.
2. Alternative Option - Continue consideration of the item to the next committee meeting and provide direction to staff, as needed.

Attachment:
1) Draft Policy on Legislative Issue.

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Draft Policy on Legislative Issues

Process

Newly introduced or identified legislation is to be reviewed by the Legislative Committee, as it is brought to the attention of staff. The Legislative Committee shall then offer recommendations to the full Commission for approval.

Formal Position on Legislation – LAFCo shall take one of the following positions:

1. **Support** - A position given to bills that the Commission believes are consistent with, or would further Marin LAFCo (or CALAFCO) policy positions or implementation of the Cortese-Knox-Hertzberg Act; would benefit Marin LAFCo (or CALAFCO), and/or reflects good governance principles as public policy.

2. **Neutral** - A position given to bills that have no direct impact upon Marin LAFCo (or CALAFCO) or have been sufficiently amended to remove Marin LAFCo (or CALAFCO) support or opposition, but the sponsor and/or legislative author requests a position from Marin LAFCo (or CALAFCO).

3. **Watch** - A position given to bills that are of interest to Marin LAFCo (or CALAFCO) but do not directly affect Marin LAFCo (or CALAFCO) at that time, including spot bills or two-year bills where the author has indicated that the bill will be amended or the subject area may change to impact Marin LAFCo (or CALAFCO) also known as gut and amend bills. These bills will be tracked but do not warrant taking a position at that time.

4. **Oppose** - A position given to bills or propositions that the Commission believes would be detrimental to the policy position of Marin LAFCo (or CALAFCo) or to good governance principles as public policy.

5. **Support/Oppose Unless amended** - A position given to bills for which a support or oppose position could be taken if amendments were made to address identified concerns of the Commission. This may include changing a previously stated Marin LAFCo (or CALAFCO) position. This position can be changed by the Executive Director if identified amendments are presented and accepted by the legislator. Timeliness is usually important in responding to requests on these types of bills.

6. **No Position** - A position given to bills that either are of interest to or have an impact on Marin LAFCo (or CALAFCO) for which no adopted position is possible and for which there is a clear lack of consensus amongst the Commission on the appropriate position. This may include situations in which a substantive number of Commissioners have divergent positions or policy issues of concern with proposed legislation and no final consensus position is possible.

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7. **Alignment with CALAFCO** - A position that for bills that have impact on Marin LAFCo but where CALAFCO has taken a position and Marin LAFCo wishes to be supportive other LAFCos across the state. As the legislative process moves forward the Executive Officer shall send in letters in support of the CALAFCO position as requested by CALAFCO. Should CALAFCO change positions then Marin LAFCo shall automatically change position to mirror CALAFCO.

Resource Priorities

Given the limited resources of Marin LAFCo any bill that the Commission takes action on shall be given one of the following priorities:

Priority 1 - Bills have major importance and a direct impact on Marin LAFCo. These bills receive primary attention and comprehensive advocacy by the Executive Officer and Commissioners. Such advocacy may include letters of position, testimony in policy committees, contact with legislators, and grassroots mobilization to members of the legislator. This level requires the most resource commitment.

Priority 2 – Bills have a significant impact on or are of interest to Marin LAFCo; may set a policy precedent or have impact relevant to the mission of Marin LAFCo, or have a major importance to a CALAFCO member or group of members or constituents. These bills receive position letters and testimony to policy committees as time permits or upon request of the author or sponsor.

Priority 3 – Bills have an interest to Marin LAFCo (or CALAFCO) but are deemed to be of a lower priority as to time and effort resources for advocacy. If requested by a member or stakeholder, Marin LAFCo will send a position letter but will not testify unless unusual circumstances arise and if time allows. All bills where the Commission has taken an alignment with CALAFCO position, and by default be a Priority 3 bill.

Time Sensitive Situations

In the absence of a timely meeting by the Committee or Commission, the
Executive Officer may take a position or change a previously taken position on a bill with the concurrence of Committee Chair. The Committee and Board shall be informed of such an action as soon as practically possible to ensure the Committee and Board have up to date information on the legislative positions. Such decisions should be made only when deemed necessary due to urgent issues or circumstances, and when consideration and a vote of the Committee and/or Board is not possible due to the timeliness of the actions occurring in Sacramento.

Marin Local Agency Formation Commission

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AGENDA REPORT
February 5, 2019
Item No.3 (Business)

TO: Legislative Committee

FROM: Jason Fried, Executive Officer

SUBJECT: **Positions on AB 213 and SB 99**

Background

As of January 31, 2019, CALAFCO has taken positions on two bills AB 213 and SB 99 (see attachments for highlights of each bill). CALAFCO position on both bills right now is to watch.

Commissioner McEntee has asked if Marin LAFCo could support the League of Cities and support AB 213.

Should the Committee today and the Commission on February 14, 2019, adopt the new policy section for legislative matters, then it is staff's suggestion to take the "Alignment with CALFCO" position on both bills as currently neither bill directly impacts Marin LAFCo.

Staff Recommendation for Action

1. **Staff recommendation** – Take the "Alignment with CALFCO" position on AB 213 and SB 99.

2. Alternative Option - Continue consideration of the item to the next committee meeting and provide direction to staff, as needed.

Attachment:
1) CALAFCO Legislative Report.

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CALAFCO Daily Legislative Report
as of Thursday, January 31, 2019

2

AB 213 (Reyes D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 1/15/2019 html pdf

Introduced: 1/15/2019

Status: 1/16/2019-From printer. May be heard in committee February 15.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would, for the 2019–20 fiscal year, require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2018–19 fiscal year, the product of that sum and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2018–19 fiscal year to the 2018–19 fiscal year, and the product of the amount of specified motor vehicle license fee revenues that the Controller allocated to the applicable city in July 2010 and 1.17.

Position: Watch

Subject: Tax Allocation

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for inhabited annexations. This bill is the same as AB 2268 (Reyes) from last year.

SB 99 (Nielsen R) Agricultural land.

Current Text: Introduced: 1/10/2019 html pdf

Introduced: 1/10/2019

Status: 1/24/2019-Referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The California Land Conservation Act of 1965, also known as the Williamson Act, authorizes a city or county to contract with a landowner to limit the use of agricultural land located in an agricultural preserve designated by the city or county. Current law requires the Department of Conservation to submit a report to the Legislature on or before May 1 of every other year regarding the implementation of the Williamson Act.This bill would make nonsubstantive changes to that provision.

Position: Watch

Subject: Ag Preservation - Williamson

CALAFCO Comments: This is a spot bill.

Total Measures: 2
Total Tracking Forms: 2