



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

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CONSENT
August 9, 2007

Honorable Members of the
Law and Legislation Committee

**Title: Legislative Position: Support Assembly Bill 930 Sacramento Area Flood
Control Agency**

Location/Council District: Citywide

Recommendation: Staff recommends that the Law and Legislation Committee adopt a support position on AB 930.

Contact: Dave Brent, Engineering Manager, (916) 808 -1420.

Presenters: N/A

Department: Utilities

Division: Administration

Organization No: 3311

Description/Analysis

Issue: The Sacramento Area Flood Control Agency Act grants to the Sacramento Area Flood Control Agency, which is an agency created pursuant to a joint exercise of powers agreement, the authority to impose assessments or special taxes, and issue bonds, to finance projects in accordance with specified laws. "Project" is defined for the purposes of the act to mean the acquisition, construction, or operation of any flood control facility authorized under the agreement, and not inconsistent with the act, including the acquisition of rights-of-way.

AB 930, sponsored by SAFCA, would expand that definition to include the acquisition of easements. The bill would require that the acquisition of rights-of-way and easements outside of the agency's boundaries be consistent with applicable county plans and the State Plan of Flood Control. The bill would provide that nothing in the act authorizes the agency to exercise the power of eminent domain outside its boundaries, alters the existing powers granted to

members of the agreement, or precludes the acquisition of time-limited easements.

Policy Considerations: AB 930 is consistent with the flood principles the Mayor and City Council adopted last year. When used in conjunction with capital improvement projects, up stream flood easements and other nonstructural flood control projects provide an important and cost-effective tool for the Sacramento Area Flood Control Agency to use to augment the Sacramento region's system of flood protection.

Environmental Considerations: None

Rationale for Recommendation: This bill will provide SAFCA with a cost-effective tool to augment the Sacramento region's system of dams, levees, and existing bypasses. Taken together, structural and nonstructural flood control improvements will facilitate the development of a system-wide flood control network, one that is sustainable in terms of its longevity, flexibility and resiliency.

There is no registered opposition to AB 930.

Financial Considerations: None.

Emerging Small Business Development (ESBD): None.

Respectfully Submitted by: 
for Dave Brent, Engineering Manager

Approved by: 
Gary Reents, Director of Utilities

Recommendation Approved:

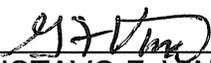

GUSTAVO F. VINA
Assistant City Manager

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Attachment 1

August 9, 2007

The Honorable Dave Jones
California State Assembly
State Capitol, Room 3146
Sacramento, CA 94249-0009
ATTN: Legislative Director

Subject: Support AB 930 – Sacramento Flood Control Agency: projects

Dear Assembly Member Jones,

On behalf of the City of Sacramento, I am please to write in support of AB 930. This bill will provide SAFCA with a cost-effective tool to augment the Sacramento region's system of dams, levees, and existing bypasses. Taken together, structural and nonstructural flood control improvements will facilitate the development of a system-wide flood control network, one that is sustainable in terms of its longevity, flexibility and resiliency.

Thank you for introducing this important piece of legislation.

Sincerely,

SANDY SHEEDY, Chair
Law and Legislation Committee

cc: Senator Darrell Steinberg
Senator Dave Cox
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Mayor Fargo and Members of the City Council
David Jones, Emanuels and Jones and Associates

AMENDED IN SENATE JULY 2, 2007

AMENDED IN ASSEMBLY JUNE 4, 2007

AMENDED IN ASSEMBLY APRIL 17, 2007

AMENDED IN ASSEMBLY MARCH 26, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 930

Introduced by Assembly Member Jones

February 22, 2007

An act to amend ~~Section 34~~ *Sections 34 and 155* of the Sacramento Area Flood Control Agency Act (Chapter 510 of the Statutes of 1990), relating to flood management.

LEGISLATIVE COUNSEL'S DIGEST

AB 930, as amended, Jones. Sacramento Area Flood Control Agency: projects.

The Sacramento Area Flood Control Agency Act grants to the Sacramento Area Flood Control Agency, which is an agency created pursuant to a joint exercise of powers agreement, the authority to impose assessments or special taxes, and issue bonds, to finance projects in accordance with specified laws. "Project" is defined for the purposes of the act to mean the acquisition, construction, or operation of any flood control facility authorized under the agreement, and not inconsistent with the act, including the acquisition of rights-of-way.

This bill would expand that definition to include the acquisition of easements. The bill would require that the acquisition of rights-of-way and easements outside of the agency's boundaries be consistent with applicable county plans and the State Plan of Flood Control. The bill

would provide that nothing in the act authorizes the agency to exercise the power of eminent domain outside its boundaries, alters the existing powers granted to members of the agreement, or precludes the acquisition of time-limited easements.

The existing act requires revenues derived from fees prescribed pursuant to its provisions for any area to only be used for flood control projects within that area.

This bill would instead require revenues derived from those fees for any are to only be used for flood control projects that protect that area.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares both of the
- 2 following:
- 3 (a) The top priority of the Sacramento Area Flood Control
- 4 Agency should be to undertake and complete the capital
- 5 improvement projects that serve as the backbone of the Sacramento
- 6 area flood control network.
- 7 (b) When used in conjunction with these capital improvement
- 8 projects, easements and other nonstructural flood control projects
- 9 provide ~~an~~ important and cost-effective ~~tool~~ tools for the
- 10 Sacramento Area Flood Control Agency to use to augment the
- 11 Sacramento region's system of flood protection.
- 12 SEC. 2. Section 34 of the Sacramento Area Flood Control
- 13 Agency Act (Chapter 510 of the Statutes of 1990) is amended to
- 14 read:
- 15 Sec. 34. (a) "Project" means the acquisition, construction,
- 16 maintenance, or operation of any flood control facility authorized
- 17 under the agreement and not inconsistent with this act, including,
- 18 but not limited to, acquisition of rights-of-way and easements and
- 19 payment of incidental expenses.
- 20 (b) Nothing in this section, or any other provision of this act,
- 21 authorizes the agency to exercise the power of eminent domain
- 22 outside its boundaries.
- 23 (c) Participation in a project includes making payments or other
- 24 contributions pursuant to any contract entered into with another
- 25 governmental agency that requires the other governmental agency
- 26 to perform work on a project.

1 (d) The acquisition of rights-of-way and easements outside of
2 the agency's boundaries shall be consistent with applicable county
3 plans and the State Plan of Flood Control.

4 (e) This section does not alter the existing powers granted to
5 members of the agreement.

6 (f) This section does not preclude the acquisition of time-limited
7 easements.

8 *SEC. 3. Section 155 of the Sacramento Area Flood Control*
9 *Agency Act (Chapter 510 of the Statutes of 1990) is amended to*
10 *read:*

11 Sec. 155. Revenues derived from fees prescribed pursuant to
12 this chapter for any area may be used only for the acquisition,
13 engineering, design, construction, reconstruction, maintenance, or
14 operation of flood control projects ~~within~~ *that protect* that area, or
15 used to pay the debt service on, or reduce the principal of, any
16 bonded indebtedness of that area.

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ATTACHMENT 3

SENATE RULES COMMITTEE	AB 930
Office of Senate Floor Analyses	
1020 N Street, Suite 524	
(916) 651-1520 Fax: (916)	
327-4478	

THIRD READING

Bill No: AB 930
 Author: Jones (D)
 Amended: 7/2/07 in Senate
 Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE : 8-0, 7/10/07
 AYES: Steinberg, Margett, Cogdill, Hollingsworth, Kehoe,
 Kuehl, Machado, Migden

ASSEMBLY FLOOR : 65-8, 6/6/07 - See last page for vote

SUBJECT : Sacramento Area Flood Control Agency: projects

SOURCE : Sacramento Area Flood Control Agency

DIGEST : This bill expands the definition of projects to include the acquisition of easements, as it relates to the Sacramento Area Flood Control Agency.

ANALYSIS : Existing law expands the definition of projects to include the acquisition of easements, as it relates to the Sacramento Area Flood Control Agency among other things, is authorized to levy assessments, reassessments, or special taxes and issue bonds to finance projects. "Projects" are defined as the acquisition, construction, maintenance, or operation of flood control facilities including, but not limited to, acquisition of right-of-way and payment of incidental expenses.

This bill expands the definition of "projects" to include
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the acquisition of easements, as it relates to the SAFCA. Additionally this bill:

1. Clarifies SAFCA power of eminent domain as limited to the agency's boundaries, and requiring consistency with applicable county plans and the State Plan of Flood Control.
2. Clarifies that SAFCA members retain their existing powers and that SAFCA may acquire time-limited easements.
3. Makes legislative findings regarding SAFCA's priorities and the value of flood easements and other nonstructural flood control projects.

Comments

According to the Assembly Floor analysis, SAFCA stands at the center of the debate over how to improve flood protection for Sacramento and neighboring communities, although its boundaries extend only to the southern section of Sutter County and all of Sacramento County (i.e., not Yolo County). One key flood protection tool may be acquisition of upstream flood easements, in order to create flood bypasses that shunt flood water off the stream and reduce stress on Sacramento levees.

This bill clarifies the limits of SAFCA's eminent domain powers as limited to the agency's jurisdiction. Although this provision may not be technically necessary, it is intended to reassure neighboring communities that SAFCA has no intention of forcibly acquiring flood easements outside SAFCA, which could shift the burden of Sacramento's flood protection to other communities.

This bill's authorization for acquisition of flood easements will support SAFCA pursuing non-structural flood protection alternatives (e.g., flood bypasses) but with some limitations. By allowing SAFCA projects to include easements, the agency may acquire less than full title to lands that could provide flood protection to Sacramento.

FISCAL EFFECT : Appropriation: No Fiscal Com.: No

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Local: No

SUPPORT : (Verified 7/11/07)

Sacramento Area Flood Control Agency (source)

ARGUMENTS IN SUPPORT : According to the sponsor, "SAFCA's top priority is its aggressive program of capital improvements. However, nonstructural flood control projects (e.g., flowage easements and rights of way) provide cost-effective tools for SAFCA to use to augment the Sacramento region's system of dams, levees, and existing bypasses. Taken together, structural and nonstructural flood control improvements facilitate the development of a system-wide flood control network, one that is sustainable in terms of its longevity, flexibility and resiliency."

"SAFCA has been in dialogue with its neighboring local governments regarding the possibility of seeking a unified and cost-effective range of non-structural flood control improvements that could be pursued along with the authorized flood control projects that are the backbone of the capital's flood control network. In order to avoid litigation over whether SAFCA does indeed possess the appropriate extra-territorial authority, SAFCA would like to clearly state so in its Act."

ASSEMBLY FLOOR :

AYES: Adams, Aghazarian, Arambula, Bass, Beall, Benoit, Berg, Berryhill, Blakeslee, Brownley, Caballero, Charles Calderon, Carter, Cook, Coto, De La Torre, De Leon, DeSaulnier, Dymally, Emmerson, Eng, Evans, Feuer, Fuentes, Galgiani, Garcia, Garrick, Hancock, Hayashi, Hernandez, Horton, Houston, Huff, Huffman, Jones, Karnette, Krekorian, Laird, Leno, Levine, Lieber, Lieu, Ma, Mendoza, Mullin, Nakanishi, Nava, Niello, Parra, Plescia, Portantino, Price, Richardson, Ruskin, Salas, Saldana, Silva, Smyth, Solorio, Strickland, Swanson, Torrico, Tran, Wolk, Nunez

NOES: Anderson, DeVore, Fuller, Gaines, La Malfa, Maze, Spitzer, Villines

NO VOTE RECORDED: Davis, Duvall, Jeffries, Keene, Sharon

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Runner, Soto, Walters

CTW:do 7/12/07 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** END ****