



**Local Agency
Formation Commission
of Santa Clara County**

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

Rich Constantine
Susan Ellenberg
Sergio Jimenez
Yoriko Kishimoto
Linda J. LeZotte
Mike Wasserman
Susan Vicklund Wilson

Alternate Commissioners

Helen Chapman
Cindy Chavez
Matt Mahan
Russ Melton
Terry Trumbull

Executive Officer
Neelima Palacherla

**REGULAR MEETING
JUNE 1, 2022 ▪ 1:15 PM
AGENDA**

Chairperson: Rich Constantine ▪ Vice-Chairperson: Mike Wasserman

***** BY VIRTUAL TELECONFERENCE ONLY *****

Pursuant to Government Code section 54953(e), this meeting will be held by teleconference only because the Governor has issued a state of emergency due to COVID-19 and the County Health Officer recommends public bodies continue to meet remotely. No physical location will be available for this meeting. However, members of the public will be able to access and participate in the meeting.

PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS

PUBLIC ACCESS

Members of the public may access and watch a livestream of the meeting on Zoom at <https://sccgov-org.zoom.us/j/94087410208>. Alternately, the public may listen in to the meeting by dialing (669) 219-2599 and entering **Meeting ID 94087410208#** when prompted.

WRITTEN PUBLIC COMMENTS may be submitted by email to LAFCO@ceo.sccgov.org. Written comments will be distributed to the Commission as quickly as possible. Please note that documents may take up to 24 hours to be posted to the agenda on the LAFCO website.

SPOKEN PUBLIC COMMENTS will be accepted through the teleconference meeting. To address the Commission, click on the link <https://sccgov-org.zoom.us/j/-094087410208> to access the Zoom-based meeting.

1. You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Chairperson calls for the item on which you wish to speak, click on "raise hand" icon. The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak. (Call in attendees press *9 to request to speak, and *6 to unmute when prompted.)
3. When called, please limit your remarks to the time limit allotted.

NOTICE TO THE PUBLIC

1. Pursuant to Government Code §84308, no LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party, or his/her agent; or any participant or his /or her agent, while a LAFCO proceeding is pending, and for three months following the date a final decision is rendered by LAFCO. Prior to rendering a decision on a LAFCO proceeding, any LAFCO commissioner who received a contribution of more than \$250 within the preceding 12 months from a party or participant shall disclose that fact on the record of the proceeding. If a commissioner receives a contribution which would otherwise require disqualification returns the contribution within 30 days of knowing about the contribution and the proceeding, the commissioner shall be permitted to participate in the proceeding. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$250 within the preceding 12 months by the party, or his or her agent, to a LAFCO commissioner. For forms, visit the LAFCO website at www.santaclaralafco.org. No party, or his or her agent and no participant, or his or her agent, shall make a contribution of more than \$250 to any LAFCO commissioner during the proceeding or for 3 months following the date a final decision is rendered by LAFCO.
2. Pursuant to Government Code Sections 56100.1, 56300, 56700.1, 57009 and 81000 et seq., any person or combination of persons who directly or indirectly contribute(s) a total of \$1,000 or more or expend(s) a total of \$1,000 or more in support of or in opposition to specified LAFCO proposals or proceedings, which generally include proposed reorganizations or changes of organization, may be required to comply with the disclosure requirements of the Political Reform Act (See also, Section 84250 et seq.). These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. More information on the scope of the required disclosures is available at the web site of the FPPC: www.fppc.ca.gov. Questions regarding FPPC material, including FPPC forms, should be directed to the FPPC's advice line at 1-866-ASK-FPPC (1-866-275-3772).
3. Pursuant to Government Code §56300(c), LAFCO adopted lobbying disclosure requirements which require that any person or entity lobbying the Commission or Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. In addition to submitting a declaration, any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them. Additionally, every applicant shall file a declaration under penalty of perjury listing all lobbyists that they have hired to influence the action taken by LAFCO on their application. For forms, visit the LAFCO website at www.santaclaralafco.org.
4. Any disclosable public records related to an open session item on the agenda and distributed to all or a majority of the Commissioners less than 72 hours prior to that meeting are available for public inspection at the LAFCO Office, 777 North First Street, Suite 410, San Jose, California, during normal business hours. (Government Code §54957.5.)
5. In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the LAFCO Clerk 24 hours prior to the meeting at (408) 993-4705.

1. ROLL CALL

2. PUBLIC COMMENTS

This portion of the meeting provides an opportunity for members of the public to address the Commission on matters not on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No action may be taken on off- agenda items unless authorized by law. Speakers are limited to THREE minutes. All statements that require a response will be referred to staff for reply in writing.

3. APPROVE CONSENT CALENDAR

The Consent Calendar includes Agenda Items marked with an asterisk (*). The Commission may add to or remove agenda items from the Consent Calendar. All items that remain on the Consent Calendar are voted on in one motion. If an item is approved on the Consent Calendar, the specific action recommended by staff is adopted. Members of the public who wish to address the Commission on Consent Calendar items should comment under this item.

***4. APPROVE MINUTES OF APRIL 6, 2022 LAFCO MEETING**

***5. RESOLUTION 2022-08 ALLOWING FOR VIDEO AND TELECONFERENCE MEETINGS DURING COVID-19 STATE OF EMERGENCY UNDER GC §54953(e)**

Recommended Action: Adopt Resolution No. 2022-08 allowing for video and teleconferencing meetings during COVID-19 State of Emergency under GC §54953(e).

PUBLIC HEARING

6. FINAL BUDGET FOR FY 2023

Recommended Action

1. Adopt the Final Budget for Fiscal Year 2022-2023.
2. Find that the Final Budget for Fiscal Year 2023 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
3. Authorize staff to transmit the Final Budget adopted by the Commission including the estimated agency costs to the cities, the special districts, the County, the Cities Association of Santa Clara County and the Santa Clara County Special Districts Association.
4. Direct the County Auditor-Controller to apportion LAFCO costs to the cities; to the special districts; and to the County; and to collect payment pursuant to Government Code §56381.

ITEMS FOR ACTION / INFORMATION

7. UPDATE ON COUNTYWIDE FIRE SERVICE REVIEW: NEW CONSULTANT AND NEXT STEPS

Recommended Action: Accept report and provide direction, as necessary.

8. EXECUTIVE OFFICER'S REPORT

Recommended Action: Accept report and provide direction, as necessary.

8.1 Update on County's Classification Study for LAFCO**8.2 Meetings with County Planning on Housing Element Update****8.3 Meetings on Potential Monte Sereno Island Annexations****8.4 Inquiries on Lion's Gate Community Services District and Cordevalle Subdivision****8.5 Joint Venture Silicon Valley's 2022 State of the Valley Conference****8.6 Special Districts Association Meeting****8.7 Santa Clara County Association of Planning Officials Meeting****8.8 Inter-Jurisdictional GIS Working Group Meetings****8.9 Public Records Act Request****9. CALAFCO RELATED ACTIVITIES****9.1 2022 CALAFCO Annual Conference (October 19 – 21)**

Recommended Action: Authorize commissioners and staff to attend the Annual Conference and direct that associated travel expenses be funded by the LAFCO Budget for Fiscal Year 2023.

9.2 CALAFCO Quarterly Newsletter

For information only.

10. LEGISLATIVE REPORT – UPDATE AND POSITION LETTER**Recommended Action**

1. Accept report and provide direction to staff, as necessary.
2. Take a support position on SB 938 and authorize LAFCO staff to send a letter of support signed by the LAFCO Chair.

11. PENDING APPLICATIONS / UPCOMING PROJECTS**11.1 Gilroy Urban Service Area Amendment 2021 – Wren Investors and Hewell****12. COMMISSIONER REPORTS****13. NEWSPAPER ARTICLES / NEWSLETTERS**

14. WRITTEN CORRESPONDENCE

15. ADJOURN

Adjourn to the regular LAFCO meeting on August 3, 2022 at 1:15 PM in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.



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ITEM # 4

**LAFCO MEETING MINUTES
WEDNESDAY, APRIL 6, 2022**

CALL TO ORDER

The meeting was called to order at 1:15 p.m.

Pursuant to the provisions of California Governor's Executive Order N-29-20 issued on March 17, 2020, this meeting was held by teleconference only.

1. ROLL CALL

The following commissioners were present:

- Chairperson Rich Constantine
- Commissioner Ellenberg
- Commissioner Sergio Jimenez
- Commissioner Yoriko Kishimoto
- Commissioner Linda J. LeZotte
- Commissioner Mike Wasserman
- Commissioner Susan Vicklund Wilson
- Alternate Commissioner Helen Chapman (arrived at 1:18 p.m.)
- Alternate Commissioner Russ Melton
- Alternate Commissioner Terry Trumbull

The following commissioners were absent:

- Alternate Commissioner Cindy Chavez
- Alternate Commissioner Matt Mahan

The following staff members were present:

- Neelima Palacherla, LAFCO Executive Officer
- Dunia Noel, LAFCO Assistant Executive Officer
- Emmanuel Abello, LAFCO Clerk
- Mala Subramanian, LAFCO Counsel

2. WELCOME NEW COMMISSIONER

Chairperson Constantine welcomed Commissioner Linda J. LeZotte to LAFCO.

3. PUBLIC COMMENTS

There were none.

4. **APPROVE CONSENT CALENDAR**

Chairperson Constantine informed that agenda items 5 and 6 are on the consent calendar. **Commissioner Wasserman** proposed to add agenda items 8, 10 and 13, and **Commissioner Ellenberg** seconded. Ms. Subramanian advised that items 8 and 10 have been noticed for public hearing. **Commissioner Wasserman** amended his motion. **Commissioner LeZotte** encouraged members to notify the Chairperson before the meeting for any changes to the consent calendar. **Commissioner Wilson** proposed to add Agenda Item 12 on consent, but the Chairperson noted that there may be members of the public who are interested to hear a discussion on that item.

Chairperson Constantine determined that there are no members of the public who would like to speak on the item.

The Commission approved agenda items 5, 6 and 13 on consent.

Motion: Wasserman

Second: Ellenberg

AYES: Constantine, Ellenberg, Jimenez, LeZotte, Kishimoto, Wasserman, Vicklund
Wilson

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

*5. **CONSENT ITEM: APPROVE MINUTES OF FEBRUARY 2, 2022 LAFCO MEETING**

The Commission approved the minutes of February 2, 2022 meeting.

*6. **CONSENT ITEM: RESOLUTION 2022-03 ALLOWING FOR VIDEO AND TELECONFERENCE MEETINGS DURING COVID-19 STATE OF EMERGENCY UNDER AB 361**

The Commission adopted Resolution No. 2022-03 allowing for video and teleconferencing meetings during COVID-19 State of Emergency under AB 361.

7. **LAWRENCE EXPRESSWAY-MITTY WAY URBAN SERVICE AREA / SPHERE OF INFLUENCE AMENDMENT AND REORGANIZATION 2022**

Ms. Noel presented the staff report.

Commissioner LeZotte moved for approval, and informed that she represented the area on San Jose City Council and that property has been an impediment to building a trail from Bollinger Road to Steven Creek Boulevard. **Commissioner Kishimoto** seconded. **Chairperson Constantine** encouraged members to hold their comments until after the members of the public have spoken unless they have questions for staff.

This being the time and place for the public hearing, **Chairperson Constantine** declared the public hearing open.

Chad Mosley, City Engineer and Assistant Director of Public Works, City of Cupertino, offered to answer questions from the Commission.

Chairperson Constantine determined that there are no other speakers from the public and closed the public hearing.

Commissioner Kishimoto expressed agreement with Commissioner LeZotte.

The Commission:

CEQA Action

As a Responsible Agency under the California Environmental Quality Act (CEQA), determine that the proposal is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment.

Project Action

1. Approved the urban service area (USA) and sphere of influence (SOI) amendment for the cities of Cupertino and San Jose and adopted the SOI determinations.
2. Approved the detachment of approximately 7.91 acres of land (APNs: 375-21-001 and 375-22-001), located west of Lawrence Expressway, from the City of San Jose; and approved its concurrent annexation to the City of Cupertino, conditioned on receiving the County Surveyor-approved legal description and map for the reorganization.
3. Approved the amendment of the Santa Clara County Central Fire Protection District's sphere of influence to include APNs: 375-21-001 and 375-22-001 and adopted the SOI determinations.
4. Approved the annexation of APNs 375-21-001 and 375-22-001 to the Santa Clara County Central Fire Protection District, conditioned on receiving the County Surveyor-approved legal description and map for the annexation.
5. Waived protest proceedings pursuant to Government Code §56662(a).

Motion: LeZotte

Second: Kishimoto

AYES: Constantine, Ellenberg, Jimenez, LeZotte, Kishimoto, Wasserman, Vicklund
Wilson

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

8. WEST BAY SANITARY DISTRICT 2022-01 (ALPINE ROAD)

Dunia Noel, LAFCO Analyst, presented the staff report.

This being the time and place for the public hearing, **Chairperson Constantine** declared the public hearing open, determined that there are no speakers from the public and closed the public hearing.

The Commission:

Forwarded the following recommendation to the San Mateo Local Agency Formation Commission for its consideration:

CEQA Action

As a Responsible Agency under CEQA, LAFCO has taken the following actions regarding the Mitigated Negative Declaration (MND) for this project:

1. Found that the Initial Study and Mitigated Negative Declaration approved by the County of Santa Clara on February 11, 2021 were completed in compliance with CEQA and are an adequate discussion of the environmental impacts of the project.
2. Found that prior to making a decision on this project, LAFCO reviewed and considered the environmental effects of the project as outlined in the Initial Study and MND.
3. Found that a mitigation monitoring program was approved by the County of Santa Clara as Lead Agency and the monitoring program ensures compliance with the mitigation measures identified in the MND that would mitigate or avoid significant impacts associated with the sphere of influence amendment and reorganization, over which LAFCO has responsibility.

Project Action

4. Approved amendment of the West Bay Sanitary District's sphere of influence (SOI) to include Assessor Parcel Number 142-15-008, as shown in Attachment A, and adopted the SOI determinations.
5. Approved the annexation of approximately 4.15 acres of land (APN 142-15-008), located at 3343 Alpine Road, to the West Bay Sanitary District, as described in Attachment C (Exhibits A & B).
6. Waived protest proceedings pursuant to Government Code §56662(a).

Motion: Wasserman

Second: Jimenez

AYES: Constantine, Ellenberg, Jimenez, LeZotte, Kishimoto, Wasserman, Vicklund
Wilson

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

9. PROPOSED WORK PLAN AND BUDGET FOR FY 2023

Ms. Palacherla expressed her appreciation to Commissioner Jimenez and Alternate Commission Melton for their work on the work plan and proposed LAFCO budget for FY 2023. Ms. Palacherla then presented the staff report.

In response to an inquiry by **Commissioner Ellenberg**, Ms. Palacherla advised that as part of the Commission's direction at the February 2022 meeting, staff will work with the County before the current lease expires. In response to **Commissioner Ellenberg**, Ms. Palacherla informed that the County is processing the classification

and staffing study and staff is working through issues, and that it may be completed in the next few months. When completed, staff will report back to the Ad-hoc Committee and the full Commission. In response to a further inquiry by **Commissioner Ellenberg**, Ms. Palacherla informed that LAFCO has no other significant source of revenue aside from the application fees although a few other LAFCOs may have some minor revenue sources. **Commissioner Ellenberg** noted that LAFCO has a solid and responsible budget, and that she is interested on how to build a reserve when needed.

This being the time and place for the public hearing, **Chairperson Constantine** declared the public hearing open, determined that there are no speakers from the public and closed the public hearing.

Commissioner Wasserman moved for approval. **Commissioner Kishimoto** seconded, and she expressed appreciation to Commissioner Jimenez and Alternate Commissioner Melton for their work on the budget. **Chairperson Constantine** expressed agreement.

The Commission:

1. Adopted the Proposed Work Plan for Fiscal Year 2022-2023.
2. Adopted the Proposed Budget for Fiscal Year 2022-2023.
3. Found that the Proposed Budget for Fiscal Year 2023 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
4. Authorized staff to transmit the Proposed Budget adopted by the Commission including the estimated agency costs as well as the LAFCO public hearing notice for the adoption of the Fiscal Year 2023 Final Budget to the cities, the special districts, the County, the Cities Association of Santa Clara County and the Santa Clara County Special Districts Association.

Motion: Wasserman

Second: Kishimoto

AYES: Constantine, Ellenberg, Jimenez, LeZotte, Kishimoto, Wasserman, Vicklund
Wilson

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

10. DISSOLUTION OF INACTIVE SPECIAL DISTRICT – COUNTY SERVICE AREA FOR LIBRARY SERVICES (CSA-1)

Ms. Noel presented the staff report.

This being the time and place for the public hearing, **Chairperson Constantine** declared the public hearing open, determined that there are no speakers from the public and closed the public hearing.

Commissioner Wasserman moved for approval and **Commissioner Kishimoto** seconded.

The Commission:

CEQA Action

1. As Lead Agency under CEQA, determined that the proposed dissolution of County Service Area for Library Services (CSA-1) is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines §15061(b)(3).

Project Action

2. Adopted Resolution No. 2022-06 approving dissolution of County Service Area for Library Services (CSA-1).

Motion: Wasserman

Second: Kishimoto

AYES: Constantine, Ellenberg, Jimenez, LeZotte, Kishimoto, Wasserman, Vicklund
Wilson

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

11. LAFCO BYLAWS CHANGES & NEW LEGISLATIVE POLICIES

Ms. Noel presented the staff report.

This being the time and place for the public hearing, **Chairperson Constantine** declared the public hearing open, determined that there are no speakers from the public and declared the public hearing closed.

Commissioner Wasserman moved for approval and **Commissioner Ellenberg** seconded.

The Commission:

1. Amended the LAFCO Bylaws to include new policies for:
 - a. Communicating a Position on Proposed Legislation of Relevance to LAFCO
 - b. Providing Written Comments on Documents or Projects of Relevance to LAFCO
2. Adopted new Legislative Policies to guide LAFCO's actions related to legislative matters.

Motion: Wasserman

Second: Ellenberg

AYES: Constantine, Ellenberg, Jimenez, LeZotte, Kishimoto, Wasserman, Vicklund
Wilson

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

12. INFORMAL COMPETITIVE PROCUREMENT PROCESS FOR OBTAINING PROFESSIONAL SERVICES TO PREPARE A COUNTYWIDE FIRE SERVICE REVIEW AND BACKGROUND ON TERMINATION OF PREVIOUS CONTRACT

Ms. Palacherla presented the staff report.

Chairperson Constantine indicated that he did not want this item on consent so it is out in the open and the public will understand what is being done for this important study.

Chairperson Constantine determined that there are no speakers from the public on the item.

Commissioner Kishimoto moved for approval of the staff recommendations and **Commissioner Wilson** seconded. **Commissioner Kishimoto** noted that as the Chairperson of the Technical Advisory Committee she was aware of the difficult process with the former consultant. She acknowledged the hard work that EO Palacherla put in to make the study work the first time, and expressed hope for a good product now.

The Commission:

1. Approved the utilization of an Informal Competitive Procurement (ICP) process to seek a proposal from AP Triton Consulting LLC to prepare LAFCO's Countywide Fire Service Review.
2. If the Consultant Interview Panel finds it necessary to seek additional proposals following the consideration of AP Triton's proposal, staff is authorized to issue a Request for Proposals (RFP).
3. Delegated authority to the LAFCO Chair to enter into an agreement with the most qualified consultant, as determined by the Consultant Interview Panel, in an amount not to exceed \$140,000, which may be amended with a contingency amount of up to \$10,000; and to execute any necessary amendments subject to LAFCO Counsel's review and approval.

Motion: Kishimoto

Second: Vicklund Wilson

AYES: Constantine, Ellenberg, Jimenez, LeZotte, Kishimoto, Wasserman, Vicklund Wilson

NOES: None

ABSTAIN: None

ABSENT: Ellenberg

MOTION PASSED

***13. CONSENT ITEM: RESOLUTION TO AFFIRM THE COUNTYWIDE URBAN DEVELOPMENT POLICIES**

The Commission adopted Resolution No. 2022-07 to affirm the Countywide Urban Development Policies and comprehensively document their history and ongoing beneficial impacts.

14. PENDING APPLICATIONS / UPCOMING PROJECTS

The Commission noted the pending application, Gilroy Urban Service Area Amendment 2021 – Wren Investors and Hewell.

15. COMMISSIONER REPORTS

There were none.

16. NEWSPAPER ARTICLES / NEWSLETTERS

There were none.

17. WRITTEN CORRESPONDENCE

There were none.

18. ADJOURN

The Commission adjourned at 1:52 p.m., to the next regular LAFCO meeting on June 1, 2022, at 1:15 p.m., in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.

Approved on June 1, 2022.

Rich Constantine, Chairperson
Local Agency Formation Commission of Santa Clara County

By: _____
Emmanuel Abello, LAFCO Clerk

RESOLUTION NO. 2022-08**RESOLUTION ALLOWING FOR VIDEO AND
TELECONFERENCE MEETINGS DURING THE
COVID-19 STATE OF EMERGENCY UNDER GOVERNMENT CODE § 54953(e)**

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency for COVID-19; and

WHEREAS, Government Code § 54953(e) allows the Commission to continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote social distancing are no longer recommended; and

WHEREAS, on September 21, 2021, the Santa Clara County Health Officer recommended that public bodies continue to meet remotely to enhance safety at public meetings; and

WHEREAS, in light of this recommendation, the Commission desires for itself and for all other Commission legislative bodies that are subject to the Brown Act to continue to meet via video and/or teleconference; and

WHEREAS, pursuant to Government Code § 54953(e), the Commission will review the findings required to be made every 30 days or thereafter and shall not meet without making those continued findings.

NOW THEREFORE, the Commission does hereby resolve and finds on behalf of itself and all other Commission legislative bodies: (1) a state of emergency has been proclaimed by the Governor; (2) the state of emergency continues to directly impact the ability of the Commission's legislative bodies to meet safely in person; and (3) local officials continue to recommend measures to promote social distancing.

PASSED AND ADOPTED by the Local Agency Formation Commission of Santa Clara County, on June 1, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rich Constantine, Chairperson
LAFCO of Santa Clara County

ATTEST:

APPROVED AS TO FORM:

Emmanuel Abello, LAFCO Clerk

Malathy Subramanian, LAFCO Counsel



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ITEM # 6

Alternate Commissioners

Helen Chapman
Cindy Chavez
Matt Mahan
Russ Melton
Terry Trumbull

Executive Officer

Neelima Palacherla

LAFCO MEETING: June 1, 2022

TO: LAFCO

FROM: Neelima Palacherla, Executive Officer

SUBJECT: FINAL BUDGET FOR FY 2023

FINANCE COMMITTEE / STAFF RECOMMENDATIONS

1. Adopt the Final Budget for Fiscal Year 2022-2023.
2. Find that the Final Budget for Fiscal Year 2023 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
3. Authorize staff to transmit the Final Budget adopted by the Commission including the estimated agency costs to the cities, the special districts, the County, the Cities Association of Santa Clara County and the Santa Clara County Special Districts Association.
4. Direct the County Auditor-Controller to apportion LAFCO costs to the cities; to the special districts; and to the County; and to collect payment pursuant to Government Code §56381.

NO CHANGES TO THE DRAFT/PRELIMINARY BUDGET

On April 6, 2022, the Commission adopted its preliminary budget for Fiscal Year 2022-2023. No changes are recommended to the preliminary budget adopted by the commission.

LAFCO ANNUAL BUDGET PROCESS REQUIREMENTS

The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH Act) which became effective on January 1, 2001, requires LAFCO, as an independent agency, to annually adopt a draft budget by May 1 and a final budget by June 15 at noticed public hearings. Both the draft and the final budgets are required to be transmitted to the cities, the special districts and the County. Government Code §56381(a) establishes that at a minimum, the budget must be equal to that of the previous year unless the Commission finds that reduced staffing or program costs will nevertheless allow it to fulfill its statutory responsibilities. Any unspent funds at the end of the year may be rolled over into the next fiscal year budget. After adoption of the final budget by LAFCO, the County Auditor is required to apportion

the net operating expenses of the Commission to the agencies represented on LAFCO.

LAFCO and the County of Santa Clara entered into a Memorandum of Understanding (MOU) (effective since July 2001), under the terms of which, the County provides staffing, facilities, and services to LAFCO. The associated costs are reflected in the LAFCO budget. LAFCO is a stand-alone, separate fund within the County's accounting and budget system and the LAFCO budget information is formatted using the County's account descriptions/codes.

COST APPORTIONMENT TO CITIES, DISTRICTS AND THE COUNTY

The CKH Act requires LAFCO costs to be split in proportion to the percentage of an agency's representation (excluding the public member) on the Commission. Santa Clara LAFCO is composed of a public member, two County board members, two city council members, and since January 2013 – two special district members. Government Code §56381(b)(1)(A) provides that when independent special districts are seated on LAFCO, the county, cities and districts must each provide a one-third share of LAFCO's operational budget.

Since the City of San Jose has permanent membership on LAFCO, as required by Government Code §56381.6(b), the City of San Jose's share of LAFCO costs must be in the same proportion as its member bears to the total membership on the commission, excluding the public member. Therefore in Santa Clara County, the City of San Jose pays one sixth and the remaining cities pay one sixth of LAFCO's operational costs. Per the CKH Act, the remaining cities' share must be apportioned in proportion to each city's total revenue, as reported in the most recent edition of the Cities Annual Report published by the Controller, as a percentage of the combined city revenues within a county. Each city's share is therefore based on the 2019/2020 Report – which is the most recent edition available.

Government Code Section 56381 provides that the independent special districts' share shall be apportioned in proportion to each district's total revenues as a percentage of the combined total district revenues within a county. The Santa Clara County Special Districts Association (SDA), at its August 13, 2012 meeting, adopted an alternative formula for distributing the independent special districts' share to individual districts. The SDA's agreement requires each district's cost to be based on a fixed percentage of the total independent special districts' share.

The estimated apportionment of LAFCO's FY 2023 costs to the individual cities and districts is included as Attachment B. The final costs will be calculated and invoiced to the individual agencies by the County Controller's Office after LAFCO adopts the final budget.

ATTACHMENTS

- | | |
|---------------|---|
| Attachment A: | Final LAFCO Budget for Fiscal Year 2023 |
| Attachment B: | Costs to Agencies Based on the Final Budget |

FINAL LAFCO BUDGET FISCAL YEAR 2022- 2023

ITEM # 6
Attachment A

ITEM #	TITLE	APPROVED BUDGET FY 2022	ACTUALS Year to Date 2/28/2022	PROJECTIONS Year End FY 2022	FINAL BUDGET FY 2023
EXPENDITURES					
Object 1: Salary and Benefits		\$844,239	\$412,232	\$691,414	\$810,419
Object 2: Services and Supplies					
5255100 Intra-County Professional		\$10,000	\$0	\$10,000	\$10,000
5255800 Legal Counsel		\$75,896	\$48,562	\$75,000	\$78,326
5255500 Consultant Services		\$150,000	\$25,239	\$100,000	\$150,000
5285700 Meal Claims		\$750	\$56	\$100	\$750
5220100 Insurance		\$8,500	\$8,590	\$8,590	\$9,237
5250100 Office Expenses		\$5,000	\$1,098	\$2,000	\$5,000
5270100 Rent & Lease		\$47,784	\$35,838	\$47,784	\$53,182
5255650 Data Processing Services		\$22,048	\$10,665	\$22,048	\$28,038
5225500 Commissioners' Fee		\$10,000	\$1,300	\$7,000	\$10,000
5260100 Publications and Legal Notices		\$1,000	\$551	\$1,000	\$1,000
5245100 Membership Dues		\$12,500	\$12,316	\$12,316	\$12,887
5250750 Printing and Reproduction		\$1,500	\$0	\$500	\$1,500
5285800 Business Travel		\$10,000	\$0	\$0	\$10,000
5285300 Private Automobile Mileage		\$1,000	\$7	\$150	\$1,000
5285200 Transportation&Travel (County Car Usage)		\$600	\$0	\$100	\$600
5281600 Overhead		\$49,173	\$24,587	\$49,173	\$30,041
5275200 Computer Hardware		\$3,000	\$0	\$1,000	\$3,000
5250800 Computer Software		\$5,000	\$853	\$4,000	\$5,000
5250250 Postage		\$1,000	\$3	\$500	\$1,000
5252100 Staff/Commissioner Training Programs		\$2,000	\$0	\$1,000	\$2,000
5701000 Reserves		-\$50,000	\$0	\$0	\$0
TOTAL EXPENDITURES		\$1,210,990	\$581,897	\$1,033,675	\$1,222,980
REVENUES					
4103400 Application Fees		\$30,000	\$24,077	\$30,000	\$30,000
4301100 Interest: Deposits and Investments		\$6,000	\$4,283	\$6,000	\$6,000
TOTAL REVENUE		\$36,000	\$28,360	\$36,000	\$36,000
3400150 FUND BALANCE FROM PREVIOUS FY		\$288,660	\$312,351	\$312,351	\$201,006
NET LAFCO OPERATING EXPENSES		\$886,330	\$241,186	\$685,324	\$985,974
3400800 RESERVES Available		\$200,000	\$200,000	\$200,000	\$200,000
COSTS TO AGENCIES					
5440200 County		\$295,443	\$295,443	\$295,443	\$328,658
4600100 Cities (San Jose 50% + Other Cities 50%)		\$295,443	\$295,443	\$295,443	\$328,658
4600100 Special Districts		\$295,443	\$295,443	\$295,443	\$328,658

LAFCO COST APPORTIONMENT: COUNTY, CITIES, SPECIAL DISTRICTS
Estimated Costs to Agencies Based on the Final FY 2023 LAFCO Budget

Net Operating Expenses for FY 2023				\$985,974
JURISDICTION	REVENUE PER 2019/2020 REPORT	PERCENTAGE OF TOTAL REVENUE	ALLOCATION PERCENTAGES	ALLOCATED COSTS
County	N / A	N / A	33.3333333%	\$328,658.00
Cities Total Share			33.3333333%	\$328,658.00
San Jose	N / A	N / A	50.0000000%	\$164,329.00
Other cities share			50.0000000%	\$164,329.00
Campbell	\$64,253,019	1.7539391%		\$2,882.23
Cupertino	\$123,486,910	3.3708692%		\$5,539.32
Gilroy	\$124,499,405	3.3985077%		\$5,584.73
Los Altos	\$58,920,260	1.6083688%		\$2,643.02
Los Altos Hills	\$18,781,680	0.5126907%		\$842.50
Los Gatos	\$51,842,412	1.4151621%		\$2,325.52
Milpitas	\$200,526,874	5.4738585%		\$8,995.14
Monte Sereno	\$4,295,543	0.1172571%		\$192.69
Morgan Hill	\$108,189,286	2.9532842%		\$4,853.10
Mountain View	\$423,194,503	11.5521016%		\$18,983.45
Palo Alto	\$703,037,932	19.1910943%		\$31,536.53
Santa Clara	\$1,109,294,952	30.2808470%		\$49,760.21
Saratoga	\$33,333,495	0.9099171%		\$1,495.26
Sunnyvale	\$639,698,827	17.4621026%		\$28,695.30
Total Cities (excluding San Jose)	\$3,663,355,098	100.0000000%		\$164,329.00
Total Cities (including San Jose)				\$328,658.00
Special Districts Total Share		(Fixed %)	33.3333333%	\$328,658.00
Aldercroft Heights County Water District		0.06233%		\$204.85
Burbank Sanitary District		0.15593%		\$512.48
Cupertino Sanitary District		2.64110%		\$8,680.19
El Camino Healthcare District		4.90738%		\$16,128.50
Guadalupe Coyote Resource Conservation District		0.04860%		\$159.73
Lake Canyon Community Services District		0.02206%		\$72.50
Lion's Gate Community Services District		0.22053%		\$724.79
Loma Prieta Resource Conservation District		0.02020%		\$66.39
Midpeninsula Regional Open Space District		5.76378%		\$18,943.12
Purissima Hills Water District		1.35427%		\$4,450.92
Rancho Rinconada Recreation and Park District		0.15988%		\$525.46
San Martin County Water District		0.04431%		\$145.63
Santa Clara Valley Open Space Authority		1.27051%		\$4,175.63
Santa Clara Valley Water District		81.44126%		\$267,663.21
Saratoga Cemetery District		0.32078%		\$1,054.27
Saratoga Fire Protection District		1.52956%		\$5,027.02
South Santa Clara Valley Memorial District		0.03752%		\$123.31
Total Special Districts		100.00000%		\$328,658.00
Total Allocated Costs				\$985,974.00

* Based on the FY 2019-2020 Annual Cities Report:

https://www.sco.ca.gov/Files-ARD-Local/LocRep/2019-20_Cities_Revenues_LAFCO_Fee_CalculationsADA.pdf



**Local Agency
Formation Commission
of Santa Clara County**

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

Rich Constantine
Susan Ellenberg
Sergio Jimenez
Yoriko Kishimoto
Linda J. LeZotte
Mike Wasserman
Susan Vicklund Wilson

ITEM # 7

Alternate Commissioners

Helen Chapman
Cindy Chavez
Matt Mahan
Russ Melton
Terry Trumbull

Executive Officer

Neelima Palacherla

LAFCO MEETING: June 1, 2022

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer**

**SUBJECT: UPDATE ON COUNTYWIDE FIRE SERVICE REVIEW: NEW
CONSULTANT AND NEXT STEPS**

STAFF RECOMMENDATION

Accept report and provide direction, as necessary.

COUNTYWIDE FIRE SERVICE REVIEW

Selection of New Consultant & Finalization of Contract

On April 6, 2022, the Commission approved the utilization of an Informal Competitive Procurement (ICP) process to seek a proposal from AP Triton Consulting LLC to prepare LAFCO's Countywide Fire Service Review. On April 8, 2022, LAFCO staff sent a revised Request for Proposal to the firm, and in response received a proposal on April 19. Staff convened an interview panel that evaluated AP Triton's proposal and interviewed the firm's team on April 21, 2022. The panel consisted of:

- Rich Constantine (LAFCO Chairperson),
- Yoriko Kishimoto (LAFCO Commissioner/TAC Chair),
- Fire Chief Brian Glass (Santa Clara County Fire Chief's Association),
- City Manager Ed Shikada (City/County Managers' Association), and
- Neelima Palacherla (LAFCO Executive Officer).

Following the interview, the panel selected AP Triton Consulting to conduct LAFCO's Countywide Fire Service Review. We thank the panel for their time and assistance.

Staff is currently working with AP Triton to finalize the terms of the service agreement, scope of work, rate schedule, and project schedule. It is anticipated that the service agreement will be in place by June 1, 2021.

NEXT STEPS

Once the service agreement is signed, LAFCO staff will meet with the consultants to provide an orientation to LAFCO and Santa Clara County and to discuss the agenda and preparations for the Project Kick-Off Meeting. It is anticipated that the Kick-Off Meeting will be held virtually with the consultants, LAFCO staff, and the Technical Advisory Committee (TAC) in late June/early July 2022. Affected agencies and other stakeholders will be notified in advance of the meeting and encouraged to attend.

The completion of the Countywide Fire Service Review remains a high priority for LAFCO. Once relaunched, this comprehensive study is expected to take one year to complete. During the Summer, AP Triton will collect the necessary data from the affected agencies and validate that data with the affected agencies. In the Fall, AP Triton will first prepare their findings and then prepare a Draft Service Review Report. In late 2022/early 2023, a Draft Report will be released for public review and comment, and community workshops will be held. In February 2023, LAFCO will hold a public hearing to present the report and to receive public comments. Following the public hearing, the Draft Report will be revised, as necessary. In April 2023, LAFCO will hold a public hearing on the Revised Draft Report to receive and consider any additional comments and to adopt the Final Report.

LAFCO staff will continue to provide the Commission with updates as the project progresses.



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Commissioners
Rich Constantine
Susan Ellenberg
Sergio Jimenez
Yoriko Kishimoto
Linda J. LeZotte
Mike Wasserman
Susan Vicklund Wilson

ITEM # 8

Alternate Commissioners
Helen Chapman
Cindy Chavez
Matt Mahan
Russ Melton
Terry Trumbull
Executive Officer
Neelima Palacherla

LAFCO MEETING: June 1, 2022

TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer
Emmanuel Abello, Clerk
SUBJECT: EXECUTIVE OFFICER'S REPORT

STAFF RECOMMENDATION

Accept reports and provide direction, as necessary.

8.1 UPDATE ON COUNTY'S CLASSIFICATION STUDY FOR LAFCO

The County of Santa Clara's Employee Services Agency (ESA) has completed its classification study (including recommendations for staffing structure, job specifications and salary ranges) for LAFCO staff positions and has received concurrence on the recommendations from the two unions (SEIU and CEMA) representing these positions. ESA is expected to forward its recommendations to the County Board of Supervisors (BoS) for consideration and approval at their June 7, 2022 meeting. If approved by the BoS, the changes would become effective mid-July 2022. The ESA report will be published on June 1, at which time, staff will forward the report to the Ad Hoc Committee.

Background

On November 21, 2019, LAFCO retained Koff & Associates to conduct a Comprehensive Organizational Review and Assessment Study of LAFCO (Study) to address various organizational issues, and to support performance management, employee development, and succession planning efforts.

In August 2020, LAFCO voted unanimously to receive the Koff & Associates' "Comprehensive Organizational Review and Assessment Study of LAFCO" and to pursue certain recommendations contained in it relative to LAFCO staff positions, classification, compensation and performance evaluation. LAFCO also created an Ad Hoc Committee (composed of 2020 LAFCO Chair Sergio Jimenez, 2020 Vice-Chair Susan Ellenberg, and Finance Committee Chair Russ Melton) to work with the County and pursue implementation of certain recommendations from the Koff & Associates Study, including amendment of the LAFCO-County MOU.

The Ad-Hoc Committee discussed available options and determined that the County's Executive Management Initiated Classification Study process was the best option as it allowed for a comprehensive consideration of the Study and all of LAFCO's recommendations. In October 2020, the County accepted the Ad Hoc Committee's request to evaluate LAFCO's recommendations through the Executive Management Initiated Classification Study process and assigned the study to ESA.

In October/November 2021, ESA completed its study and recommendations and posted it to CEMA and SEIU who then shared a copy with EO Palacherla and Asst. EO Noel, and Clerk Abello respectively. EO Palacherla also provided the Ad Hoc Committee with a copy of the study, along with staff analyses and notes to facilitate review and comment. The Ad Hoc Committee was informed that they may provide any comments directly to the County Executive's Office. Since that time, LAFCO staff and their respective union representatives have met with ESA to seek clarity and reach agreement. After several productive meetings and discussions, ESA prepared a revised study and job specifications. In May 2022, a copy of the revised study and job specifications was posted to the respective unions and both unions (CEMA and SEIU) have given their concurrence to ESA.

8.2 MEETINGS WITH COUNTY PLANNING ON HOUSING ELEMENT UPDATE

EO Palacherla and Asst. EO Noel met with County Planning staff, at their request, on February 15, 2022 and May 19, 2022 to discuss the County's current effort to update its Housing Element and their goal and idea to propose higher or more urban density housing development (including for farmworker housing), and identify potential sites for such development in the unincorporated area, within or outside of cities' Urban Service Areas (USA).

At the meeting, LAFCO staff raised questions about how services would be provided to such development especially that proposed outside cities' USAs and noted the likely adverse implications of such development plans on the County and neighboring cities. LAFCO staff also reiterated the long-standing Countywide Urban Development Policies that call for urban development to take place on lands annexed to cities and not within rural unincorporated areas. LAFCO staff encouraged the County to consider locating such development on sites that are already within cities' USAs so that the sites could be annexed and effectively served by the cities and noted the need for local agencies to plan for affordable housing, including farmworker housing, in a manner that does not encourage urban sprawl or result in the premature conversion of agricultural lands.

County Planning staff acknowledged these concerns and conflicts but noted that this may be necessary in order for the County to meet its Regional Housing Needs Allocation numbers. County Planning staff said that they would consult with the affected cities on this matter.

8.3 MEETINGS ON POTENTIAL MONTE SERENO ISLAND ANNEXATIONS

In March 2022, City of Monte Sereno staff contacted EO Palacherla to discuss process and issues related to potential annexation of its unincorporated islands in the future. At that meeting, EO Palacherla provided an overview of the island annexation process and the assistance and incentives that are available from LAFCO and the County for cities interested in conducting island annexations. On March 30, 2022, staff facilitated a meeting between the County Roads and Airports staff and Monte Sereno staff to discuss the condition and maintenance costs of County roads in Monte Sereno's unincorporated islands. As a follow up to the meeting, LAFCO and the County staff are conducting research to determine the boundaries of the islands in relationship to County roads.

8.4 INQUIRIES ON LION'S GATE COMMUNITY SERVICE DISTRICT AND CORDEVILLE SUBDIVISION

In February 2022, a landowner in the CordeValle subdivision contacted LAFCO staff about conducting a service review of the Lion's Gate Community Services District (LGCSD), due their concerns about a lack of transparency and accountability in the District. LAFCO staff met with the landowner and with LGCSD's Manager. The latter agreed to provide more detailed financial information and to address the matter at the District's March meeting. After that District meeting, both the landowner and LGCSD's Manager reported that the issue was successfully addressed.

In March 2022, the same landowner came to LAFCO staff about the subdivision's vineyard irrigation system. The system is supposed to be jointly maintained by the subdivision's landowners, but (according to the landowner) other landowners are failing to properly maintain their part of the system, which affects other landowners. The landowner asked whether LGCSD could take ownership of the system and charge the landowners a fee for the maintenance. After researching this issue, LAFCO staff advised that this would not be consistent with the Community Services District law and informed the landowner that the Code Enforcement Division of the County's Planning and Development Department may be able to advise.

8.5 JOINT VENTURE SILICON VALLEY'S 2022 STATE OF THE VALLEY CONFERENCE

EO Palacherla and Asst. EO Noel attended Joint Venture (JV) Silicon Valley's 2022 State of the Valley Conference, held online on February 18th from 9 AM to Noon. The Conference highlighted the findings of JV's 2022 Silicon Valley Index Report and the indicators tracking key factors of the Silicon Valley ecosystem, including economic and social challenges. This year's Report takes a closer look at equity issues in the Valley. Russell Hancock (JV CEO) reported on a tech sector-led post-pandemic recovery in the region and discussed concerns on high emigration, widening income disparity, rising housing costs and inflation. A diverse panel consisting of Michelle Lew (CEO of Health Trust), Caroline Simard (Managing Director of VMware

Women's Leadership Innovation Lab at Stanford University), and Jim Wunderman (President and CEO of the Bay Area Council) then discussed these issues and potential strategies to better address them. Eugene Robinson, Pulitzer Prize-winning columnist at the Washington Post and political analyst, then closed the conference by discussing how politics and culture are intertwined and continue to reshape our society, neighborhoods, families, and ourselves.

8.6 SPECIAL DISTRICTS ASSOCIATION MEETING

Commissioner Kishimoto, Alternate Commissioner Chapman, and EO Palacherla attended the March 7, 2022 quarterly meeting of the Santa Clara County Special Districts Association (SDA) which was held by video conference.

EO Palacherla provided updates on LAFCO activities, including the status of the Countywide Fire Service Review and informed the group that at its April meeting, the Commission will consider a Draft Budget for FY 2023 and discuss how to proceed with the Fire Service Review project.

The meeting also included a presentation from San Jose Water Company Manager Jared Lewis on the Regional Wildfire Early Detection Network. Meeting attendees, including various district staff and board members, field staff for various state legislators, and a representative of the California Special Districts Association provided reports and shared information on current projects or issues of interest. The next meeting is scheduled for June 6, 2022.

8.7 SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS MEETING

Asst. EO Noel attended the May 4, 2022 virtual meeting of the Santa Clara County Association of Planning Officials (SCCAPO). The meeting began with a brief discussion of potential topics for the Planning Collaborative and Bay Area Metro. The meeting then included a discussion on various approaches to updating the Safety Element of a city/county General Plan; recent direction from California Department of Housing and Community Development on how jurisdictions can implement SB9 in areas with hillsides, hazards, historic resources, and in a manner that maintains house affordability; and the State setting unrealistic timelines for updating a Housing Element, given so many new requirements. Lastly, attendees provided updates on planning- and development-related issues in their individual jurisdictions.

8.8 INTER-JURISDICTIONAL GIS WORKING GROUP MEETINGS

Asst. EO Noel attended the March 9, 2022 and May 12, 2022 Inter-Jurisdictional GIS Working Group Meeting which was hosted virtually. This group includes various County departments that use and maintain GIS data, particularly LAFCO-related data. At the March meeting, attendees provided updates on their ongoing projects and discussed progress on the final mapping of the new County Supervisorial

District Boundaries. At the May meeting, County staff discussed an inquiry they received from the City of Sunnyvale concerning a difference between the boundary maps that the City maintains and the County's GIS maps of the area, and the research that was conducted by County staff to help resolve the issue.

8.9 PUBLIC RECORDS ACT REQUEST

On April 17, 2022, LAFCO staff received a Public Records Act request from a member of the public seeking all staff reports and emails regarding the status of the San Martin Incorporation since 2019. Staff has since provided the requested documents.



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Commissioners

Rich Constantine
Susan Ellenberg
Sergio Jimenez
Yoriko Kishimoto
Linda J. LeZotte
Mike Wasserman
Susan Vicklund Wilson

ITEM # 9

Alternate Commissioners

Helen Chapman
Cindy Chavez
Matt Mahan
Russ Melton
Terry Trumbull

Executive Officer
Neelima Palacherla

LAFCO MEETING: June 1, 2022

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer
Emmanuel Abello, Clerk**

SUBJECT: CALAFCO RELATED ACTIVITIES

9.1 2022 CALAFCO ANNUAL CONFERENCE (OCTOBER 19 – 21)

Recommendation

Authorize commissioners and staff to attend the Annual Conference and direct that associated travel expenses be funded by the LAFCO Budget for Fiscal Year 2023.

Discussion

The upcoming CALAFCO Annual Conference will be held in Newport Beach at the Hyatt Regency John Wayne Airport from Wednesday, October 19th to Friday, October 21st. The Conference provides participants with an opportunity to discuss statewide and local issues critical to LAFCO, participate in conversations that will guide decision-making, gain new resources and fresh ideas, hear important legislative updates, and network with LAFCO professionals. CALAFCO has distributed a Save-the-Date flyer (**Attachment A**) and additional details will be available later in the summer.

On March 12, 2020, the County suspended all work-related travel due to Covid-19 and this suspension remains in effect. However, the County's Chief Operating Officer may grant an exception to this policy, on a case-by-case basis.

9.2 CALAFCO QUARTERLY NEWSLETTER

For Information Only

The CALAFCO May 2022 Quarterly Newsletter (**Attachment B**) provides updates on CALAFCO Board actions, legislative updates, CALAFCO University Sessions, and LAFCO news.

ATTACHMENTS

Attachment A: 2022 CALAFCO Annual Conference Flyer

Attachment B: CALAFCO Quarterly Newsletter, May 2022

SAVE THE DATE FOR THE



OCTOBER 19-21, 2022

THIS THREE-DAY EVENT OFFERS THE OPPORTUNITY TO:

- ✓ Discuss statewide and local issues critical to LAFCo
- ✓ Participate in important conversations that will guide decision-making
- ✓ Gain new resources and fresh ideas that will have a positive community impact
- ✓ Hear important legislative updates
- ✓ Make industry connections
- ✓ Network with professionals



**Hyatt Regency John Wayne Airport,
Newport Beach, CA**

Conference and hotel registration opening soon.

Visit calafco.org and stay tuned
for details!



CALAFCO

ITEM #9
Attachment B

NEWSLETTER

May, 2022 Edition

BOARDROOM Brief

The Board met virtually on April 22 and considered a fairly light agenda. Among the actions taken was the acceptance of the Third Quarter financial reports, which included a payment to the Hyatt hotel for the block of rooms that had been guaranteed for the cancelled staff workshop.

The new budgets for Fiscal Years 2022-2023 and 2023-2024 were also approved. Given concerns regarding the ongoing pandemic as well as escalating inflation, the budgets maintain the previously implemented austerity measures where possible. However, based on feedback received by the Executive Director from various LAFcos, the budget does anticipate a healthy attendance at the conference and 2023 workshop.

The Board also revisited the legislative proposal from San Diego LAFco regarding Government Code §56133 that had been tabled in January. After discussion, the matter was rescheduled to the July Board meeting to allow the Legislative Committee time to gather additional information.

Reports were also received regarding the fall conference, CALAFCO U sessions, and Spring Workshop, which are currently in planning.

Members wishing to read full staff reports or minutes can download them from the CALAFCO website at www.calafco.org.

SEE YOU LATER!

SOME wise person once said that change is inevitable. Of course, the change that came to CALAFCO was the well-deserved retirement of Pamela Miller as the CALAFCO Executive Director (ED). Pamela became ED in 2012 and has made an indelible mark on CALAFCO by maintaining its professional standards and by advocating with the legislature on behalf of LAFcos everywhere. She stayed through March on a consultant basis to assist with the transition of the new ED and she intends to see SB 938 to its conclusion.

Unfortunately, pandemic restrictions meant that Pamela did not get the send-off that she deserved, but that only means she is owed a party. And, so, we refuse to say goodbye and, instead, leave it at "Thank you—and see you later!"

With thanks!

Legislative Updates

CALAFCO supported or sponsored bills continue to make positive progress in the legislative process. Most important is SB 938, the protest provisions bill, which makes updates to existing CKH statutory provisions associated with consolidations and dissolutions, as well as codifying the conditions under which a LAFco may initiate dissolution of a district at the 25 percent protest threshold. SB 938 has been tentatively scheduled before the Assembly Local Government Committee on June 8th. LAFcos that have not yet submitted a letter of support are requested to do so before **5 PM on June 2, 2022**.

See **LEGISLATION** on Page 2

NEW Associate Member!



A huge welcome to Chase Design, our newest Associate

member. Founded in 2000 by Chris Chase, Creative Director and Principal, Chase Design is a San Diego based firm specializing in branding

consultation and design services for businesses and organizations throughout the United States. Chase Design has built an impressive reputation for producing effective designs that gets their clients results for their businesses.

With a Mission to create extraordinary value

See **ASSOCIATE MEMBERS** on Page 4



A Message from the Executive Director

On the wall of my office is a sign. Those of you who are Tony Robbins fans will recognize the quote. It reads "All growth starts at the end of your comfort zone." If that is true (and I sincerely hope that it is) then I have been growing by leaps and bounds. ;)

Between the enormity of the change in Executive Directors, followed by an assault on Pamela on March 8th, it felt at first like being caught in the middle of a cyclone. Things have moderated now, but I have to sincerely thank all of the Board members, EOs, and staff who have reached out to welcome me, to check on me, and to offer support. You have all made the transition so much easier! I am humbled by your faith, trust, and friendship, and my vow is to make this changeover as smooth for you as possible. There is, obviously much for me to learn, but I am committed to learning everything quickly and well.

So, what's new in the CALAFCO world? Of course, the big news has to do with SB 938, which moved out of the Senate and now sits in the Assembly. Kudos to our devoted protest provisions working group, as well as thanks to Pamela Miller who is staying on in a volunteer capacity to see that through to the end.

Also, event planning is now well underway. (See the schedule on page 3.) A conference programming committee has been formed, but we could still use more people. If you would like to help, please contact José Henriquez (Sacramento) at henriquezj@sacounty.gov, or me.

Finally, CALAFCO U sessions are also shaping up thanks to the able assistance of Dawn Longoria (Napa). Our first session is scheduled for June 20th. Please join us for what promises to be an interesting session regarding the strange new world of recruiting and hiring in this post-pandemic world!

IN MEMORIAM

CARL LEVERENZ, Butte LAFCo Commissioner

Butte LAFCo mourns the loss of its Chair, Carl Leverenz. Commissioner Leverenz served with pride on the Butte LAFCo for the past 47 years where he always displayed great insight and wisdom. His calm demeanor and ability to keep politics at bay to solve problems earned him the Butte LAFCo Chair seat, which he held continuously since 1975. A local legend, Commissioner Leverenz was known for his servant's heart, having had not only a prominent legal career but a history of volunteerism on a broad assortment of boards and organizations, which earned him the Chico Rotary Club's Community Service Award in 2018.

WARREN NELSON, Napa LAFCo Commissioner

Warren Nelson, Napa LAFCo Commissioner, passed away in April, 2022. Among his many hats, Commissioner Warren served as Executive Officer for Marin LAFCo in the 1970s, and as a Yountville City Commissioner from 1980-1986. An avid proponent for LAFCos, Commissioner Warren worked with his friend and fellow Commissioner, Mike Gotch, on legislation that increased LAFCos' independence and authority. His dedication and friendly nature will be greatly missed.

CALAFCO sends its deepest condolences to the family, friends, and co-workers of these remarkable men.



Contra Costa LAFCo reports that it has been busy with a surge in new applications, including a large boundary reorganization. In Spring 2022, the Contra Costa LAFCo Commissioners unanimously approved annexation of East Contra Costa Fire Protection District (ECCFPD) comprising 249+ square miles serving 132,400 residents to Contra Costa County Fire Protection District comprising 306+ square miles serving 628,200 residents, and dissolving ECCFPD.

The boundary reorganization is consistent with two LAFCo Municipal Service Reviews and a special study, all of which noted various constraints and challenges with fire and emergency medical services in East Contra Costa County. The LAFCo process was fairly lengthy but with few obstacles. All

See **CONNECTIONS** on Page 4

LEGISLATION

Continued from Page 1

Other CALAFCO supported bills include:

AB 897 (Mullin), establishment of a regional climate network has stalled and is in its second year.

AB 1640 (Ward), seems to have replaced AB 897 with another regional climate bill. It is scheduled to go before Assembly Appropriations on May 19th.

AB 1773 (Patterson), return of Williamson Act subvention funding, is scheduled before Assembly Appropriations on May 19th.

AB 2957, the CALAFCO sponsored Omnibus bill, has passed out of the Assembly and is waiting on a Senate hearing date.

SB 1490, 1491, and 1492, annual Validation Acts, have passed out of the Senate and are waiting on Assembly hearing dates.

SAVE THE DATE FOR THE

50+1 YEARS
A GOLDEN ERA

CALAFCO
IN THE GOLDEN STATE

2022 ANNUAL CONFERENCE

OCTOBER 19-21, 2022

THIS THREE-DAY EVENT OFFERS THE OPPORTUNITY TO:

- ✓ Discuss statewide and local issues critical to LAFCo
- ✓ Participate in important conversations that will guide decision-making
- ✓ Gain new resources and fresh ideas that will have a positive community impact
- ✓ Hear important legislative updates
- ✓ Make industry connections
- ✓ Network with professionals

Hyatt Regency John Wayne Airport, Newport Beach, CA
Conference and hotel registration opening soon. Visit calafco.org and stay tuned for details!



2023 Staff Workshop

Murphys, California

SAVE THE DATE!
April 26th - 28th, 2023



 **Topic Suggestions**

We are always on the look out for good topics for our conferences, workshops, and webinars. If you have an idea for a topic, please email to René LaRoche at rlaroche@calafco.org.

Upcoming EVENTS

MARK YOUR CALENDARS!

CALAFCO 2022 ANNUAL CONFERENCE October 19 - 21, 2022

Plan on joining us at the **Hyatt Regency Newport Beach John Wayne Airport** on October 19-21, 2022 for our long-awaited, long-overdue Annual Conference! The program planning committee is forming and CALAFCO staff is working with the facility on the details. Watch for more information soon. We are looking forward to seeing everyone in-person in Newport Beach!

2023 STAFF WORKSHOP April 26 - 28, 2023

Come learn about technical topics in a beautiful setting! Mark your calendar now because you will not want to miss next year's Staff Workshop on the beautiful grounds of Ironstone Vineyards.



We are preparing some great CALAFCO U sessions for you and are pleased to again offer webinars to our members at no cost. Watch for the registration for the June 20th session to open soon.

June 20, 2022: **Brave New World of HR: Hiring Headaches, Trends, and Opportunities in a Post-Pandemic World**
1:00 PM

July 21, 2022: **Sharing the Wealth: A Deep Dive into Tax Exchange**
1:00 PM

Sep. 19, 2022: **Two Agencies in Dispute: What is LAFCo's Role in Assisting to Resolve the Conflict?**
1:30 PM

TBD **The Dirty Dozen: Things I Wish I Knew About The Act**

BOARD MEETINGS:

July 22, 2022 LOCATION: Virtual

Oct. 21, 2022 LOCATION: Newport Beach (Conference)

Dec. 2, 2022 LOCATION: Virtual

LEGISLATIVE COMMITTEE MEETINGS:

July 29, 2022 LOCATION: Virtual

Sept. 16, 2022 LOCATION: Virtual

Oct. 7, 2022 LOCATION: TBD

Nov. 4, 2022 LOCATION: TBD

CONNECTIONS

Continued from Page 2

parties were cooperative and there were no oral or written protests filed.

Contra Costa LAFCo Executive Officer Lou Ann Teixeira extends thanks and kudos to Joe Serano, Executive Officer Santa Cruz LAFCo, and to Mark Bramfitt, Executive Officer Sonoma LAFCo, for their support.

NEW Roles

ROB BARTOLI Appointed San Mateo EO

San Mateo LAFCo reports that its commission took action to appoint Rob Bartoli as Executive Officer on March 16, 2022. Rob has held the title of Interim Executive Officer since the retirement of Martha Poyatos.

TAYLOR MORRIS Welcomed as L.A. GIS Technician

Los Angeles LAFCo has welcomed new GIS

Technician, Taylor Morris, who began work at LAFCo this month. Taylor recently relocated to Los Angeles after working for six years in the right-of-way section of the Utah Department of Transportation. He holds a Bachelor of Science in Geography and Environmental and Sustainability Studies from the University of Utah.

MICHAEL HENDERSON Hired as Riverside GIS Analyst

Riverside LAFCo is pleased to welcome Michael Henderson to the newly created position of GIS Analyst.

KRYSTAL BRADFORD Takes Over as Butte Clerk

Krystal Bradford has taken over the reins as Butte LAFCo's Clerk upon the retirement of Joy Stover.

Congratulations to everyone!

ASSOCIATE Members

Continued from Page 1

CHASE DESIGNS, continued

for their clients by connecting business strategy and creative execution, Chase Designs helps businesses to make a statement with impactful branding that reinforces the values of the business. Go to ChrisChaseDesign.com to find out more, or contact Chris Chase at chris@chrischasedesign.com.

Associate Member **SPOTLIGHT**

The information below is provided by the Associate member upon joining the Association. All Associate Member information can be found in the CALAFCO Member Directory.

DTA

DTA is a national public finance and urban economics consulting firm specializing in infrastructure and public service finance. Their financing programs have utilized a variety of public financing mechanisms, such as Ads, CFDs, LLDs, and various types of fee programs.

To learn more about DTA, visit their website at www.FinanceDTA.com, or contact Colleen Liao at colleen@financedta.com.

SWALE, INC

Swale's consulting services focus on LAFCo critical issues including municipal service reviews, SOI's, CEQA compliance, strategic planning, workshops, and mapping with geographic information systems (GIS). Their northern California office is expanding to bring you the best of consulting services.

To learn more about SWALE, INC visit their website at www.swaleinc.com, or contact Kateri Harrison at Harrison@swaleinc.com

CALAFCO wishes to thank all of our Associate Members for your ongoing support and partnership. We look forward to highlighting you all in future Quarterly Reports.



**Local Agency
Formation Commission
of Santa Clara County**

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

Rich Constantine
Susan Ellenberg
Sergio Jimenez
Yoriko Kishimoto
Linda J. LeZotte
Mike Wasserman
Susan Vicklund Wilson

ITEM # 10

Alternate Commissioners

Helen Chapman
Cindy Chavez
Matt Mahan
Russ Melton
Terry Trumbull

Executive Officer
Neelima Palacherla

LAFCO MEETING: June 1, 2022

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer**

SUBJECT: LEGISLATIVE REPORT – UPDATE AND POSITION LETTER

STAFF RECOMMENDATION

1. Accept report and provide direction to staff, as necessary.
2. Take a support position on SB 938 and authorize LAFCO staff to send a letter of support signed by the LAFCO Chair.

LEGISLATIVE REPORT

The Legislature reconvened on January 3, 2022 for the second year of the two-year legislative cycle. CALAFCO is sponsoring two bills – the annual omnibus bill (AB 2957) which proposes minor corrections and edits to LAFCO law, and SB 938 (Hertzberg) relating to protest provisions. In addition, CALAFCO is currently tracking 26 bills. Please see **Attachment C** for the CALAFCO Legislative Update, as of May 25, 2022.

SB 938 (Hertzberg) CKH Act of 2000: protest proceedings: procedural consolidation

On May 8, 2022, CALAFCO issued a call for legislative action requesting that each LAFCO send a letter of support for the SB 938 (Hertzberg), as amended on April 4, 2022.

SB 938 represents a collaborative three-year effort (by an 18-member working group) to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a LAFCO may initiate dissolution of a district at the 25 percent protest threshold. In response to a recommendation made in the 2017 Little Hoover Commission report (Special Districts: Improving Oversight and Transparency), CALAFCO convened a working group of stakeholders in early 2019 to discuss the protest process for dissolutions of special districts.

Consistent with agreements made in this three-year effort, SB 938 creates specific conditions under which a LAFCO may initiate dissolution of a special district with a 25 percent protest threshold, including that:

- Determinations for the proposed action must be documented in a Municipal Service Review and presented at a 21-day noticed public hearing;
- The district in question must be granted a minimum 12-month remediation period and an opportunity to provide a progress report to the LAFCO prior to LAFCO taking any action;
- A second 21-day public hearing must be held to determine if the identified issues are mitigated, resulting in the LAFCO either terminating the dissolution, or moving forward under the standard protest hearing process outlined in existing law with a public notice period of 60 days.

The bill is tentatively set for hearing on June 8th in the Assembly Local Government Committee. CALAFCO is asking that support letters be submitted by 5 PM on Thursday, June 2nd. A draft letter of support (**Attachment A**) and CALAFCO supporting material, including a copy of the Bill (**Attachment B**), are attached for your consideration.

ATTACHMENTS

Attachment A:	Draft Letter in Support of SB 938
Attachment B:	Fact Sheet on and copy of SB 938: CKH Act of 2000: protest proceedings: procedural consolidation
Attachment C:	CALAFCO Legislative Update – May 25, 2022



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**ITEM #10
Attachment A**

Alternate Commissioners

Helen Chapman
Cindy Chavez
Matt Mahan
Russ Melton
Terry Trumbull

Executive Officer
Neelima Palacherla

June 1, 2022

Honorable Robert Hertzberg
California State Senate
1021 O Street, Room 8610
Sacramento, CA 95814

Subject: SB 938 SUPPORT LETTER
(AS AMENDED APRIL 4, 2022)

Dear Senator Hertzberg:

The Local Agency Formation Commission of Santa Clara County (LAFCO) is pleased to join the California Association of Local Agency Formation Commissions (CALAFCO) in support of your bill, SB 938, which makes changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act). SB 938 represents a collaborative three-year effort led by CALAFCO to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as to codify the conditions under which LAFCO may initiate dissolution of a district at the 25% protest threshold (the latter of which are proposed and pending amendments).

The current statutes related to protest provisions and the disparate protest thresholds established for LAFCO-initiated actions (10%) and all other initiated actions (25%) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFCO. Further, they serve as a deterrent for LAFCO to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements.

As amended, the bill represents the redraft of existing protest statutes with some minor technical clarifications added and allows LAFCOs to initiate dissolution of a district at the 25% protest threshold under specific circumstances. All this work is in response to a recommendation made in the 2017 Little Hoover Commission report after a year-long study (*Special Districts: Improving Oversight and Transparency*) and the formation of a working group by CALAFCO of stakeholders in early 2019. The intent was to examine the protest process for consolidations and dissolutions of special districts, and after three years of work (delayed due to the pandemic), the working group came to consensus on the redraft of existing protest statutes and a new process that allows LAFCOs to initiate dissolution of a district at the 25% protest threshold under specific circumstances.

The overarching goal of these changes is to ensure that LAFCOs have the tools we need to carry out our statutory obligations to ensure orderly and functioning local government

services and to create greater consistency in the statute. The specific circumstances under which a dissolution may be initiated are more than reasonable and the subsequent process includes three noticed public hearings, a minimum 12-month remediation period, and a 60-day protest period, all of which are extremely practical. Additionally, the proposed process for LAFCO-initiated actions at the 25% protest threshold applies only to dissolutions, making the scope of use exceptionally narrow.

SB 938 makes much needed and long-awaited improvements to The Act through the restructure and clarification of existing protest provisions, and addition of a fair and appropriate process that offers LAFCOs additional tools necessary to effectively fulfill their statutory obligations.

We thank you for your authorship of this critical legislation and for continuing your long support of the work of LAFCOs. For all these reasons, we are pleased to support your bill SB 938.

Sincerely,

Rich Constantine
Chairperson

Cc: Members, Assembly Local Government Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee
William Weber, Consultant, Assembly Republican Caucus
René LaRoche, Executive Director, CALAFCO



The Cortese-Knox-Hertzberg

Local Government Reorganization Act of 2000: Protest Proceedings

FACT SHEET:
SB 938 (HERTZBERG)

BACKGROUND

LAFCos are independent regulatory commissions created by the Legislature to control the boundaries of cities, county service areas, and most special districts. The purpose of LAFCos includes the discouragement of urban sprawl, the preservation of agricultural and open space lands, and the encouragement of the orderly formation and development of local agencies. In an effort to better meet these obligations, the duties and authority of LAFCos were significantly modified by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (AB 2838, Hertzberg). Chief among the act's provisions is the authority for LAFCos to conduct Municipal Service Reviews, which, among other things, provide information to guide districts in performance improvement. These reviews can serve as a catalyst for LAFCos to initiate district consolidations or dissolutions.



In response to a recommendation made in the 2017 Little Hoover Commission report (Special Districts: Improving Oversight and Transparency), the California Association of Local Agency Formation Commissions (CALAFCO) initiated a working group of stakeholders in early 2019 to discuss the protest process for consolidations and dissolutions of special districts.

The statutes related to protest provisions and the disparate protest thresholds established for LAFCo-initiated actions (10 percent) and all other initiated actions (25 percent) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFCo. Further, they serve as a deterrent for LAFCo to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements.

The working group agreed on three main deliverables:



*First was to review the **protest provisions** within the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act) for relevance and to delete any obsolete provisions, which was accomplished through AB 1581 (2021).*



*The second deliverable was to **redraft existing scattered protest code sections** within The Act into a single code section to simplify the reading of the code section.*



*The final—and most challenging—deliverable was to **examine the differing protest thresholds** relating to LAFCo-initiated actions and all other initiated actions.*



AFTER CONSIDERABLE NEGOTIATION, THE WORKING GROUP GAVE CONSENSUS ON THE FOLLOWING CHANGES TO CKH:



The redrafting of existing protest code sections into one main section to simplify the reading of the section, and to add minor, non-substantive clarifications;



Create specific circumstances under which a LAFCo may initiate dissolution of a district with a 25% protest threshold, with determinations documented in a Municipal Service Review and presented at a 21-day noticed public hearing;



Allow for a minimum 12-month remediation period for the district with a progress report provided by the district to the LAFCo halfway through the remediation period; and



A second 21-day noticed public hearing to determine if the identified issues have been mitigated, which would result in the LAFCo either terminating the dissolution or moving forward with the dissolution using 25% protest threshold under the standard protest hearing process already in statute, with a public notice period of 60 days.



The overarching goal of these changes is to ensure that LAFCOs have the tools they need to carry out their statutory obligations to ensure orderly and functioning local government services and to create greater consistency in the statute.

SUMMARY

SB 938 represents a collaborative three-year effort to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a LAFCo may initiate dissolution of a district at the 25 percent protest threshold.

CONTACT:

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Senator Hertzberg:
Martin Bui
martin.bui@sen.ca.gov
916-651-4018

AMENDED IN SENATE APRIL 4, 2022

AMENDED IN SENATE MARCH 24, 2022

SENATE BILL

No. 938

Introduced by Senator Hertzberg
(Coauthor: Assembly Member Mayes)

February 8, 2022

An act to amend Sections 56375, 56824.14, 57002, 57075, 57077.1, 57077.2, 57077.3, 57077.4, and 57090 of, to add Sections 56375.1, 57077.5, and 57077.6 to, to add Chapter 4.5 (commencing with Section 57091) to Part 4 of Division 3 of Title 5 of, and to repeal Sections 57076, 57107, and 57113 of, the Government Code, and to amend Section 116687 of the Health and Safety Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 938, as amended, Hertzberg. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under existing law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization. Existing law authorizes a commission to dissolve an inactive district if specified conditions are satisfied.

This bill would also authorize a commission to initiate a proposal for the dissolution of a ~~district~~ *district, as described*, if the commission approves, adopts, or accepts a specified study that includes a finding, based on a preponderance of the evidence, that, among other things,

the district has one or more documented chronic service provision deficiencies, the district spent public funds in an unlawful or reckless manner, or the district has shown willful neglect by failing to consistently adhere to the California Public Records Act. The bill would require the commission to adopt a resolution of intent to initiate a dissolution based on these provisions and to provide a remediation period of at least 12 months, during which the district may take steps to remedy the stated deficiencies. The bill would authorize the commission, at the conclusion of the remediation period, to find that the district has failed to remedy the deficiencies and adopt a resolution to dissolve the district.

With a specified exception, existing law provides for protest proceedings for a change of organization or reorganization following adoption of a resolution making certain determinations by the commission, as provided. Existing law sets forth required procedures for the commission following a protest hearing depending on the nature of the conducting authority, as defined, the type of change of organization or reorganization, and the results of the protest proceeding.

The bill would reorganize and consolidate the above-described procedures. The bill would make conforming changes and remove obsolete provisions.

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. Section 56375 of the Government Code is
- 2 amended to read:
- 3 56375. The commission shall have all of the following powers
- 4 and duties subject to any limitations upon its jurisdiction set forth
- 5 in this part:
- 6 (a) (1) To review and approve with or without amendment,
- 7 wholly, partially, or conditionally, or disapprove proposals for
- 8 changes of organization or reorganization, consistent with written
- 9 policies, procedures, and guidelines adopted by the commission.
- 10 (2) The commission may initiate proposals by resolution of
- 11 application for any of the following:
- 12 (A) The consolidation of a district, as defined in Section 56036.
- 13 (B) The dissolution of a district.
- 14 (C) A merger.

1 (D) The establishment of a subsidiary district.

2 (E) The formation of a new district or districts.

3 (F) A reorganization that includes any of the changes specified
4 in subparagraph (A), (B), (C), (D), or (E).

5 (G) The dissolution of an inactive district pursuant to Section
6 56879.

7 (H) The dissolution of a district pursuant to Section 56375.1.

8 (3) A commission may initiate a proposal described in paragraph
9 (2) only if that change of organization or reorganization is
10 consistent with a recommendation or conclusion of a study
11 prepared pursuant to Section 56378, 56425, or 56430, and the
12 commission makes the determinations specified in subdivision (b)
13 of Section 56881.

14 (4) A commission shall not disapprove an annexation to a city,
15 initiated by resolution, of contiguous territory that the commission
16 finds is any of the following:

17 (A) Surrounded or substantially surrounded by the city to which
18 the annexation is proposed or by that city and a county boundary
19 or the Pacific Ocean if the territory to be annexed is substantially
20 developed or developing, is not prime agricultural land as defined
21 in Section 56064, is designated for urban growth by the general
22 plan of the annexing city, and is not within the sphere of influence
23 of another city.

24 (B) Located within an urban service area that has been delineated
25 and adopted by a commission, which is not prime agricultural land,
26 as defined by Section 56064, and is designated for urban growth
27 by the general plan of the annexing city.

28 (C) An annexation or reorganization of unincorporated islands
29 meeting the requirements of Section 56375.3.

30 (5) As a condition to the annexation of an area that is
31 surrounded, or substantially surrounded, by the city to which the
32 annexation is proposed, the commission may require, where
33 consistent with the purposes of this division, that the annexation
34 include the entire island of surrounded, or substantially surrounded,
35 territory.

36 (6) A commission shall not impose any conditions that would
37 directly regulate land use density or intensity, property
38 development, or subdivision requirements.

39 (7) The decision of the commission with regard to a proposal
40 to annex territory to a city shall be based upon the general plan

1 and rezoning of the city. When the development purposes are not
2 made known to the annexing city, the annexation shall be reviewed
3 on the basis of the adopted plans and policies of the annexing city
4 or county. A commission shall require, as a condition to
5 annexation, that a city prezone the territory to be annexed or present
6 evidence satisfactory to the commission that the existing
7 development entitlements on the territory are vested or are already
8 at build-out, and are consistent with the city's general plan.
9 However, the commission shall not specify how, or in what
10 manner, the territory shall be rezoned.

11 (8) (A) Except for those changes of organization or
12 reorganization authorized under Section 56375.3, and except as
13 provided by subparagraph (B), a commission shall not approve an
14 annexation to a city of any territory greater than 10 acres, or smaller
15 as determined by commission policy, where there exists a
16 disadvantaged unincorporated community that is contiguous to
17 the area of proposed annexation, unless an application to annex
18 the disadvantaged unincorporated community to the subject city
19 has been filed with the executive officer.

20 (B) An application to annex a contiguous disadvantaged
21 unincorporated community shall not be required if either of the
22 following apply:

23 (i) A prior application for annexation of the same disadvantaged
24 unincorporated community has been made in the preceding five
25 years.

26 (ii) The commission finds, based upon written evidence, that a
27 majority of the registered voters within the affected territory are
28 opposed to annexation.

29 (C) This paragraph shall also apply to the annexation of two or
30 more contiguous areas that take place within five years of each
31 other and that are individually less than 10 acres but cumulatively
32 more than 10 acres.

33 (b) With regard to a proposal for annexation or detachment of
34 territory to, or from, a city or district or with regard to a proposal
35 for reorganization that includes annexation or detachment, to
36 determine whether territory proposed for annexation or detachment,
37 as described in its resolution approving the annexation, detachment,
38 or reorganization, is inhabited or uninhabited.

1 (c) With regard to a proposal for consolidation of two or more
2 cities or districts, to determine which city or district shall be the
3 consolidated successor city or district.

4 (d) To approve the annexation of unincorporated, noncontiguous
5 territory, subject to the limitations of Section 56742, located in the
6 same county as that in which the city is located, and that is owned
7 by a city and used for municipal purposes and to authorize the
8 annexation of the territory without notice and hearing.

9 (e) To approve the annexation of unincorporated territory
10 consistent with the planned and probable use of the property based
11 upon the review of general plan and rezoning designations. No
12 subsequent change may be made to the general plan for the annexed
13 territory or zoning that is not in conformance to the rezoning
14 designations for a period of two years after the completion of the
15 annexation, unless the legislative body for the city makes a finding
16 at a public hearing with written notice provided no less than 21
17 days to the commission that a substantial change has occurred in
18 circumstances that necessitate a departure from the rezoning in
19 the application to the commission.

20 (f) With respect to the incorporation of a new city or the
21 formation of a new special district, to determine the number of
22 registered voters residing within the proposed city or special district
23 or, for a landowner-voter special district, the number of owners
24 of land and the assessed value of their land within the territory
25 proposed to be included in the new special district. The number
26 of registered voters shall be calculated as of the time of the last
27 report of voter registration by the county elections official to the
28 Secretary of State prior to the date the first signature was affixed
29 to the petition. The executive officer shall notify the petitioners of
30 the number of registered voters resulting from this calculation.
31 The assessed value of the land within the territory proposed to be
32 included in a new landowner-voter special district shall be
33 calculated as shown on the last equalized assessment roll.

34 (g) To adopt written procedures for the evaluation of proposals,
35 including written definitions consistent with existing state law.
36 The commission may adopt standards for any of the factors
37 enumerated in Section 56668. Any standards adopted by the
38 commission shall be written.

39 (h) To adopt standards and procedures for the evaluation of
40 service plans submitted pursuant to Section 56653 and the initiation

1 of a change of organization or reorganization pursuant to
2 subdivision (a).

3 (i) To make and enforce regulations for the orderly and fair
4 conduct of hearings by the commission.

5 (j) To incur usual and necessary expenses for the
6 accomplishment of its functions.

7 (k) To appoint and assign staff personnel and to employ or
8 contract for professional or consulting services to carry out and
9 effect the functions of the commission.

10 (l) To review the boundaries of the territory involved in any
11 proposal with respect to the definiteness and certainty of those
12 boundaries, the nonconformance of proposed boundaries with lines
13 of assessment or ownership, and other similar matters affecting
14 the proposed boundaries.

15 (m) To waive the restrictions of Section 56744 if it finds that
16 the application of the restrictions would be detrimental to the
17 orderly development of the community and that the area that would
18 be enclosed by the annexation or incorporation is so located that
19 it cannot reasonably be annexed to another city or incorporated as
20 a new city.

21 (n) To waive the application of Section 22613 of the Streets and
22 Highways Code if it finds the application would deprive an area
23 of a service needed to ensure the health, safety, or welfare of the
24 residents of the area and if it finds that the waiver would not affect
25 the ability of a city to provide any service. However, within 60
26 days of the inclusion of the territory within the city, the legislative
27 body may adopt a resolution nullifying the waiver.

28 (o) If the proposal includes the incorporation of a city, as defined
29 in Section 56043, or the formation of a district, as defined in
30 Section 2215 of the Revenue and Taxation Code, the commission
31 shall determine the property tax revenue to be exchanged by the
32 affected local agencies pursuant to Section 56810. If the proposal
33 includes the disincorporation of a city, as defined in Section 56034,
34 the commission shall determine the property tax revenue to be
35 exchanged by the affected local agencies pursuant to Section
36 56813.

37 (p) To authorize a city or district to provide new or extended
38 services outside its jurisdictional boundaries pursuant to Section
39 56133.

1 (q) To enter into an agreement with the commission for an
2 adjoining county for the purpose of determining procedures for
3 the consideration of proposals that may affect the adjoining county
4 or where the jurisdiction of an affected agency crosses the boundary
5 of the adjoining county.

6 (r) To approve with or without amendment, wholly, partially,
7 or conditionally, or disapprove pursuant to this section the
8 annexation of territory served by a mutual water company formed
9 pursuant to Part 7 (commencing with Section 14300) of Division
10 3 of Title 1 of the Corporations Code that operates a public water
11 system to a city or special district. Any annexation approved in
12 accordance with this subdivision shall be subject to the state and
13 federal constitutional prohibitions against the taking of private
14 property without the payment of just compensation. This
15 subdivision shall not impair the authority of a public agency or
16 public utility to exercise eminent domain authority.

17 SEC. 2. Section 56375.1 is added to the Government Code, to
18 read:

19 56375.1. (a) A commission may initiate a proposal for the
20 dissolution of a district *that is eligible for the protest threshold*
21 *under Section 57093* if both of the following conditions are
22 satisfied:

23 (1) At a public hearing for which notice has been published and
24 posted, the commission approves, adopts, or accepts a study
25 prepared pursuant to Section 56430 that includes a finding, based
26 on a preponderance of the evidence, that one or more of the
27 following conditions is met:

28 (A) The district has one or more documented chronic service
29 provision deficiencies that substantially deviate from industry or
30 trade association standards or other government regulations and
31 its board or management is not actively engaged in efforts to
32 remediate the documented service deficiencies.

33 (B) The district spent public funds in an unlawful or reckless
34 manner inconsistent with the principal act or other statute
35 governing the district and has not taken any action to prevent
36 similar future spending.

37 (C) The district has shown willful neglect by failing to
38 consistently adhere to the California Public Records Act (Division
39 10 (commencing with Section 7920.000) of Title 1) and other
40 public disclosure laws to which the agency is subject.

1 (D) The district has failed to meet the minimum number of times
2 required in its principal act in the prior calendar year and has taken
3 no action to remediate the failures to ensure future meetings are
4 conducted on a timely basis.

5 (E) The district has consistently failed to perform timely audits
6 in the prior three years, or failed to meet minimum financial
7 requirements under Section 26909 over the prior five years as an
8 alternative to performing an audit.

9 (F) The district's recent annual audits show chronic issues with
10 the district's fiscal controls and the district has taken no action to
11 remediate the issues.

12 (2) (A) At a public hearing for which notice has been published
13 and posted, the commission adopts a resolution of intent to initiate
14 dissolution based on one or more of the required findings in
15 paragraph (1). The resolution shall provide a remediation period
16 of not less than 12 months during which the district may take steps
17 to remedy the specified deficiencies and also specify a date upon
18 which the district shall provide the commission a mid-point report
19 on such remediation efforts at a regularly scheduled commission
20 meeting.

21 (B) At the conclusion of the remediation period, at a public
22 hearing for which notice has been published and posted, the
23 commission shall take one of the following actions:

24 (i) If the commission finds the district has adequately remedied
25 the deficiencies, the commission shall rescind the notice of ~~intent~~
26 *intent* to initiate dissolution and no further action is required.

27 (ii) If the ~~commissions~~ *commission* finds that the district has
28 failed to remedy the deficiencies, the commission may adopt a
29 resolution to dissolve the district making the determinations in
30 paragraph (1) and in subdivision (b) of Section 56881.

31 (b) (1) Any public notice required pursuant to this section shall
32 be published and posted pursuant to Chapter 4 (commencing with
33 Section 56150) of Part 1.

34 (2) The public hearings required under subdivision (a) may be
35 combined into a single public hearing for which notice has been
36 published and posted.

37 (c) The commission's power to initiate dissolution of a district
38 pursuant to this section is separate from and in addition to the
39 commission's power to initiate dissolution pursuant to

1 subparagraphs (B) and (G) of paragraph (2) of subdivision (a) of
2 Section 56375.

3 SEC. 3. Section 56824.14 of the Government Code is amended
4 to read:

5 56824.14. (a) The commission shall review and approve with
6 or without amendments, wholly, partially, or conditionally, or
7 disapprove proposals for the establishment of new or different
8 functions or class of services, or the divestiture of the power to
9 provide particular functions or class of services, within all or part
10 of the jurisdictional boundaries of a special district, after a public
11 hearing called and held for that purpose. The commission shall
12 not approve a proposal for the establishment of new or different
13 functions or class of services within the jurisdictional boundaries
14 of a special district unless the commission determines that the
15 special district will have sufficient revenues to carry out the
16 proposed new or different functions or class of services except as
17 specified in paragraph (1).

18 (1) The commission may approve a proposal for the
19 establishment of new or different functions or class of services
20 within the jurisdictional boundaries of a special district where the
21 commission has determined that the special district will not have
22 sufficient revenue to provide the proposed new or different
23 functions or class of services, if the commission conditions its
24 approval on the concurrent approval of sufficient revenue sources
25 pursuant to Section 56886. In approving a proposal, the
26 commission shall provide that if the revenue sources pursuant to
27 Section 56886 are not approved, the authority of the special district
28 to provide new or different functions or class of services shall not
29 be established.

30 (2) Unless otherwise required by the principal act of the subject
31 special district, or unless otherwise required by Section 57075, the
32 approval by the commission for establishment of new or different
33 functions or class of services, or the divestiture of the power to
34 provide particular functions or class of services, shall not be subject
35 to an election.

36 (b) At least 21 days prior to the date of that hearing, the
37 executive officer shall give mailed notice of the hearing to each
38 affected local agency or affected county, and to any interested
39 party who has filed a written request for notice with the executive
40 officer. In addition, at least 21 days prior to the date of that hearing,

1 the executive officer shall cause notice of the hearing to be
2 published in accordance with Section 56153 in a newspaper of
3 general circulation that is circulated within the territory affected
4 by the proposal proposed to be adopted.

5 (c) The commission may continue from time to time any hearing
6 called pursuant to this section. The commission shall hear and
7 consider oral or written testimony presented by any affected local
8 agency, affected county, or any interested person who appears at
9 any hearing called and held pursuant to this section.

10 SEC. 4. Section 57002 of the Government Code is amended
11 to read:

12 57002. (a) Within 35 days following the adoption of the
13 commission's resolution making determinations, the executive
14 officer of the commission shall set the proposal for hearing and
15 give notice of that hearing by mailing, publication, and posting,
16 as provided in Chapter 4 (commencing with Section 56150) of
17 Part 1. The hearing shall not be held prior to the expiration of the
18 reconsideration period specified in subdivision (b) of Section
19 56895. The date of that hearing shall not be less than 21 days, or
20 more than 60 days, after the date the notice is given.

21 (b) Where the proceeding is for the establishment of a district
22 as a subsidiary district of a city, upon the request of the affected
23 district, the date of the hearing shall be at least 90 days, but no
24 more than 135 days, from the date the notice is given.

25 (c) Where the proceeding is for the dissolution of a district
26 initiated by the commission pursuant to Section 56375.1, the date
27 of the hearing shall be at least 60 days, but no more than 90 days,
28 from the date the notice is given.

29 (d) If authorized by the commission pursuant to Section 56662
30 or 56663, a change of organization or reorganization may be
31 approved without notice, hearing, and election.

32 SEC. 5. Section 57075 of the Government Code is amended
33 to read:

34 57075. Where a change of organization or reorganization
35 consists solely of annexations, detachments, the exercise of new
36 or different functions or class of services or the divestiture of the
37 power to provide particular functions or class of services within
38 all or part of the jurisdictional boundaries of a special district, or
39 any combination of those proposals, the commission, not more
40 than 30 days after the conclusion of the hearing, shall make a

1 finding regarding the value of written protests filed and not
2 withdrawn, and take the action set forth in either subdivision (a)
3 of Section 57091, in the case of registered voter districts or cities,
4 or subdivision (b) of Section 57091, in the case of landowner-voter
5 districts.

6 SEC. 6. Section 57076 of the Government Code is repealed.

7 SEC. 7. Section 57077.1 of the Government Code is amended
8 to read:

9 57077.1. (a) If a change of organization consists of a
10 dissolution, the commission shall order the dissolution without
11 confirmation of the voters, except if the proposal meets the
12 requirements of subdivision (b), the commission shall order the
13 dissolution subject to confirmation of the voters.

14 (b) The commission shall order the dissolution subject to the
15 confirmation of the voters as follows:

16 (1) If the proposal was not initiated by the commission, and if
17 a subject agency has not objected by resolution to the proposal,
18 the commission has found that protests meet the applicable protest
19 thresholds set forth in Section 57093.

20 (2) If the proposal was not initiated by the commission, and if
21 a subject agency has objected by resolution to the proposal, written
22 protests have been submitted that meet the applicable protest
23 thresholds set forth in Section 57094.

24 (3) Except as provided in paragraph (4), if the proposal was
25 initiated by the commission, and regardless of whether a subject
26 agency has objected to the proposal by resolution, written protests
27 have been submitted that meet the requirements of Section 57094.

28 (4) If the proposal was initiated by the commission pursuant to
29 Section 56375.1, and regardless of whether a subject agency has
30 objected to the proposal by resolution, written protests have been
31 submitted that meet the requirements of Section 57093.

32 (c) Notwithstanding subdivisions (a) and (b) and Sections 57102
33 and 57103, if a change of organization consists of the dissolution
34 of a district that is consistent with a prior action of the commission
35 pursuant to Section 56378, 56425, or 56430, the commission may
36 do either of the following:

37 (1) If the dissolution is initiated by the district board,
38 immediately approve and order the dissolution without an election
39 or protest proceedings pursuant to this part.

(2) If the dissolution is initiated by an affected local agency, by the commission pursuant to Section 56375, or by petition pursuant to Section 56650, order the dissolution after holding at least one noticed public hearing, and after conducting protest proceedings in accordance with this part. Notwithstanding any other law, the commission shall terminate proceedings if a majority protest exists in accordance with Section 57078. If a majority protest is not found, the commission shall order the dissolution without an election.

SEC. 8. Section 57077.2 of the Government Code is amended to read:

57077.2. (a) If the change of organization consists of a consolidation of two or more districts, the commission shall order the consolidation without confirmation by the voters, except that if the proposal meets the requirements of subdivision (b), the commission shall order the consolidation subject to confirmation of the voters.

(b) The commission shall order the consolidation subject to the confirmation of the voters as follows:

(1) If the commission has approved a proposal submitted by resolution of a majority of the members of the legislative bodies of two or more local agencies pursuant to Section 56853, and the commission has found that protests meet the applicable protest thresholds set forth in Section 57093.

(2) If the commission has approved a proposal not initiated by the commission and if a subject agency has not objected by resolution to the proposal, written protests have been submitted that meet the applicable protest thresholds set forth in Section 57093.

(3) If the proposal was not initiated by the commission, and if a subject agency has objected by resolution to the proposal, written protests have been submitted that meet one of the protest thresholds set forth in Section 57094.

(4) If the commission has approved a proposal initiated by the commission, and regardless of whether a subject agency has objected to the proposal by resolution, written protests have been submitted that meet the requirements of Section 57077.6.

SEC. 9. Section 57077.3 of the Government Code is amended to read:

1 57077.3. (a) If a proposal consists of a reorganization not
2 described in Section 57075, 57077, 57077.4, or 57111, the
3 commission shall order the reorganization without confirmation
4 by the voters except that if the reorganization meets the
5 requirements of subdivision (b), the commission shall order the
6 reorganization subject to confirmation of the voters.

7 (b) The commission shall order the reorganization subject to
8 confirmation of the voters as follows:

9 (1) If the commission has approved a proposal submitted by
10 resolution of a majority of the members of the legislative bodies
11 of two or more local agencies pursuant to Section 56853, and the
12 commission has found that protests meet the applicable protest
13 thresholds set forth in Section 57093.

14 (2) If the commission has approved a proposal not initiated by
15 the commission, and if a subject agency has not objected by
16 resolution to the proposal, a written protest has been submitted
17 that meets the applicable protest thresholds set forth in Section
18 57093.

19 (3) If the commission has approved a proposal not initiated by
20 the commission, and if a subject agency has objected by resolution
21 to the proposal, written protests have been submitted that meet
22 one of the protest thresholds set forth in Section 57094.

23 (4) If the commission has approved a proposal initiated by the
24 commission, and regardless of whether a subject agency has
25 objected to the proposal by resolution, written protests have been
26 submitted that meet the requirements of Section 57077.6.

27 SEC. 10. Section 57077.4 of the Government Code is amended
28 to read:

29 57077.4. (a) If a reorganization consists of the dissolution of
30 one or more districts and the annexation of all or substantially all
31 the territory to another district not initiated pursuant to Section
32 56853 or by the commission pursuant to Section 56375, the
33 commission shall order the reorganization without confirmation
34 by the voters except that if the reorganization meets the
35 requirements of subdivision (b) or (c), the commission shall order
36 the reorganization subject to confirmation by the voters.

37 (b) The commission shall order the reorganization subject to
38 confirmation by the voters, if written protests have been submitted
39 that meet the applicable protest thresholds set forth in Section
40 57094.

(c) The commission shall order the reorganization subject to confirmation by the voters if the reorganization has been initiated by the commission pursuant to Section 56375 and protests have been submitted that meet the requirements of Section 57077.6.

SEC. 11. Section 57077.5 is added to the Government Code, to read:

57077.5. (a) In any resolution ordering a merger or establishment of a subsidiary district, the commission shall approve the change of organization without an election except that if the change of organization meets the requirements of subdivision (b), the commission shall order the change of organization subject to confirmation of the voters.

(b) The commission shall order the change of organization subject to confirmation of the voters within any subject agency as follows:

(1) If the proposal was not initiated by the commission, and if a subject agency has not objected by resolution to the proposal, the commission has found that protests meet the applicable protest thresholds set forth in Section 57093.

(2) If the proposal was not initiated by the commission, and if a subject agency has objected by resolution to the proposal, written protests have been submitted that meet the applicable protest thresholds set forth in Section 57094.

(3) If the proposal was initiated by the commission, and regardless of whether a subject agency has objected to the proposal by resolution, written protests have been submitted that meet the requirements of Section 57077.6.

(c) Notwithstanding subdivision (a) or (b), the commission shall not order the merger or establishment of a subsidiary district without the consent of the subject city.

SEC. 12. Section 57077.6 is added to the Government Code, to read:

57077.6. Notwithstanding Section 57102, 57108, or 57111, both of the following shall apply:

(a) For any proposal that was initiated by the commission pursuant to Section 56375.1, the commission shall forward the change of organization or reorganization for confirmation by the voters if the commission finds written protests have been submitted that meet the applicable protest thresholds set forth in Section 57094. 57093.

(b) For any proposal that was initiated by the commission pursuant to subparagraphs (A) through (G), inclusive, of paragraph (2) of subdivision (a) of Section 56375, the commission shall forward the change of organization or reorganization for confirmation by the voters if the commission finds written protests have been submitted that meet the applicable protest thresholds set forth in Section 57094.

SEC. 13. Section 57090 of the Government Code is amended to read:

57090. (a) Except as otherwise provided in subdivision (b), if proceedings are terminated, either by majority protest as provided in Sections 57075 and 57077, or if a majority of voters do not confirm the change of organization or reorganization as provided in Section 57179, no substantially similar proposal for a change of organization or reorganization of the same or substantially the same territory may be filed with the commission within two years after the date of the certificate of termination if the proposal included an incorporation or city consolidation and within one year for any other change of organization or reorganization.

(b) The commission may waive the requirements of subdivision (a) if it finds these requirements are detrimental to the public interest.

SEC. 14. Chapter 4.5 (commencing with Section 57091) is added to Part 4 of Division 3 of Title 5 of the Government Code, to read:

CHAPTER 4.5. PROTEST THRESHOLDS

57091. (a) For purposes of Section 57075, relating to annexations, detachments, and latent powers, in the case of registered voter districts or cities:

(1) For inhabited territory, the commission shall take one of the following actions:

(A) Terminate proceedings if a majority protest exists in accordance with Section 57078.

(B) Order the change of organization or reorganization subject to confirmation by the registered voters residing within the affected territory if written protests have been filed and not withdrawn by either of the following:

1 (i) At least 25 percent, but less than 50 percent, of the registered
2 voters residing in the affected territory.

3 (ii) At least 25 percent of the number of owners of land who
4 also own at least 25 percent of the assessed value of land within
5 the affected territory.

6 (C) Order the change of organization or reorganization without
7 an election if subparagraphs (A) and (B) of this paragraph do not
8 apply.

9 (2) For uninhabited territory, the commission shall take either
10 of the following actions:

11 (A) Terminate proceedings if a majority protest exists in
12 accordance with Section 57078.

13 (B) Order the change of organization or reorganization if written
14 protests have been filed and not withdrawn by owners of land who
15 own less than 50 percent of the total assessed value of land within
16 the affected territory.

17 (b) For purposes of Section 57075, in the case of
18 landowner-voter districts, the commission shall take one of the
19 following actions:

20 (1) Terminate proceedings if a majority protest exists in
21 accordance with Section 57078.

22 (2) Order the change of organization or reorganization subject
23 to an election within the affected territory if written protests that
24 have been filed and not withdrawn represent either of the following:

25 (A) Twenty-five percent or more of the number of owners of
26 land who also own 25 percent or more of the assessed value of
27 land within the affected territory.

28 (B) Twenty-five percent or more of the voting power of
29 landowner voters entitled to vote as a result of owning property
30 within the affected territory.

31 (3) Order the change of organization or reorganization without
32 an election if written protests have been filed and not withdrawn
33 by less than 25 percent of the number of owners of land who own
34 less than 25 percent of the assessed value of land within the
35 affected territory.

36 57092. For purposes of Sections 57077.1, relating to
37 dissolution, 57077.2, relating to consolidation, 57077.3, relating
38 to reorganization, 57077.4, relating to dissolution and annexation,
39 and 57077.5, relating to merger or establishment of a subsidiary
40 district, the following protest thresholds shall apply:

1 (a) In the case of inhabited territory, protests have been signed
2 by either of the following:

3 (1) At least 25 percent of the number of landowners within the
4 affected territory who own at least 25 percent of the assessed value
5 of land within the affected territory.

6 (2) At least 25 percent of the voters entitled to vote as a result
7 of residing within, or owning land within, the affected territory.

8 (b) In the case of a landowner-voter district, that the territory
9 is uninhabited and that protests have been signed by at least 25
10 percent of the number of landowners within the affected territory
11 owning at least 25 percent of the assessed value of land within the
12 affected territory.

13 57093. For proposals not initiated by the commission and where
14 a subject agency has objected by resolution to the proposal, for
15 purposes of Sections 57077.1, relating to dissolution, 57077.2,
16 relating to consolidation, 57077.3, relating to reorganization,
17 57077.4, relating to dissolution and annexation, and 57077.5,
18 relating to merger or establishment of a subsidiary district, the
19 following protest thresholds shall apply:

20 (a) In the case of inhabited territory, protests have been signed
21 by either of the following:

22 (1) At least 25 percent of the number of landowners within any
23 subject agency within the affected territory who own at least 25
24 percent of the assessed value of land within the affected territory.

25 (2) At least 25 percent of the voters entitled to vote as a result
26 of residing within, or owning land within, any subject agency
27 within the affected territory.

28 (b) In the case of a landowner-voter district, that the territory
29 is uninhabited and protests have been signed by at least 25 percent
30 of the number of landowners within any subject agency within the
31 affected territory, owning at least 25 percent of the assessed value
32 of land within the subject agency.

33 57094. For purposes of Section 57077.6, relating to proposals
34 initiated by the commission, the following protest thresholds shall
35 apply:

36 (a) In the case of inhabited territory, protests have been signed
37 by either of the following:

38 (1) At least 10 percent of the number of landowners within any
39 subject agency within the affected territory who own at least 10
40 percent of the assessed value of land within the territory. However,

1 if the number of landowners within a subject agency is less than
2 300, the protests shall be signed by at least 25 percent of the
3 landowners who own at least 25 percent of the assessed value of
4 land within the affected territory of the subject agency.

5 (2) At least 10 percent of the voters entitled to vote as a result
6 of residing within, or owning land within, any subject agency
7 within the affected territory. However, if the number of voters
8 entitled to vote within a subject agency is less than 300, the protests
9 shall be signed by at least 25 percent of the voters entitled to vote.

10 (b) In the case of a landowner-voter district, the territory is
11 uninhabited and protests have been signed by at least 10 percent
12 of the number of landowners within any subject agency within the
13 affected territory, who own at least 10 percent of the assessed value
14 of land within the territory. However, if the number of landowners
15 entitled to vote within a subject agency is less than 300, protests
16 shall be signed by at least 25 percent of the landowners entitled to
17 vote.

18 SEC. 15. Section 57107 of the Government Code is repealed.

19 SEC. 16. Section 57113 of the Government Code is repealed.

20 SEC. 17. Section 116687 of the Health and Safety Code is
21 amended to read:

22 116687. (a) For purposes of this section, the following terms
23 have the following meanings:

24 (1) "District" means the Sativa-Los Angeles County Water
25 District.

26 (2) "Commission" means the Local Agency Formation
27 Commission for the County of Los Angeles.

28 (b) To provide affordable, safe drinking water to disadvantaged
29 communities, the state board shall order the district to accept
30 administrative and managerial services, including full management
31 and control, from an administrator selected by the state board, as
32 prescribed in Section 116686, except that the state board is not
33 required to conduct a public meeting as described in paragraph (2)
34 of subdivision (b) of Section 116686.

35 (c) (1) Upon the appointment of an administrator, all of the
36 following apply:

37 (A) Notwithstanding Article 1 (commencing with Section
38 30500) of Chapter 1 of Part 3 of Division 12 of the Water Code,
39 the district's board of directors shall surrender all control to the
40 appointed administrator and shall thereafter cease to exist.

1 (B) The members of the board of directors of the district shall
2 have no standing to represent the district's ratepayers, and a
3 member of the board of directors shall have no claim for benefits
4 other than those the member actually received while a member of
5 the board of directors.

6 (C) Any action by the board of directors to divest the district of
7 its assets shall be deemed tampering with a public water system
8 pursuant to Section 116750 and is subject to the criminal penalties
9 provided for in that section.

10 (2) Within 90 days of the appointment of an administrator, the
11 Controller shall perform a desk audit or financial review of the
12 district. The state board shall exercise its legal authority to facilitate
13 the desk audit or financial review, including, but not limited to,
14 its authority to take possession of the district's financial records.

15 (3) Any decision by the commission about the dissolution or
16 consolidation of the district is not subject to the provisions of
17 Section 57077.6 of the Government Code, nor to any other
18 requirement for a protest proceeding or election. The commission
19 shall not impose any condition on the successor agency that
20 requires a protest proceeding or an election, as described in Part
21 4 (commencing with Section 57000) and Part 5 (commencing with
22 Section 57300) of Division 3 of Title 5 of the Government Code,
23 respectively.

24 (4) If the commission approves a dissolution of the district
25 initiated by the commission, a successor agency designated in the
26 dissolution by the commission, in consultation with the
27 commission, may solicit proposals, evaluate submittals, and select
28 any public water system to be the receiving water system and
29 subsume all assets, liabilities, adjudicated water rights,
30 responsibilities, and service obligations to provide retail water
31 service to existing and future ratepayers within the former territory
32 of the district. The successor agency shall represent the interests
33 of the public and the ratepayers in the former territory of the
34 district.

35 (d) The state board may provide additional funding to the
36 administrator or the Water Replenishment District of Southern
37 California or the successor agency designated by the commission
38 for urgent infrastructure repairs to the public water system of the
39 district without regard to the future ownership of any facilities
40 affected by this funding. For purposes of this section, "urgent

1 infrastructure repairs” are those that are immediately necessary to
2 protect the public health, safety, and welfare of those served by
3 the district.

4 (e) If the district is consolidated with a receiving water system
5 as prescribed in Sections 116682 and 116684, the subsumed
6 territory of the district may include both unincorporated territory
7 of the County of Los Angeles and incorporated territory of the
8 City of Compton.

9 (f) (1) Any administrator appointed pursuant to subdivision
10 (b), any successor agency to the district designated by the
11 commission to take over the district, any receiving operator of a
12 public water system that provides service to the territory of the
13 district, any water corporation that acquires the district, and the
14 commission shall not be held liable for claims by past or existing
15 district ratepayers or those who consumed water provided through
16 the district concerning the operation and supply of water from the
17 district during the interim operation period specified in subdivision
18 (g) for any good faith, reasonable effort using ordinary care to
19 assume possession of the territory of, to operate, or to supply water
20 to the ratepayers within the territory of, the district.

21 (2) Any administrator appointed pursuant to subdivision (b),
22 any successor agency to the district designated by the commission
23 to take over the district, any receiving operator of a public water
24 system that provides service to the territory of the district, any
25 water corporation that acquires the district, and the commission
26 shall not be held liable for claims by past or existing district
27 ratepayers or those who consumed water provided through the
28 district for any injury that occurred prior to the commencement of
29 the interim operation period specified in subdivision (g).

30 (g) (1) Notwithstanding subdivision (d) of Section 116684, for
31 any successor agency to the district designated by the commission
32 to take over the district, any receiving operator of a public water
33 system that provides service to the territory of the district, or any
34 water corporation that acquires the district, the interim operation
35 period shall commence upon the execution of an agreement or
36 designation by the commission to provide water services to the
37 district and shall end one year later. Upon the showing of good
38 cause, the interim operation period shall be extended by the
39 commission for up to three successive one-year periods at the
40 request of an entity described in this paragraph.

1 (2) For the administrator appointed pursuant to subdivision (b),
2 the interim operation period commences upon being appointed by
3 the state board and ends when a successor agency has been
4 designated by the commission to provide water service to
5 ratepayers of the district, when a receiving water agency is
6 consolidated with or extends service to ratepayers of the district,
7 when a water corporation acquires the district with the approval
8 of the Public Utilities Commission, or when the administrator's
9 obligation to provide interim administrative and managerial
10 services has otherwise ended.

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**CALAFCO Daily Legislative Report
as of Wednesday, May 25, 2022**

**ITEM #10
Attachment C**

1

AB 2957 (Committee on Local Government) Local government: reorganization.

Current Text: Amended: 4/18/2022 [html](#) [pdf](#)

Introduced: 3/2/2022

Last Amended: 4/18/2022

Status: 5/12/2022-Read third time. Passed. Ordered to the Senate. (Ayes 65. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.

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

Calendar:

6/1/2022 9:30 a.m. - State Capitol, Room 112 SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires that an applicant seeking a change of organization or reorganization to submit a plan for providing services within the affected territory. Current law requires a petitioner or legislative body desiring to initiate proceedings to submit an application to the executive officer of the local agency formation commission, and requires the local agency formation commission, with regard to an application that includes an incorporation, to immediately notify all affected local agencies and any applicable state agency, as specified. This bill would define the term "successor agency," for these purposes to mean the local agency a commission designates to wind up the affairs of a dissolved district.

Attachments:

[LAFCo Support letter template](#)

[CALAFCO Support letter](#)

Position: Sponsor

Subject: CKH General Procedures

CALAFCO Comments: This is the annual Omnibus bill sponsored by CALAFCO. As introduced it makes 3 minor, technical non-substantive changes in CKH: (1) Replaces "to be completed and in existence" with "take effect" under GCS 56102; (2) Adds GCS 56078.5: "Successor Agency" means the local agency the Commission designates to wind up the affairs of a dissolved district; and (3) Replaces "proposals" with "applications" within GCS 56653(a), 56654(a), (b), and (c), and 56658(b)(1) and (b)(2).

CALAFCO support letter and LAFCo support letter template are in the attachments section.

April 18, 2022 bill amended with additional changes requested by CALAFCO. Amendments include grammatical changes, the correction of a PUC citation in GC Sec 56133(e)(5) from 9604 to 224.3, the extension of the sunset date within R&T Section 99(b)(8)(B) to January 1, 2028, and it renumbers remaining provisions as needed due to the above changes.

SB 938 (Hertzberg D) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.

Current Text: Amended: 4/4/2022 [html](#) [pdf](#)

Introduced: 2/8/2022

Last Amended: 4/4/2022

Status: 5/5/2022-Referred to Com. on L. GOV.

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

Calendar:

6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under current law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization. Current law authorizes a commission to dissolve an inactive district if specified conditions are satisfied. This bill would also authorize a commission to initiate a proposal for the dissolution of a district, as described, if the commission approves, adopts, or accepts a specified study that includes a finding, based on a preponderance of the evidence, that, among other things, the district has one or more documented chronic service provision deficiencies, the district spent public funds in an unlawful or reckless manner, or the district has shown willful neglect by failing to consistently adhere to the California Public Records Act.

Attachments:

[SB 938 LAFCo support letter template](#)

[SB 938 CALAFCO Support letter](#)

Position: Sponsor

Subject: CKH General Procedures, Other

CALAFCO Comments: CALAFCO is the sponsor of this bill. SB 839 represents a collaborative three-year effort (by an 18-member working group) to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a LAFCo may initiate dissolution of a district at the 25 percent protest threshold. In response to a recommendation made in the 2017 Little Hoover Commission report (Special Districts: Improving Oversight and Transparency), CALAFCO initiated a working group of stakeholders in early 2019 to discuss the protest process for dissolutions of special districts.

The bill's current format (dated 2/8/22) represents the restructuring of existing protest provisions scattered throughout CKH. There have been some minor technical language added for clarifications. These changes are all minor in nature (by legislative standards).

The bill will be amended to reflect the newly designed process that codifies the ability for LAFCo to initiate a district dissolution at 25% protest threshold. The conditions under which this can occur include one or more of the following, any/all of which must be documented via determinations in a Municipal Service Review (MSR):

1. The agency has one or more documented chronic service provision deficiencies that substantially deviate from industry or trade association standards or other government regulations and its board or management is not actively engaged in efforts to remediate the documented service deficiencies;
2. The agency spent public funds in an unlawful or reckless manner inconsistent with the principal act or other statute governing the agency and has not taken any action to prevent similar future spending;
3. The agency has consistently shown willful neglect by failing to consistently adhere to the California Public Records Act and other public disclosure laws the agency is subject to;
4. The agency has failed to meet the minimum number of times required in its governing act in the prior calendar year and has taken no action to remediate the failures to meet to ensure future meetings are conducted on a timely basis;
5. The agency has consistently failed to perform timely audits in the prior three years, or failed to meet minimum financial requirements under Government Code section 26909 over the prior five years as an alternative to performing an audit, or the agency's recent annual audits show chronic issues with the agency's fiscal controls and the agency has taken no action to remediate the issues.

The proposed process is:

1. LAFCo to present the MSR in a 21-day noticed public hearing. At that time the LAFCo may choose to adopt a resolution of intent to dissolve the district. The resolution shall contain a minimum 12-month remediation period.
2. The district will have a minimum of 12 months to remediate the deficiencies.
3. Half-way through the remediation period, the district shall provide LAFCo a written report on the progress of their remediation efforts. The report is to be placed on a LAFCo meeting agenda and presented at that LAFCo meeting.
4. At the conclusion of the remediation period, LAFCo conducts another 21-day noticed public hearing to determine if district has remedied deficiencies. If the district has resolved issues, commission rescinds the resolution of intent to dissolve the district and the matter is dropped. If not, commission adopts a resolution making determinations to dissolve the district.
5. Standard 30-day reconsideration period.
6. Protest proceedings at 25% threshold can be noticed with a required 60-day protest period.
7. Protest hearing is held and amount of qualified protests determined based on 25% threshold. LAFCo either orders dissolution, election, or termination.

As this bill - when amended - adds requirements for LAFCOs and districts, it will likely be keyed fiscal (for now it is not). An author fact sheet and CALAFCO fact sheet are posted in our attachments section as well as the CALAFCO Support letter and LAFCo support letter template.

SB 1490 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/28/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 4/28/2022-Referred to Com. on L. GOV.

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

Calendar:

6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Would enact the First Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[SB 1490-1491-1492, CALAFCO Letter of Support - March 2022](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is the first of three annual validating acts. The CALAFCO Support letter is posted in our attachments.

SB 1491 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/28/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 4/28/2022-Referred to Com. on L. GOV.

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

Calendar:

6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Would enact the Second Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[SB 1490-1491-1492, CALAFCO Letter of Support - March 2022](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is the second of three annual validating acts. The CALAFCO Support letter is posted in our attachments.

[SB 1492](#) (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/28/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 4/28/2022-Referred to Com. on L. GOV.

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

Calendar:

6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Would enact the Third Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[SB 1490-1491-1492, CALAFCO Letter of Support - March 2022](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is the third of three annual validating acts. The CALAFCO Support letter is posted in our attachments.

[AB 1640](#) (Ward D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.

Current Text: Amended: 5/19/2022 [html](#) [pdf](#)

Introduced: 1/12/2022

Last Amended: 5/19/2022

Status: 5/23/2022-Read second time. Ordered to third reading.

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

Calendar:

5/25/2022 #283 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary:

Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the Office of Planning and Research to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

Attachments:

[AB 1640, CALAFCO Letter of Support - March 2022](#)

[AB 1640 Author Fact](#)

Position: Support

Subject: Climate Change

CALAFCO Comments: This bill is a follow up and very similar to AB 897 (2021). The bill would authorize eligible entities, as defined (including LAFCo), to establish and participate in a regional climate network, as defined. The bill would authorize a regional climate network to engage in activities to address climate change, as specified. Further, it requires a regional climate network to develop a regional climate adaptation and resilience action plan and to submit the plan to OPR for review, comments, and certification. The bill would require OPR to: (1) encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks; (2) develop and publish guidelines on how eligible entities may establish regional climate networks and how governing

boards may be established within regional climate networks by 7-1-23; and (3) provide technical assistance to regions seeking to establish a regional climate network, facilitate coordination between regions, and encourage regions to incorporate as many eligible entities into one network as feasible.

The difference between this bill and AB 897 is this bill removes requirements for OPR to develop guidelines and establish standards and required content for a regional climate adaptation and resilience action plan (to be produced by the network), and removes some specified technical support requirements by OPR. Those requirements were covered in SB 170, a budget trailer bill from 2021.

The bill is author-sponsored and keyed fiscal. An author fact sheet is included in our attachments area, as well as the CALAFCO Support letter.

Amended 3/23/2022 to provide that regional climate networks MAY be developed rather than the former requirement. Minor clean ups of other superfluous language.

Amended 5/19/2022 to remove the deadline for OPR to develop and publish guidelines for eligible entities to establish regional climate networks, removed an exemption to cover multiple counties when population was greater than 2 million people, removed requirements for membership and biennial reports to OPR.

AB 1773 (Patterson R) Williamson Act: subvention payments: appropriation.

Current Text: Introduced: 2/3/2022 [html](#) [pdf](#)

Introduced: 2/3/2022

Status: 5/19/2022-In committee: Held under submission.

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

Summary:

The Williamson Act, also known as the California Land Conservation Act of 1965, authorizes a city or county to enter into contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation. Current law sets forth procedures for reimbursing cities and counties for property tax revenues not received as a result of these contracts and continuously appropriates General Fund moneys for that purpose. This bill, for the 2022-23 fiscal year, would appropriate an additional \$40,000,000 from the General Fund to the Controller to make subvention payments to counties, as provided, in proportion to the losses incurred by those counties by reason of the reduction of assessed property taxes.

Attachments:

[AB 1773 CALAFCO Letter of Support - March 2022](#)

[AB 1773 Author Fact Sheet](#)

Position: Support

Subject: Ag Preservation - Williamson

CALAFCO Comments: AB 1773 resurrects funding the Williamson Act for the 2022-2023 budget year. The Williamson Act was created to preserve open space and conserve agricultural land. For many years, the state funded the Act at around \$35-\$40 million per year. This funding ceased during the recession, and has not been reinstated since. AB 1773 would allocate \$40 million from the General Fund to the Williamson Act for the purpose of subvention payments.

The bill is author-sponsored, has a general-fund appropriation, and is keyed fiscal. An author fact sheet is posted in our attachments section, along with the CALAFCO Support letter.

AB 1944 (Lee D) Local government: open and public meetings.

Current Text: Amended: 5/25/2022 [html](#) [pdf](#)

Introduced: 2/10/2022

Last Amended: 5/25/2022

Status: 5/5/2022-Read second time. Ordered to third reading. (Amended Text Released 5/25/2022)

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

Calendar:

5/25/2022 #24 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary:

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely. The bill would also require an updated agenda reflecting all of the members participating in the meeting remotely to be posted, if a member of the legislative body elects to participate in the meeting remotely after the agenda is posted. authorize, authorize, authorize, This bill contains other related provisions and other existing laws.

Attachments:[AB 1944 Author Fact Sheet](#)**Position:** Watch**Subject:** Brown Act**CALAFCO Comments:** This bill would delete the requirement that an individual participating in a Brown Act meeting remotely from a non-public location must disclose the address of the location. If the governing body chooses to allow for remote participation, it must also provide video streaming and offer public comment via video or phone.

The bill is author sponsored and keyed fiscal. The author's fact sheet is posted in our attachments area.

[AB 2081](#) (Garcia, Eduardo D) Municipal water districts: water service: Indian lands.**Current Text:** Amended: 5/12/2022 [html](#) [pdf](#)**Introduced:** 2/14/2022**Last Amended:** 5/12/2022**Status:** 5/12/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on GOV. & F.

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

Calendar:

6/1/2022 9:30 a.m. - State Capitol, Room 112 SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

Summary:

The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, until January 1, 2023, under specified circumstances, to apply to the applicable local agency formation commission to provide this service of water to Indian lands, as defined, that are not within the district and requires the local agency formation commission to approve such an application. This bill, among other things, would extend the above provisions regarding the application to the applicable local agency formation commission to January 1, 2027.

Attachments:[AB 2081 CALAFCO Oppose 03-16-2022](#)[AB 2081 Author Fact Sheet](#)**Position:** Oppose**Subject:** Water**CALAFCO Comments:** This bill extends the sunset date created in AB 1361 (2017). Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, under specified circumstances, to apply to the applicable LAFCo to provide this service of water to Indian lands, as defined, that are not within the district and requires the LAFCo to approve such an application. This bill extends the sunset date from January 1, 2023 to January 1, 2025.

CALAFCO opposed AB 1361 in 2017 as the process requires LAFCo to approve the extension of service, requires the district to extend the service, and does not require annexation upon extension of service. CALAFCO reached out to the author's office requesting information as to the reason for the extension and we have not been given a reason.

The bill is keyed fiscal. An author fact sheet is included in the attachments area, as well as the CALAFCO letter in opposition.

[AB 2449](#) (Rubio, Blanca D) Open meetings: local agencies: teleconferences.**Current Text:** Amended: 5/23/2022 [html](#) [pdf](#)**Introduced:** 2/17/2022**Last Amended:** 5/23/2022**Status:** 5/23/2022-Assembly Rule 69(b) suspended. Read third time and amended. Ordered to third reading.

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

Calendar:

5/25/2022 #25 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary:

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise and recast those teleconferencing provisions and, until January

1, 2028, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction.

Position: Watch

Subject: Brown Act

CALAFCO Comments: This bill authorizes the use of teleconferencing without noticing and making available to the public teleconferencing locations if a quorum of the members of the legislative body participate in person from a singular location that is noticed and open to the public and require the legislative body to offer public comment via video or phone.

CALAFCO reached out to the author's office for information and we've not yet heard back. The bill is not keyed fiscal.

AB 2647 (Levine D) Local government: open meetings.

Current Text: Amended: 4/19/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Last Amended: 4/19/2022

Status: 5/12/2022-Read third time. Passed. Ordered to the Senate. (Ayes 62. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board less than 72 hours before a meeting available for public inspection, as specified, at a public office or location that the agency designates. Current law also requires the local agency to list the address of the office or location on the agenda for all meetings of the legislative body of the agency. Current law authorizes a local agency to post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

Position: Watch

Subject: Brown Act

CALAFCO Comments: This bill seeks to amend the law to make clear that writings that have been distributed to a majority of a local legislative body less than 72 hours before a meeting can be posted online in order to satisfy the law.

The bill is sponsored by the League of Cities and is not keyed fiscal.

SB 852 (Dodd D) Climate resilience districts: formation: funding mechanisms.

Current Text: Amended: 5/18/2022 [html](#) [pdf](#)

Introduced: 1/18/2022

Last Amended: 5/18/2022

Status: 5/24/2022-Read third time. Passed. (Ayes 29. Noes 7.) Ordered to the Assembly.

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

Summary:

Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance, including projects that enable communities to adapt to the impacts of climate change. Current law also requires the legislative body to establish a public financing authority, defined as the governing board of the enhanced infrastructure financing district, prior to the adoption of a resolution to form an enhanced infrastructure district and adopt an infrastructure financing plan. This bill would authorize a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district, as defined, for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill would deem each district to be an enhanced infrastructure financing district and would require each district to comply with existing law concerning enhanced infrastructure financing districts, unless the district is specified as otherwise. The bill would require a district to finance only specified projects that meet the definition of an eligible project. The bill would define "eligible project" to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified.

Attachments:

[SB 852 Author Fact Sheet](#)

Position: Watch

Subject: Special District Principle Acts

CALAFCO Comments: This bill creates the Climate Resilience Districts Act. The bill completely bypasses LAFCo in the formation and oversight of these new districts because the districts are primarily being created as a funding mechanism for local climate resilience projects (as a TIF or tax increment finance district - for which LAFCOs also have

no involvement).

The bill authorizes a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill defines "eligible project" to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified. The bill authorizes a district created pursuant to these provisions to have boundaries that are identical to the boundaries of the participating entities or within the boundaries of the participating entities. The bill also authorizes specified local entities to adopt a resolution to provide property tax increment revenues to the district. The bill would also authorize specified local entities to adopt a resolution allocating other tax revenues to the district, subject to certain requirements. The bill would provide for the financing of the activities of the district by, among other things, levying a benefit assessment, special tax, property-related fee, or other service charge or fee consistent with the requirements of the California Constitution. It requires 95% of monies collected to fund eligible projects, and 5% for district administration. The bill would require each district to prepare an annual expenditure plan and an operating budget and capital improvement budget, which must be adopted by the governing body of the district and subject to review and revision at least annually.

Section 62304 details the formation process, Section 62305 addresses the district's governance structure, and 62307 outlines the powers of the district.

This bill is sponsored by the Local Government Commission and is keyed fiscal. A fact sheet is included in our attachments section.

Amended 5/18/2022 to impose requirements on projects undertaken or financed by a district, including requiring a district to obtain an enforceable commitment from the developer that contractors and subcontractors performing the work use a skilled and trained workforce, and would expand the crime of perjury to these certifications.

SB 1100 (Cortese D) Open meetings: orderly conduct.

Current Text: Amended: 4/21/2022 [html](#) [pdf](#)

Introduced: 2/16/2022

Last Amended: 4/21/2022

Status: 5/5/2022-Referred to Coms. on L. GOV. and JUD.

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

Calendar:

6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Current law authorizes the legislative body to adopt reasonable regulations to ensure that the intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Current law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. This bill would authorize the presiding member of the legislative body conducting a meeting to remove an individual for disrupting the meeting.

Attachments:

[SB 1100 Author Fact Sheet](#)

Position: Watch

Subject: Brown Act

CALAFCO Comments: This bill would authorize the removal of an individual from a public meeting who is "willfully interrupting" the meeting after a warning and a request to stop their behavior. "Willfull interrupting" is defined as intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law.

The bill is author-sponsored and keyed fiscal. An author fact sheet is posted in our attachments section.

SB 1449 (Caballero D) Office of Planning and Research: grant program: annexation of unincorporated areas.

Current Text: Amended: 4/19/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Last Amended: 4/19/2022

Status: 5/19/2022-From committee: Do pass. (Ayes 6. Noes 0.) (May 19). Read second time. Ordered to third reading.

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

Calendar:

5/25/2022 #65 SENATE SENATE BILLS -THIRD READING FILE

Summary:

Would require the Office of Planning and Research to, upon appropriation by the Legislature, establish the Unincorporated Area Annexation Incentive Program, authorizing the office to issue a grant to a city for the purpose of funding infrastructure projects related to the proposed or completed annexation of a substantially surrounded unincorporated area, as defined, subject to approval by the Director of State Planning after the city submits an application containing specified information. The bill would require the office to match, on a dollar-for-dollar basis, any dollar contribution a city makes toward a project funded by the program, subject to a maximum funding threshold as determined by the director. The bill would, by September 1, 2023, require the office to develop guidelines, and consult with various local representatives to prepare those guidelines, for purposes of implementing the program, and would provide that the guidelines are not subject to the rulemaking requirements of the Administrative Procedure Act.

Position: Watch**Subject:** Annexation Proceedings

CALAFCO Comments: This is currently a spot bill. According to the author's office, they are working on state funding to incentivize annexation of inhabited territory (when the VLF was taken away, so too was any financial incentive to annex inhabited territory). For many years bills have been run to reinstate funding, none of which have ever successfully passed. There is no other information available on this bill at this time. CALAFCO will continue conversations with the author's office as this is an important topic for LAFcos. (The bill will remain a P-3 until amended.)

Amended 3/16/2022 to remove spot holder language, add definitions and other language tying to CKH, and add language more specific to a grant program.

3

AB 897 (Mullin D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.**Current Text:** Amended: 7/14/2021 [html](#) [pdf](#)**Introduced:** 2/17/2021**Last Amended:** 7/14/2021

Status: 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/16/2021)(May be acted upon Jan 2022)

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

Summary:

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

Attachments:[CALAFCO Support July 2021](#)[AB 897 Fact Sheet](#)**Position:** Support**Subject:** Climate Change

CALAFCO Comments: As introduced, the bill builds on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region.

As amended, the bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. The bill outlines the authority of a regional climate network, and defines eligible entities. Prior versions of the bill kept the definition as rather generic and with each amended version gets more specific. As a result, CALAFCO has requested the author add LAFcos explicitly to the list of entities eligible to participate in these regional climate networks.

As amended on 4/7, AB 11 (Ward) was joined with this bill - specifically found in 71136 in the Public Resources Code as noted in the amended bill. Other amendments include requiring OPR to, before 7-1-22, establish geographic boundaries for regional climate networks and prescribes requirements in doing so.

This is an author-sponsored bill. The bill necessitates additional resources from the state to carry out the additional work required of OPR (there is no current budget appropriation). A fact sheet is posted in the tracking section of the

bill.

As amended 4/19/21: There is no longer a requirement for OPR to include in their guidelines how a regional climate network may develop their plan: it does require ("may" to "shall") a regional climate network to develop a regional climate adaptation plan and submit it to OPR for approval; adds requirements of what OPR shall publish on their website; and makes several other minor technical changes.

As amended 7/1/21, the bill now explicitly names LAFCo as an eligible entity. It also adjusts several timelines for OPR's requirements including establishing boundaries for the regional climate networks, develop guidelines and establish standards for the networks, and to make recommendations to the Legislature related to regional adaptation. Give the addition of LAFCo as an eligible entity, CALAFCO is now in support of the bill.

Amendments of 7/14/21, as requested by the Senate Natural Resources & Water Committee, mostly do the following: (1) Include "resilience" to climate adaptation; (2) Prioritize the most vulnerable communities; (3) Add definitions for "under-resourced" and "vulnerable" communities; (4) Remove the requirement for OPR to establish geographic boundaries for the regional climate networks; (5) Include agencies with hazard mitigation authority and in doing so also include the Office of Emergency Services to work with OPR to establish guidelines and standards required for the climate adaptation and resilience plan; and (6) Add several regional and local planning documents to be used in the creation of guidelines.

2/24/22 UPDATE: It appears this bill is being replaced with AB 1640 (Ward, Mullin, etc.). CALAFCO will keep this bill on Watch and follow the new bill.

AB 903 (Frazier D) Los Medanos Community Healthcare District.

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 4/19/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 5/19/2021)(May be acted upon Jan 2022)

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

Summary:

Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to develop and conduct the Los Medanos Area Health Plan Grant Program focused on comprehensive health-related services in the district's territory. The bill would require the county to complete a property tax transfer process to ensure the transfer of the district's health-related ad valorem property tax revenues to the county for the sole purpose of funding the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as specified, the bill would impose a state-mandated local program.

Position: Watch

CALAFCO Comments: This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

The amendment on 4/5/21 was just to correct a typo in the bill.

As amended on 4/19/21, the bill specifies monies received by the county as part of the property tax transfer shall be used specifically to fund the Los Medanos Area Health Plan Grant Program within the district's territory. It further adds a clause that any new or existing profits shall be used solely for the purpose of the grant program within the district's territory.

The bill did not pass out of Senate Governance & Finance Committee and will not move forward this year. It may be acted on in 2022.

2022 UPDATE: Given Member Frazier is no longer in the Assembly and the appellate court overturned the lower court's decision, it is likely the bill will not move forward. CALAFCO will retain WACTH on the bill.

AB 975 (Rivas, Luz D) Political Reform Act of 1974: filing requirements and gifts.

Current Text: Amended: 5/5/2022 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/5/2022

Status: 5/5/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E. & C.A.

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

Summary:

The Political Reform Act of 1974 generally requires elected officials, candidates for elective offices, and committees formed primarily to support or oppose a candidate for public office or a ballot measure, along with other persons and entities, to file periodic campaign statements and certain reports concerning campaign finances and related matters.

Current law permits a report or statement that has been on file for at least two years to be retained by a filing officer as a copy on microfilm or other space-saving materials and, after the Secretary of State certifies an online filing and disclosure system, as an electronic copy. This bill would permit a filing officer to retain a report or statement filed in a paper format as a copy on microfilm or other space-saving materials or as an electronic copy, as specified, without a two-year waiting period.

Position: Watch

Subject: FPPC

CALAFCO Comments: As introduced, this bill makes two notable changes to the current requirements of gift notification and reporting: (1) It increases the period for public officials to reimburse, in full or part, the value of attending an invitation-only event, for purposes of the gift rules, from 30 days from receipt to 30 days following the calendar quarter in which the gift was received; and (2) It reduces the gift notification period for lobbyist employers from 30 days after the end of the calendar quarter in which the gift was provided to 15 days after the calendar quarter. Further it requires the FPPC to have an online filing system and to redact contact information of filers before posting.

The amendment on 4/21/21 just corrects wording (technical, non-substantive change).

The amendments on 5/18/21 clarify who is to file a statement of economic interest to include candidates (prior text was office holders).

UPDATE AS OF 2/24/22 - The author's office indicates they are moving forward with the bill this year and are planning amendments. They are not clear what those amendments will be so CALAFCO will retain a WATCH position on the bill.

AB 1195 (Garcia, Cristina D) Limited Eligibility and Appointment Program: lists.

Current Text: Amended: 5/18/2022 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/18/2022

Status: 5/19/2022-Withdrawn from committee. Re-referred to Com. on RLS.

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

Summary:

Current law specifically grants the Department of Human Resources the powers, duties, and authority necessary to operate the state civil service system in accordance with Article VII of the California Constitution, the Government Code, the merit principle, and applicable rules duly adopted by the State Personnel Board. Current law creates the Limited Examination and Appointment Program (LEAP), which the Department of Human Resources administers, to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Current law requires the Department of Human Resources, when an appointing power seeks to fill a vacant position by using an employment list, to provide the appointing power with a certified list of the names and addresses of all eligible candidates, as specified. Current law requires the department to provide a single certified list of eligible candidates if more than one employment list or LEAP referral list exists, and the department is required to combine the names and addresses of all eligible candidates. This bill would, notwithstanding those provisions, require the department to, upon request of the appointing power, provide the appointing power a LEAP referral list without combining that list with a parallel list and would authorize the appointing power to select and hire any individual from that a referral list to fill any vacancy.

Attachments:

[CALAFCO Letter of Concern - April 2021](#)

[AB 1195 Fact Sheet](#)

Position: Watch

Subject: Water

CALAFCO Comments: As amended on 4-6-21, the bill was gut and amended and now creates the So LA County Human Rights to Water Collaboration Act. It requires the Water Board to appoint a commissioner to implement the Safe & Affordable Funding for Equity & Resilience Program and gives the commissioner certain authorities (although they are not clearly spelled out). It requires the commissioner by 12-31-24 to submit to the Water Board a plan for the long-term sustainability of public water systems in southern LA County and prescribes what shall be included in the plan. The bill also creates a technical advisory board and requires the commissioner to oversee the Central Basin Municipal Water District.

In its current form the bill creates numerous concerns. CALAFCO's letter of concern is posted in the tracking section of the bill, and includes: (1) Focus of the bill is very broad as is the focus of the commissioner; (2) In an attempt to prevent privatization of water systems there is language regarding severing water rights. That language could be problematic should a consolidation be ordered; (3) Diminishing local control that is being invested in the state (an ongoing concern since SB 88); (4) A clear distinction needs to be made between an Administrator and Commissioner; (5) The poorly written section on the technical advisory board; and (6) The lack of LAFCo involvement in any consolidation process.

As amended on 5-24-21, the bill changes the water rights provision now requiring approval by the water Board; uses the definitions of "at risk system" and "at risk domestic well" found in SB 403 (Gonzalez) as well as the 3,300 connect cap; requires the commissioner appointed by the board to be from the local area; requires the commissioner to do certain things prior to completing the regional plan; and requires the commissioner to apply to LA LAFCo for extension of service, consolidation or dissolution as appropriate. The bill also creates a pilot program for LA LAFCo giving them the authority to take action rather than the water board, providing it is within 120 days of receipt of a completed

application. If the LAFCo fails to take action within that time, the matter goes to the water board for their action.

The pilot program also gives LA LAFCo the authority to approve, approve with conditions or deny the application; further giving LAFCo authority to consider consolidation or extension of service with a local publicly owned utility that provides retail water, a private water company or mutual; the bill also waives protest proceedings, gives the LAFCo authority to address governance structure and CEQA is waived, provides full LAFCo indemnification and funding.

There are still issues with the proposed technical advisory board section of the bill, and questions about timing of some of the processes. CALAFCO continues to work with the author and speakers' offices as well as other stakeholders on ongoing amendments.

The bill is author-sponsored and we understand there is currently no funding source. A fact sheet is posted in the tracking section of the bill. CALAFCO's letter of concern is also posted there.

THIS IS NOW A 2-YEAR BILL.

UPDATE AS OF 2/10/22 - According to the author's office, the author is not intending to move the bill forward at this time. CALAFCO will continue to WATCH and monitor the bill. As a result, the bill was downgraded from a P-1 to a P-3.

GUTTED AND AMENDED on 5/18/2022 to remove previous verbiage regarding water. The bill now addresses the State Department of Human Resources and the Limited Eligibility and Appointment Program (LEAP), which the Department of Human Resources administers, to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Downgraded to Watch, from Watch with Concerns.

AB 1757 (Haney, D) Groundwater sustainability agency.

Current Text: Amended: 5/10/2022 [html](#) [pdf](#)

Introduced: 2/2/2022

Last Amended: 5/10/2022

Status: 5/19/2022-Read third time. Passed. Ordered to the Senate. (Ayes 72. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin. Current law governs the formation of a groundwater sustainability agency. This bill would authorize a conservation district overlying a groundwater basin in this state to decide to become a groundwater sustainability agency for that basin and would make the law governing the formation of a groundwater sustainability agency applicable to that district.

Position: Watch

Subject: Water

AB 2041 (Garcia, Eduardo D) California Safe Drinking Water Act: primary drinking water standards: compliance.

Current Text: Amended: 4/18/2022 [html](#) [pdf](#)

Introduced: 2/14/2022

Last Amended: 4/18/2022

Status: 5/20/2022-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/11/2022)

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

Summary:

Would require the State Water Resources Control Board to take specified actions if the state board adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Specifically, the bill would require the state board to determine which public water system may not be able to comply with the primary drinking water standard without receiving financial assistance and develop a compliance plan, including a financial plan to assist that public water system in complying with the primary drinking water standard. The bill would also require the state board, if a public water system is in violation of the primary drinking water standard after the compliance period, to take into consideration whether or not the public water system implemented the compliance plan.

Attachments:

[AB 2041 Author Fact Sheet](#)

Position: Watch

Subject: Water

CALAFCO Comments: This bill would require the SWRCB to take specified actions if the SWRCB adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to install necessary measures, including, but not limited to, installation of water treatment systems, to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Those actions would include, among other actions, developing a financial plan to assist public water systems that will require financial assistance in procuring and installing the necessary measures.

CALAFCO reached out to the author's office for information on the bill and has not heard back. The bill is keyed fiscal. An author fact sheet is attached.

AB 2201 (Bennett D) Groundwater sustainability agency: groundwater extraction permit: verification.

Current Text: Amended: 4/27/2022 [html](#) [pdf](#)

Introduced: 2/15/2022

Last Amended: 4/27/2022

Status: 5/24/2022-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Current law authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin and imposes specified duties upon that agency or combination of agencies, as provided. Current law also authorizes the State Water Resources Control Board to designate a high- or medium-priority basin as a probationary basin under certain conditions for specified purposes. This bill would prohibit a local agency, as defined, from approving a permit for a new groundwater well or for an alteration to an existing well in a basin subject to the act and classified as medium- or high-priority until it obtains a written verification, from the groundwater sustainability agency that manages the basin or area of the basin where the well is proposed to be located, determining that certain factors are present.

Position: Watch

Subject: Water

CALAFCO Comments: 2/15/2022: As introduced, a spot holder.

3/17/2022: As amended, this bill now seeks to add a new section into the Water Code that would require, after July 1, 2023, designated extraction facilities to procure permits from the Department of Water Resources (DWR.) Extraction facilities are defined as those located in a basin that has already been designated by DWR as subject to critical overdraft conditions. It would also define times when permits are not needed, including for "de minimis extractors" (as defined by Section 10721), for replacement extractors, when drinking water is needed by a water system for public health purposes, for habitat and wetlands conservation, for photovoltaic or wind energy generation when less than 75 acre feet of groundwater is needed annually, when required by an approved CEQA document, and for facilities constructed to ensure a sustain water supply to consolidated public water systems. This bill would also require groundwater sustainability agencies (GSAs) to develop a process for the issuance of groundwater extraction permits which considers demonstrations of need, adherence to a groundwater sustainability plan, a showing that the extraction will not contribute to an undesirable result, and other procedural requirements. Additionally, the bill would require notification to all groundwater users within one mile of the proposed groundwater extraction facility, and to the DWR when the proposed extraction is within one mile of a disadvantaged community or a domestic well user, and other procedural steps. Also allows those GSAs in a basin not designated as subject to critical conditions of overdraft to adopt an ordinance that establishes their own process, in accordance with this section, for the issuance of groundwater extraction permits, and allows imposition of fees as long as they do not exceed reasonable agency costs. DWR shall provide technical assistance to assist GSA implement this section. This bill would further amend Water Code Section 10728 to require annual reports by GSA to include information regarding the number, location, and volume of water encompassed by permits issued under this section.

Unfunded mandate, now reimbursements provided. Keyed: fiscal.

Amended 4/27/2022 to removes all provisions regarding groundwater extraction facilities, adds in provisions regarding local agencies, which are defined as cities, counties, districts, agencies, or other entities with the authority to issue a permit for a new groundwater well or for an alteration to an existing well.

AB 2442 (Rivas, Robert D) Climate change.

Current Text: Amended: 4/5/2022 [html](#) [pdf](#)

Introduced: 2/17/2022

Last Amended: 4/5/2022

Status: 5/19/2022-Read second time. Ordered to third reading.

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

Calendar:

5/25/2022 #76 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary:

The California Disaster Assistance Act requires the Director of Emergency Services to authorize the replacement of a damaged or destroyed facility, whenever a local agency and the director determine that the general public and state interest will be better served by replacing a damaged or destroyed facility with a facility that will more adequately serve the present and future public needs than would be accomplished merely by repairing or restoring the damaged or destroyed facility. Current law also authorizes the director to implement mitigation measures when the director determines that the measures are cost effective and substantially reduce the risk of future damage, hardship, loss, or suffering in any area where a state of emergency has been proclaimed by the Governor. This bill would specify that mitigation measures for climate change and disasters related to climate, may include, but are not limited to, measures that reduce emissions of greenhouse gases, the preservation of open space, improved forest management and wildfire risk reduction measures, and other investments in natural infrastructure, as defined.

Position: Watch

Subject: Ag/Open Space Protection

CALAFCO Comments: Seeks to add climate change to California Disaster Assistance Act and adds, as noted cost effective mitigation measures, the preservation of open space, improved forest management and wildfire risk reduction measures, and other investments in natural infrastructure (in line with definition of a "natural infrastructure" in GC Section 65302(g)(4)(C)(v).) Also would amend GC Sec 65302 to require General Plans to include "a set of measures designed to reduce emissions of greenhouse gases resulting in climate change, and natural features and ecosystem processes in or near identified at-risk areas threatened by the impacts attributable."

SB 12 (McGuire D) Local government: planning and zoning: wildfires.

Current Text: Amended: 5/24/2022 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 5/24/2022

Status: 5/24/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on H. & C.D.

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

Summary:

Current law requires the housing element to be revised according to a specific schedule. Current law requires the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse. The bill would also require the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years, to identify new information relating to retrofit updates applicable to the city or county that was not available during the previous revision of the safety element.

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: UPDATE 2/24/22: According to the author's office, they do plan to move this bill forward in 2022 and no other details are available at this time.

SB 418 (Laird D) Pajaro Valley Health Care District.

Current Text: Chaptered: 2/4/2022 [html](#) [pdf](#)

Introduced: 2/12/2021

Last Amended: 1/24/2022

Status: 2/4/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 1, Statutes of 2022.

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

Summary:

Would create the Pajaro Valley Health Care District, as specified, except that the bill would authorize the Pajaro Valley Health Care District to be organized, incorporated, and managed, only if the relevant county board of supervisors chooses to appoint an initial board of directors.

Position: Watch

Subject: Special District Principle Acts

CALAFCO Comments: Gut and amended on 1/14/22, this bill forms the Pajaro Valley Health Care District within Santa Cruz and Monterey counties. The formation, done by special legislation, bypasses the LAFCo process, with language explicitly stating upon formation, LAFCo shall have authority. The bill requires that within 5 years of the date of the first meeting of the Board of Directors of the district, the board of directors shall divide the district into zones. The bill would require the district to notify Santa Cruz LAFCo when the district, or any other entity, acquires the Watsonville Community Hospital. The bill requires the LAFCo to order the dissolution of the district if the hospital has not been acquired by January 1, 2024 through a streamlined process, and requires the district to notify LAFCo if the district sells the Watsonville Community Hospital to another entity or stops providing health care services at the facility, requiring the LAFCo to dissolve the district under those circumstances in a streamlined process.

Given the hospital has filed bankruptcy and this is the only hospital in the area and serves disadvantaged communities and employs a large number of people in the area, the bill has an urgency clause.

Several amendments were added on 1/24/22 by the ALGC and SGFC all contained within Section 32498.7.

CALAFCO worked closely with the author's office, Santa Cruz County lobbyist and the Santa Cruz and Monterey LAFcos on this bill. We have requested further amendments which the Senator has agreed to take in a follow-up bill this year. Those amendments include requiring Santa Cruz LAFco to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFco for the first 3 years, Santa Cruz LAFco conducting a special study on the district after 3 years, and representation from both counties on the governing board.

The bill is sponsored by the Pajaro Valley Healthcare District Project and is not keyed fiscal.

SB 969 (Laird D) Pajaro Valley Health Care District.

Current Text: Amended: 3/2/2022 [html](#) [pdf](#)

Introduced: 2/10/2022

Last Amended: 3/2/2022

Status: 5/5/2022-Referred to Com. on L. GOV.

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

Calendar:

6/8/2022 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Current law creates the Pajaro Valley Health Care District, as specified, and authorizes the Pajaro Valley Health Care District to be organized, incorporated, and managed, only if the relevant county board of supervisors chooses to appoint an initial board of directors. Current law requires, within 5 years of the date of the first meeting of the Board of Directors of the Pajaro Valley Health Care District, the board of directors to divide the district into zones and number the zones consecutively. Current law requires the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to govern any organizational changes for the district after formation. Current law requires the district to notify the County of Santa Cruz local agency formation commission (LAFco) when the district, or any other entity, acquires the Watsonville Community Hospital. Existing law requires the LAFco to dissolve the district under certain circumstances. This bill would require the LAFco to develop and determine a sphere of influence for the district within one year of the district's date of formation, and to conduct a municipal service review regarding health care provision in the district by December 31, 2025, and by December 31 every 5 years thereafter.

Position: Watch

Subject: Other

CALAFCO Comments: This bill is a follow up to SB 418 (Laird) and contains some of the amendments requested by CALAFCO and Monterey and Santa Cruz LAFcos. As introduced the bill requires Santa Cruz LAFco to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFco for the first 2 years, Santa Cruz LAFco conducting a Municipal Service Review on the district every 5 years with the first being conducted by 12-31-25. Our final requested amendment, ensuring representation from both counties on the governing board, is still being worked on and not reflected in the introduced version of the bill.

SB 1405 (Ochoa Bogh R) Community service districts: Lake Arrowhead Community Service District: covenants, conditions, and restrictions: enforcement.

Current Text: Amended: 4/18/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Last Amended: 4/18/2022

Status: 5/19/2022-Referred to Coms. on L. GOV. and JUD.

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

Summary:

Would authorize the Lake Arrowhead Community Services District to enforce all or part of the covenants, conditions, and restrictions for tracts within that district, and to assume the duties of the Arrowhead Woods Architectural Committee for those tracts, as provided. This bill contains other related provisions.

Position: Watch

Subject: Other

SB 1425 (Stern D) Open-space element: updates.

Current Text: Amended: 4/18/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Last Amended: 4/18/2022

Status: 5/24/2022-In Assembly. Read first time. Held at Desk.

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

Summary:

Would require every city and county to review and update its local open-space plan by January 1, 2026. The bill would require the local open-space plan update to include plans and an action program that address specified issues,

including climate resilience and other cobenefits of open space, correlated with the safety element. By imposing additional duties on local officials, the bill would create a state-mandated local program.

Position: Watch

Subject: Other

[SB 1489](#) (Committee on Governance and Finance) Local Government Omnibus Act of 2022.

Current Text: Amended: 4/18/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Last Amended: 4/18/2022

Status: 5/19/2022-Referred to Com. on L. GOV.

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

Summary:

Current law, including the Professional Land Surveyors' Act, the Mello-Roos Community Facilities Act of 1982, the Subdivision Map Act, provisions relating to official maps of counties and cities, and provisions relating to maps of certain special assessment districts, prescribe requirements for the identification, storage, access, and preservation of maps. This bill would revise requirements for storage, access, and preservation of maps, in connection with the above-described laws, to authorize alternative methods by which maps may be identified, kept safe and reproducible, and to which they may be referred, and would generally eliminate the requirement that they be fastened and stored in books.

Position: Watch

CALAFCO Comments: This is the Senate Governance & Finance Committee annual omnibus bill.

Total Measures: 28

Total Tracking Forms: 28

5/25/2022 3:51:09 PM

