



# TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church Street, Suite B, Visalia 93291 Phone: (559) 623-0450 FAX: (559) 733-6720

COMMISSIONERS:  
Julie Allen, Chair  
Rudy Mendoza, Vice-Chair  
Dennis Townsend  
Pete Vander Poel  
Vacant

## LAFCO MEETING AGENDA

July 7, 2021 @ 2:00 P.M.

ALTERNATES  
Eddie Valero  
Fred Sheriff  
Steve Harrell

EXECUTIVE OFFICER  
Ben Giuliani

NOTE: This meeting will allow Board Members and the public to participate in the meeting via Teleconference, pursuant to the Governor’s Executive Order N-29-20 (March 17, 2020), available at <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf>

The toll free call-in number for this meeting is: 888-475-4499 | Meeting ID: 876 2737 6776 | Passcode: 399803

Executive Order N-29-20 requires agencies holding meetings via teleconferences to designate a publicly accessible location from which members of the public may observe and provide public comment. Although members of the public are encouraged to participate via teleconference, LAFCo has designated the following physical location for public participation:

BOARD OF SUPERVISORS CHAMBERS | COUNTY ADMINSTRATIVE BUILDING  
2800 West Burrel Avenue  
Visalia, CA 93291

I. **Call to Order**

II. **Approval of Minutes from May 5, 2021** (Pages 01-02)

III. **Public Comment Period**

At this time, members of the public may comment on any item not appearing on the agenda and that is within the scope of matters considered by the Commission. Under state law, matters presented under this item cannot be discussed or acted upon by the LAFCO Commission at this time. So that all interested parties have an opportunity to speak, any person addressing the Commission may be limited at the discretion of the chair. At all times, please use the microphone and state your name and address for the record.

IV. **New Action Items**

- 1. **Sphere of Influence Amendment to the City of Porterville, Case 1560-P-323A (Pages 03-12)**  
[Public Hearing] .....Recommended Action: Approval

The City of Porterville has submitted a request for a Sphere of Influence amendment of approximately 26.4 acres of land located at the southwest corner of the intersection of Linda Vista Ave and N Newcomb St. A Mitigated Negative Declaration has been prepared in compliance with CEQA by the City of Porterville.

**NOTE: Persons wishing to speak on any of the agenda items who have made a political contribution of more than \$250 to any commissioner in the last twelve months must indicate this when speaking. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact LAFCO Staff at 559-623-0450. Documents related to the items on this Agenda submitted to the Board after distribution of the Agenda packet are available for public inspection at 210 N Church Ste. B Visalia CA 93291**

2. Annexation to the City of Porterville and Detachment from County Service Area #1 Case 1560-P-323 (Citrus Blossom Subdivision) **(Pages 13-28)**  
*[Public Hearing].....Recommended Action: Approval*

The City of Porterville has submitted a request for an annexation of approximately 12.29 acres of land located at the southwest corner of the intersection of Linda Vista Ave and N Newcomb St. A Mitigated Negative Declaration has been prepared in compliance with CEQA by the City of Porterville.

**V. Executive Officer's Report**

1. Legislative Update **(Pages 29-46)**  
Enclosed is the CALAFCO legislative report.
2. Upcoming Projects **(No Page)**  
The Executive Officer will provide a summary and tentative schedule of upcoming LAFCO projects.

**VI. Correspondence**

1. Orosi PUD and East Orosi CSD Consolidation Order **(Pages 47-52)**  
Enclosed are milestones and time objectives for the consolidation of Orosi PUD and East Orosi CSD for both water and sewer services.
2. CALAFCO Quarterly Report **(Pages 53-56)**  
Enclosed is the May 2021 CALAFCO Board of Directors Quarterly Report.

**VII. Other Business**

1. Commissioner Report **(No Page)**
2. Request from LAFCO for items to be set for future agendas **(No Page)**

**VIII. Setting Time and Place of Next Meeting**

1. August 4, 2021 @ 2:00 P.M in the Board of Supervisors Chambers in the County Administration Building.

**IX. Adjournment**

**NOTE: Persons wishing to speak on any of the agenda items who have made a political contribution of more than \$250 to any commissioner in the last twelve months must indicate this when speaking. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact LAFCO Staff at 559-623-0450. Documents related to the items on this Agenda submitted to the Board after distribution of the Agenda packet are available for public inspection at 210 N Church Ste. B Visalia CA 93291**

**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION**

**2800 W. Burrel Ave., Visalia, CA 93291 – Tulare County Administrative Building  
May 05, 2021 – Meeting Minutes**

**Members Present:** Allen, Vander Poel, Townsend, Mendoza  
**Members Absent:** Cox  
**Alternates Present:**  
**Alternates Absent:** Valero, Sheriff, Harrell  
**Staff Present:** Giuliani, Ingoldsby, & Kane recording  
**Counsel Present:** Jeff Kuhn

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- I. **Call to Order:** Chair Allen called the meeting to order at 2:02 p.m.
- II. **Approval of the April 7, 2021 Meeting Minutes:**  
Upon motion by Commissioner Vander Poel and seconded by Commissioner Mendoza, the Commission unanimously approved the LAFCO minutes.
- III. **Public Comment Period:**  
Chair Allen opened/closed the Public Comment Period at 2:04 p.m. No public comments received.
- IV. **New Action Items:**
  1. **Annexation to the City of Visalia and Detachment from County Service Area #1, Case 1558-V-455**  
Staff Analyst Ingoldsby presented the proposed annexation of approximately 38.5 acres to the City of Visalia. The tentative parcel is within the City of Visalia SOI and urban development boundaries. Services, environmental impacts, and government services were all highlighted by Staff Analyst Ingoldsby. All conditions of approval and recommended actions were discussed amongst the Commission.  
Chair Allen opened the Public Hearing at 2:11 p.m.  
Cristobal Carrillo, Associate Planner with the City of Visalia, spoke in support of the proposed annexation.  
Chair Allen closed the Public Hearing at 2:13 p.m.  
  
Upon motion by Commissioner Vander Poel and seconded by Commissioner Townsend, the Commission unanimously approved the annexation to the City of Visalia and the Detachments as presented.
  2. **2021/2022 Final Budget and Work Program**  
Staff Analyst Ingoldsby provided a detailed overview of the final budget and work program. Staff Analyst Ingoldsby highlighting the contribution amounts from the cities and county, as well as the use of \$80,000 in reserve funding to offset City/County contributions in the coming 2021/2022 fiscal year.  
  
Chair Allen opened/closed the public hearing at 2:15 p.m. No public comments were received.  
  
Upon motion by Commissioner Townsend and seconded by Commissioner Vander Poel, the Commission unanimously approved the final budget with the carryover of \$80,000 in reserve funding.

3. **Support Letter for AB 1581**

EO Giuliani reported that CALAFCO had requested a letter of support for AB 1581: Local Government Committee Omnibus Bill and that this annual bill includes technical changes to the Act which governs the work of LAFCOs.

Upon motion by Commissioner Vander Poel and seconded by Commissioner Townsend, the Commission unanimously approved to send the letter of support.

4. **Cancellation of the June 2, 2021 Meeting**

Chair Allen stated that since no action items are scheduled to be presented in June, staff had requested that the June meeting be canceled.

Upon motion by Commissioner Townsend and seconded by Commissioner Mendoza, the Commission unanimously approved to cancel the June 2, 2021 Meeting.

V. **Executive Officer's Report**

1. **Legislative Update:**

EO Giuliani reviewed the legislative report and highlighted AB 1295, and AB 55 both pertaining to development in fire hazard areas. EO Giuliani shared updated details on SB 403 that would expand authority to the State Water Resources Control Board and highlighted the 3 amendments being requested by CALAFCO.

2. **Upcoming Projects:**

EO Giuliani stated the for the July LAFCO meeting would be presenting two annexations for the City of Porterville.

VI. **Correspondence:**

1. None

VII. **Other Business:**

1. **Commissioner Report:**

Commissioner Vander Poel stated that it has been good to see more business opening and kids returning to school since Covid-19 restrictions last spring. Commissioner Mendoza agreed that it is great to see everyone working and stated that the City of Woodlake's Parks and Recreation Department has resumed services.

2. **Request from LAFCO for items to be set for future agendas:**

None

VIII. **Setting Time and Place of Next Meeting:**

The next Local Agency Formation Commission (LAFCO) meeting is scheduled for **July 7, 2021 at 2:00 p.m.** in the Board of Supervisors Chambers in the County Administration Building

IX. **Adjournment:** The Tulare County LAFCO meeting adjourned at 2:28 p.m.



# **TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION**

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ALTERNATES:  
*Eddie Valero  
Fred Sheriff  
Steve Harrell*

EXECUTIVE OFFICER:  
*Ben Giuliani*

July 7, 2021

TO: LAFCO Commissioners, Alternates, Counsel

FROM: Steven Ingoldsby, Staff Analyst

SUBJECT: LAFCO Case 1560-P-323A, Sphere of Influence Amendment for the City of Porterville

## **Background**

The City of Porterville is requesting a Sphere of Influence (SOI) amendment which includes approximately 26.4 acres of land located at the southwest corner of the intersection of Linda Vista Avenue and North Newcomb Street (**Figure 1**). The site comprises a 12.29 acre annexation proposal area of subsequent Case 1560-P-323 as well as 3 additional parcels located south of the annexation proposal area. The affected APNs are 243-130-004, 243-130-006, 243-130-007, and 243-130-042.

## **Discussion**

The SOI amendment is needed to accommodate the proposed annexation in Case 1560-P-323. The SOI amendment and subsequent annexation are intended to facilitate the development of a 50-lot residential development and 0.43 acre park.

Notice of the public hearing for this proposal was provided in accordance with Government Code Section 56427.

## **Environmental Impacts**

The City of Porterville is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and other planning documents, a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program (MMRP) were approved for use with this proposal. A copy of those document is included in the application materials.

The initial study only covered the proposal area for the annexation. The inclusion of the three southerly parcels in the SOI amendment does not add any additional environmental impacts because there are no proposed or anticipated projects within those parcels. Any future

development or annexation proposals for the 3 southerly parcels would require additional environmental review.

### **Municipal Service Review**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCO to establish Spheres of Influence for cities and special districts. Prior to, or in conjunction with establishing an agency's SOI, LAFCO is required to conduct a Municipal Service Review (MSR) for each agency. Neither the LAFCO statute nor the OPR Guidelines specifically prescribe how often a MSR must be updated, other than as needed. Therefore, it is left to each LAFCO to establish review parameters. A MSR update for Porterville was last adopted in 2014. Per Policy C-5.1 a SOI amendment that is associated with a concurrent proposal for a change of organization is not subject to a MSR update.

### **Impact on Prime Agricultural Land, Agriculture and Open Space:**

The parcels for in the proposed Sphere of Influence amendment are not under Williamson Act contract or Farmland Security Zone contract.

### **County Adopted City Urban Development Boundary**

The City of Porterville and Tulare County in a settlement agreement made in April 2014 have agreed to set the County Adopted City Urban Development Boundary (CACUDB) to be coterminous with the City's SOI adopted by Tulare LAFCO. Per the agreement IV.a.i.1 LAFCO action on the City's SOI Amendment Application is a condition precedent to the County's obligation to amend the CACUDB for Porterville.

### **Coterminous Annexation**

The City has stated that it wants to include 3 southerly parcels between the annexation area and the existing city limits to consolidate the area under one jurisdiction's planning area to streamline future development. Additionally, the City has stated an interest in avoiding the potential approval of new development that may hinder the future circulation planned in this area. The City has cited a past experience where a home in the County was constructed in such a manner that prevented the northerly prolongation of Leggett Street north of Grand Avenue as an example.

The Commission may choose to make adjustments to the proposed SOI amendment boundaries. The Commission could choose to make the SOI amendment coterminous with the proposed annexation (LAFCO Case 1560-P-323) which would still allow for subsequent annexation of the site. The final SOI boundary could be coterminous to the final annexation boundary or could include the 3 southerly parcels as requested by the City of Porterville, if approved by the Commission.

### **Required Determinations**

GC §56425(e) requires that in determining the Sphere of Influence of each local agency the Commission shall consider and prepare a written statement of its determinations with respect to

certain factors prior to making a decision.

*(1) The present and planned land uses in the area, including agricultural and open-space lands.*

The amendment to the SOI includes land that is used for agricultural production and for rural residential and is anticipated to be developed with single family dwellings.

*(2) The present and probable need for public facilities and services in the area.*

The area will need increased services, including planning, building, police and fire protection, water and sewer service.

*(3) The present capacity of public facilities and adequacy of public services.*

The City has adequate water and sewer capacity to serve the site. Other services which would be extended to this area would be funded through the City General Fund, applicant and developer fees, and user fees.

*(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.*

The subject area does not contain social or economic communities of interest.

*(5) The present and probable need for those public facilities and services (sewer service, municipal and industrial water or structural fire protection) of any disadvantaged unincorporated communities within the existing sphere of influence.*

There are no adjacent disadvantaged unincorporated areas (DUCs) adjacent to the proposed SOI amendment. DUCs in other areas of the SOI are addressed in the MSR for the City of Porterville.

### **Recommendations:**

It is recommended that this SOI amendment be approved and that the Commission take the following actions:

- A. Find that the Commission has reviewed and considered the Mitigated Negative Declaration and Mitigation and Monitoring and Reporting Program prepared by the City of Porterville for this project and find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent and that the inclusion of the three southerly parcels does not add any additional environmental impacts

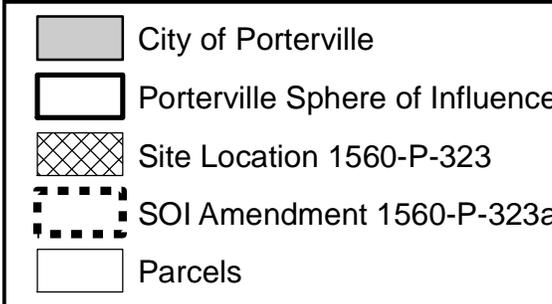
- B. Adopt the written statement of determinations and find that the proposed City of Porterville Sphere of Influence amendment complies with the GC §56425.
- C. Find that there are no Williamson Act contracts within the SOI amendment area.
- D. The SOI amendment is contingent on the approval of LAFCO Case 1560-P-323, City of Porterville Annexation 485 (Citrus Blossom Subdivision).
- E. Approve the Sphere of Influence amendment to be known as LAFCO Case 1560-P-323A.

**Figures & Exhibits**

Figure 1 Site Location Map  
Figure 2 Resolution

# LAFCO Case 1560-P-323 & 1560-P-323a

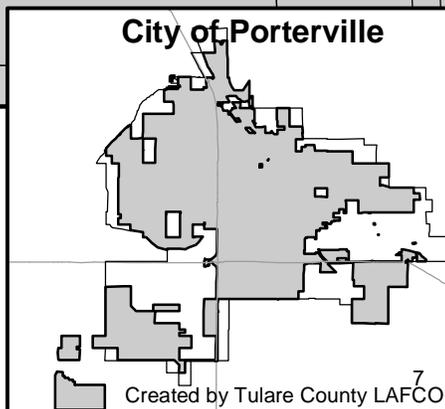




- City of Porterville
- Porterville Sphere of Influence
- Site Location 1560-P-323
- SOI Amendment 1560-P-323a
- Parcels

0 165 330 660 Feet

Boundaries as of 5/19/21



**BEFORE THE LOCAL AGENCY FORMATION COMMISSION**  
**OF THE**  
**COUNTY OF TULARE, STATE OF CALIFORNIA**

In the Matter of the Proposed Amendment to the            )  
City of Porterville Sphere of Influence                    )  
LAFCO Case No. 1560-P-323A                                )     **RESOLUTION NO. 21-XXX**

**WHEREAS**, pursuant to Government Code Section 56425, Local Agency Formation Commissions are required to establish, periodically review and revise or amend Sphere of Influence boundaries; and

**WHEREAS**, this Commission has adopted a Sphere of Influence Policy which requires that wherever possible, the Spheres of Influence for each of the incorporated cities and various special districts which provide urban services to unincorporated communities in the County reflect a twenty year growth area; and

**WHEREAS**, the Commission has read and considered the reports and recommendations of the Executive Officer; and

**WHEREAS**, on July 7, 2021 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:**

1. The boundaries of the Sphere of Influence amendment are definite and certain as shown in Exhibit "A".

2. The information, materials, and facts set forth in the application and the reports of the Executive Officer, including any corrections, have been received and considered in accordance with GC §56427.

3. The Commission has reviewed and considered the information, materials and facts presented by the following persons who appeared at the public hearing and commented on the proposal:

XXXXXXXXXX  
XXXXXXXXXX

4. All required notices have been given and all proceedings taken in this matter have been and now are in all respects taken in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended.

5. Pursuant to Commission Policy C-5.1, this proposal is a SOI amendment that is associated with a concurrent proposal for a change of organization which is not subject to a MSR.

7. Pursuant to GC §56426.6, the Commission finds that the SOI amendment area contains no Williamson Act land.

8. The Commission has considered the following criteria as required under GC §56425(e):

- (1) *The present and planned land uses in the area, including agricultural and open space uses.*

The amendment to the SOI includes land that is used for agricultural production and for rural residential and is anticipated to be developed with single family dwellings.

- (2) *The present and probable need for public facilities and services in the area.*

The area will need increased services, including planning, building, police and fire protection, water and sewer service.

- (3) *The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.*

The City has adequate water and sewer capacity to serve the site. Other services which would be extended to this area would be funded primarily through the City General Fund, applicant and developer fees, and user fees.

- (4) *The existence of any social or economic communities of interest in the area.*

The subject area does not contain social or economic communities of interest.

- (5) *The present and probable need for those public facilities and services (sewer service, municipal and industrial water or structural fire protection) of any disadvantaged unincorporated communities within the existing sphere of influence.*

There are no adjacent disadvantaged unincorporated areas (DUCs) adjacent to the proposed SOI amendment. DUCs in other areas of the SOI are addressed in the MSR for the City of Porterville.

9. The City of Porterville, as Lead Agency, filed a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in compliance with the California Environmental Quality Act (CEQA). The Commission has reviewed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared by the City of Porterville for this project and finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. The inclusion of the three southerly parcels that are not subject to development in the SOI will have no additional environmental impacts.

10. The Commission hereby finds that the proposed amendment to the City of Porterville Sphere of Influence is in compliance with the Cortese-Knox-Hertzberg Act, GC §56425:56430 and 56377, and Tulare County LAFCO Policy and Procedure section C-5, Spheres of Influence.

11. The Sphere of Influence for the City of Porterville is hereby amended with the following condition:

A) The SOI amendment is contingent on the approval of LAFCO Case 1560-P-323.

12. This SOI Amendment shall be known as LAFCO Case 1560-P-323A

13. The Executive Officer is hereby authorized and directed to sign and file the Notice of Determination on behalf of the Commission and file said notice with the Tulare County Clerk pursuant to Section 21152 (a) of the Public Resources Code.

The foregoing resolution was adopted upon the motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, at a regular meeting held this 7<sup>th</sup> day of July, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

\_\_\_\_\_  
Ben Giuliani, Executive Officer

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**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT**

*July 7, 2021*

**LAFCO Case Number 1560-P-323  
City of Porterville Annexation 485 (Citrus Blossom Subdivision)**

- PROPOSAL:** Annexation to the City of Porterville and detachment from CSA #1.
- PROPONENT:** The City of Porterville by resolution of its City Council.
- SIZE:** Approximately 12.29 acres
- LOCATION:** Southwest corner of the intersection of Linda Vista Avenue. and North Newcomb Street. **(Figure 1)**
- NOTICE:** Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.
- SUMMARY:** The annexation area is intended to facilitate a 50-lot single family residential subdivision with a 0.43-acre park. LAFCO case 1560-P-323A for a Sphere of Influence amendment is being processed in conjunction with this case.
- APNs:** There is one parcel within the subject area, 243-130-042.

**GENERAL ANALYSIS**

**1. Land Use:**

*A. Site Information*

	<b>Existing (County)</b>	<b>Proposed (City)</b>
<b>Zoning Designation</b>	R-A-43	RS-2
<b>General Plan Designation</b>	Low Density Residential	Low Density Residential
<b>Uses</b>	Agriculture/Orchard	Tentative Subdivision Map (for single family residential and pocket park)

*B. Surrounding Land Uses and Zoning and General Plan Designations:*

	<b>Zoning Designation</b>	<b>General Plan Designation</b>	<b>Existing Use</b>
<b>North</b>	R-A-43 (County) RS-1 (City)	Low Density Residential	Agriculture / Residential
<b>South</b>	R-A-43 (County) RS-1 (City)	Low Density Residential	Single family residential
<b>East</b>	RS-1 (City) RS-2 (City)	Low Density Residential	Single family residential
<b>West</b>	R-A-43 (County) RS-1 (City)	Low Density Residential	Single family residential / Agriculture

*C. Topography, Natural Features and Drainage*

The site is generally flat with no major natural features.

*D. Conformity with General Plans and Spheres of Influence:*

The site is outside the City's Sphere of Influence. The City of Porterville is proposing a Sphere of Influence amendment that encompasses the annexation proposal area and 3 lots to the south (**Figure 1**).

**2. Impact on Prime Agricultural Land, Agriculture and Open Space:**

The proposal area is primarily considered Farmland of Statewide Importance, with a small north-south strip on the western boundary considered Rural Residential by the State Farmland Mapping and Monitoring Program.

The parcels within the site are not under a Williamson Act or Farmland Security Zone contract.

**3. Population:**

The estimated population of the proposal area is four. The County Elections Division has indicated that there are fewer than 12 registered voters in the proposal area. Therefore, pursuant to GC Section 56046, the annexation area is uninhabited.

**4. Services and Controls - Need, Cost, Adequacy and Availability:**

**Agency providing service**

Service	Now	After	Method of finance
Police Protection	Tulare County Sheriff	City of Porterville	General Fund
Fire Protection	Automatic Aid- City	Automatic Aid- County	General Fund

	assists City with 1 engine + manning	assists City with 1 engine + manning	
Water Supply	Private well	City of Porterville	Applicant / developer fees
Sewage Disposal	Private septic system	City of Porterville	Applicant/developer fees
Street Lighting	SCE provides some intersection lights	SCE/ City of Porterville	Applicant/developer fees
Street Maintenance	Tulare County	City of Porterville	Capital Improvement Program
Planning/Zoning	Tulare County	City of Porterville	Applicant/developer fees
Garbage Disposal	Western Waste Management	City of Porterville. Residents may continue to use Western Waste Management for up to five years after annexation	User Fees
Code Enforcement / Weed Abatement	Tulare County	City of Porterville	General fund / citation fees when applicable
Building Permits	Tulare County	City of Porterville	Applicant/Developer fees

The City can provide all other urban services and infrastructure for development such as sewer service, fire, police, street lighting, etc., as well as planning and building services

Sewer infrastructure exists adjacent to the proposal area but does not presently serve the site. The City's wastewater treatment plant has a capacity of 8 million gallons per day (mgd). Current estimated average daily flow is about 4 to 4.5 mgd. Other undeveloped areas within the city add the potential for 0.333 mgd. The annexation would add an estimated .0128 mgd.

The proposal area is currently served by an irrigation well. In conjunction with the development of the site the City's water system would be extended to the proposal area. The city's system-wide water capacity is 18.9/mgd. The City's annual water use is 8.7 mgd average daily demand. Other undeveloped areas within the city limits add the potential for 0.787 mgd. The annexation would add an estimated 0.03024 mgd. The City has recently undertaken a ground water recharge program, a proposed tertiary water project and a recycled water feasibility study.

The nearest fire station is located at 500 North Newcomb Street. The nearest police station is located at 350 North D Street. Both are in the City of Porterville.

**5. Boundaries and Lines of Assessment:**

The boundaries of the proposal area are definite and certain and conform to the lines of assessment and ownership. A map sufficient for filing with the State Board of Equalization has been received.

**6. Assess Value, Tax Rates and Indebtedness:**

The 2020/21 tax rate for the area is 1.099651. Upon completion of this annexation the area will be assigned to a new tax rate area. The total assessed valuation of the proposal area is as follows:

Land: \$405,955  
Improvements: \$74,763

**7. Environmental Impacts:**

The City of Porterville is the lead agency for this proposal. The City prepared an initial study/environmental checklist and on the basis of that study and other planning documents, a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program (MMRP) were approved for use with this proposal. A copy of those documents is included in the application materials.

**8. Landowner Consent:**

The landowner has provided signed consent to annexation. Because this annexation is uninhabited, no affected local agency has requested a protest hearing and there is 100% landowner consent within the annexation area, the protest hearing may be waived pursuant to GC §56662.

**9. Regional Housing Needs Assessment (RHNA):**

Pursuant to GC §56668 (I), LAFCO shall consider the extent to which the proposal will assist the receiving city and the County in achieving its fair share of regional housing needs as determined by the appropriate council of governments.

Fifty single family units are proposed for development that are intended to serve the “Above Moderate” category. A tentative subdivision map has been filed with the City of Porterville. The table below shows the current RHNA cycle allocation.

2014-2023 City of Porterville RHNA allocation

Very Low	Low	Moderate	Above Moderate	Total
623	576	566	1,431	3,196

Since 2014, the City of Porterville has made the following progress towards providing its fair share of regional housing.

Very Low	Low	Moderate	Above Moderate	Total
11	44	226	116	397

The table below shows the total remaining fair share of regional housing for the City of Porterville.

Very Low	Low	Moderate	Above Moderate	Total
612	532	340	1,315	2,977

Six years into the current RHNA cycle, the City of Porterville remains far behind in achieving its fair share of regional housing. If approved, this proposal would assist the City in achieving its fair share of regional housing needs for the above moderate income group.

**10. Discussion:**

*Residential Land Supply and Development*

The site is pre-zoned for very low density residential. As part of this project the City will re-zone the site to low density residential (from RS-1 to RS-2). A tentative subdivision map for a 50-lot residential subdivision has been filed with the City of Porterville.

The City currently has approximately a 6.4 year supply of residential land. This assumes the remaining 789.62 acres of undeveloped residential land within the City develops at the current City population density of 13.4 person per acre of developed residential land at a growth rate of 2.56% per year which is what the growth rate for the City was from 2000 to 2020.

The site is bordered on three sides by single family residential development. The tentative subdivision map filed with the City shows low density single family residential development of approximately 4.21 units/acre which is more dense than the adjacent residential developments. The proposal is consistent with the regional blueprint and Sustainable Communities Strategy that calls for more compact development patterns. Compact development patterns are associated with reduced vehicle emissions, reduced vehicle miles traveled, and agricultural preservation.

Porterville’s recent residential annexations have occurred on largely developed territory. The last undeveloped residential annexation for the City of Porterville with a tentative map was in 2010 for a 16-lot subdivision (LAFCO Case 1459-P-312). While some of recent the island annexations contain some undeveloped land, these annexations did not have a tentative subdivision map associated with

them. Listed below are the annexations to the City of Porterville since the last undeveloped residential annexation in 2010. They were all substantially developed with the exception of 1501-P-313 which was developed into a solar panel field.

Case	Year	Description	Acres	People	Housing Units
1501-P-313	2013	North Grand – Solar Panels	12.0	0	0
1513-P-314	2015	Beverly-Grand	96.3	588	155
1514-P-315	2015	Plano-Gibbons Island	123.1	471	148
1515-P-316	2015	Westwood-Olive Island	121.6	871	281
1518-P-317	2015	Mulberry Island	114.9	513	162
1520-P-318	2015	Chelsea Glen/Rose	93.4	550	172
1528-P-319	2017	Roby Island	87.8	726	227
1530-P-320	2017	Linda Vista/SR 65 church	5.5	0	0
1544-P-321	2019	Olive-Conner Island	22.9	35	11
TOTAL			672.0	3,754	1,156

Government Services

The adequacy of governmental service will be improved within the subject area. According to the City they are currently able to provide the annexation area urban services and infrastructure for development such as sewer services, fire, police, streets lighting, etc., as well as planning and building services. The closest fire and police stations are in and operated by the City of Porterville.

Services which would be extended to this area, including police and fire safety services and development permit services, will be funded primarily through impact fees, user fees and the general fund.

Sphere of Influence

Another case at this hearing, 1560-P-323A is a proposed Sphere of Influence amendment to include the annexation area and the 3 parcels south of the annexation area. The staff report for the Sphere of Influence amendment provides the commission another option to consider of a coterminous Sphere of Influence amendment.

Public Comments

At the time of the writing of this report, staff has received written comment from one local resident (Figure 4). A road connection to Rose Street is not part of the annexation application. As part of the proposed Sphere of Influence amendment (Case 1560-P-323A) the City has stated that it wishes to include the 3 parcels between the annexation proposal area and the existing city boundary in order to avoid potential approval of new development that may hinder the future

circulation planned in this area. As part of any future annexation of these 3 parcels, environmental review which includes review of transportation and traffic, would be required.

**RECOMMENDED ACTIONS:**

It is recommended that this proposal be approved and that the Commission take the following actions:

1. Certify that the Commission has reviewed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared by the City of Porterville for this project and determine that the project will not have a significant effect on the environment.
2. Find that the proposed reorganization of the City of Porterville complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, determine that:
  - a. The boundaries of the proposed reorganization are definite and certain.
  - b. The proposed annexation is compatible with the city's General Plan.
  - c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
  - d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
  - e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
  - f. All urban services and infrastructure can be provided for by the city.
4. Find that the annexation does not contain any Williamson Act contract land.
5. Find that the territory proposed for this reorganization is uninhabited.
6. Approve the proposed reorganization, to be known as LAFCO Case Number 1560-P-323, City of Porterville Annexation 485 (Citrus Blossom Subdivision) subject to the following conditions:
  - a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or

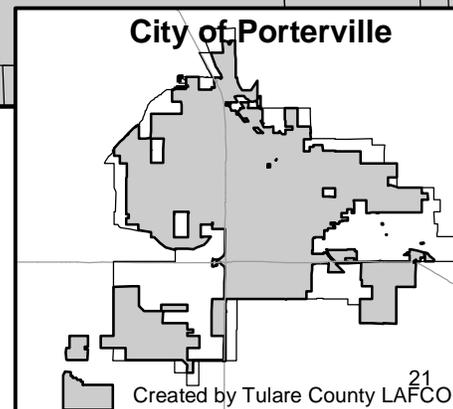
zoning.

- b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
7. Waive the protest hearing for this proposal in accordance with Government Code §56662 and order the reorganization without an election.
8. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

**Figures:**

- |          |                           |
|----------|---------------------------|
| Figure 1 | Site Location Map         |
| Figure 2 | Aerial                    |
| Figure 3 | Tentative Subdivision Map |
| Figure 4 | Written Comments          |
| Figure 5 | Resolution                |

# LAFCO Case 1560-P-323 & 1560-P-323a



-  City of Porterville
-  Porterville Sphere of Influence
-  Site Location 1560-P-323
-  SOI Amendment 1560-P-323a
-  Parcels



0 165 330 660 Feet

Boundaries as of 5/19/21

# LAFCO Case 1560-P-323 & 1560-P-323a



City of Porterville

Porterville Sphere of Influence

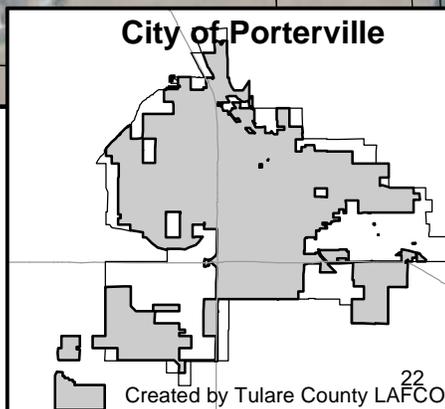
Site Location 1560-P-323

SOI Amendment 1560-P-323a

Parcels

0 165 330 660 Feet

Boundaries as of 5/19/21



"EXHIBIT A"

# Citrus Blossom TENTATIVE SUBDIVISION MAP

BEING A SUBDIVISION WITHIN THE SOUTH HALF OF THE NORTHWEST 1/4, SECTION 16, T21S, R27E, MARIANA, IN THE COUNTY OF TRAVIS, STATE OF CALIFORNIA.



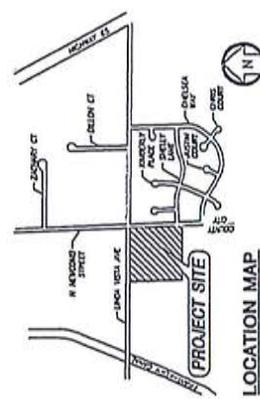
DATE: JULY 2020  
 DWP SERVICE  
 P.L. BOX 214  
 COVING, CA 91310  
 (561) 380-0099

**NOTES**

1. DATE OF REPRODUCTION: AUGUST 24, 2020
2. ZONE: RS-2, CENTRAL PLAIN LOW DENSITY RESIDENTIAL.
3. ALL DISTANCES SHOWN ARE IN FEET & DECIMALS THEREOF AND ARE APPROXIMATE.
4. GROSS PARCEL AREA = 11.49 ACRES; GROSS DENSITY = 4.30 UNITS/ACRE; NET PARCEL AREA = 7.17 ACRES; LOT A = 0.13 ACRES PARCEL.
5. EXISTING LAND USE: ORCHARD.
6. PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL (100% OF SITE).
7. APPROVED TO CONFORM TO APPLICABLE ORDINANCES & STATUTES.
8. CALCULATED FOR PUBLIC UTILITIES TO BE PROVIDED AS REQUIRED.
9. NOT SUBJECT TO MANDATORY OR OVERLOOK, UNLESS OTHERWISE NOTED.
10. NATURAL GAS BY THE GAS COMPANY
11. TELEPHONE BY SBC
12. POWER BY SOUTHERN CALIFORNIA Edison CO.
13. CABLE TV BY CHARTER COMMUNICATIONS
14. DOMESTIC WATER BY CITY OF PORTLAND
15. SEWER DISPOSAL BY CITY OF PORTLAND
16. REFUSE COLLECTION BY CITY OF PORTLAND
17. IRRIGATION: SURFACE FLOW AND EXTENSION OF EXISTING STORM DRAIN SYSTEM.
18. WATER QUANTITY: AS PER CITY STANDARDS.
19. OFF STREET PARKING: 2 SPACES/LOT.

**LEGEND**

- PROPERTY BOUNDARY
- ROAD CENTERLINE
- PROPERTY LINE
- CITY LIMITS
- EXISTING WATER LINE
- EXISTING SANITARY SEWER LINE
- RESURFACED OFFER OF DEDICATION
- PROPOSED WATER LINE
- PROPOSED SANITARY SEWER LINE
- PROPOSED STORM DRAIN LINE
- PROPOSED STREET LIGHT
- PROPOSED FIRE HYDRANT
- PROPOSED SANITARY SEWER MAN HOLE
- PROPOSED STORM DRAIN MAN HOLE
- PROPOSED WATER BLOW OFF VALVE



From: Jeff Weber <jenga94@icloud.com>

Sent: Tuesday, June 29, 2021 11:29 AM

To: Steven L Ingoldsby

Subject: "Citrus Blossom" project- Porterville

My name is Jeff Weber, 1807 W. Baker Ave. (93257) I would appreciate my comment(s) entered into record for the upcoming meeting on July 7th. I am extremely disappointed by the disregard our city council gave us when we had strong support attendance in opposition of zoning change for the above mentioned Citrus Blossom project. Other than an inaccurate description of said building expectations, it is quite apparent that there are numerous issues that were overlooked in favor of \$\$\$ tunnel-vision. I hope to share my strongest point to overturn any consideration for any progress at this time let alone any future time too. The point I want recorded is traffic/safety concerns. The roadage/street infrastructure is at capacity and to allow such an influx of increased vehicle traffic in our locale has obviously not been well considered. To believe that Rose street will be opened up to allow traffic thru where we already face problems on any given day to try to access onto W. North Grand Ave is placing anyone at risk of more potential for accidents. Again, I strongly oppose this project without more complete due diligence in every factor .

Respectfully, Jeff Weber

Sent from my iPad

**BEFORE THE LOCAL AGENCY FORMATION COMMISSION**  
**OF THE**  
**COUNTY OF TULARE, STATE OF CALIFORNIA**

In the Matter of the Proposed Annexation            )  
To the City of Porterville and Detachment        )  
from CSA #1. LAFCO Case 1560-P-323,            )  
City of Porterville Annexation 485 (Citrus        )  
Blossom Subdivision)                                )            **RESOLUTION NO. 21-XXX**

**WHEREAS**, application has been made to this Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) for approval of a proposal to annex certain territories described in attached Exhibit “A” made a part hereof; and

**WHEREAS**, this Commission has read and considered the Resolution of Application and application materials, the report of the County Assessor and the Executive Officers report and recommendations of the Executive Officer, all of which documents and materials are incorporated by reference herein; and

**WHEREAS**, on July 7, 2021 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:**

1. The information, material and facts set forth in the application, the report of the County Assessor, and the report and recommendations of the Executive Officer

(including any corrections), have been received and considered in accordance with Government Code Section 56668. All of said information, materials, facts, reports and other evidence are incorporated by reference herein.

2. The City of Porterville, as Lead Agency, filed a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared by the City of Porterville for this project and find although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent.

3. The Commission has reviewed and considered, in accordance with Government Code Section 56668, the information, material and facts presented by the following persons who appeared at the meeting and commented on the proposal:

XXXXXXX  
XXXXXXX

4. All notices required by law have been given and all proceedings heretofore and now taken in this matter have been and now are in all respects as required by law.

5. Based upon the evidence and information on the record before it, the Commission makes the following findings of fact:

- a. Fewer than 12 registered voters reside in the affected territory, which is considered uninhabited.

- b. The proposed reorganization does not contain any Williamson Act contract land.
- d. The subject territory is within the Sphere of Influence of the City of Porterville as a result of Case 1560-P-323A.

6. Based upon the evidence and information on the record before it and the findings of fact made above, the Commission makes the following determinations:

- a. The boundaries of the proposed reorganization are definite and certain and conform to lines of assessment.
- b. The proposed annexation is compatible with the city's General Plan.
- c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
- d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.
- e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
- f. All urban services and infrastructure can be provided for by the city.

8. The Commission hereby waives the protest hearing proceedings in accordance with GC §56662 and orders the annexation without an election.

9. The Commission hereby approves the proposed reorganization of the territory described in Exhibit "A," attached hereto, subject to the following conditions:

- a. No change shall be made to land-use designations or zoning for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstance that necessitate a departure from the designation or zoning.
- b. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.

10. The following short form designation shall be used throughout these proceedings:

LAFCO Case No. 1560-P-323, City of Porterville Annexation 485 (Citrus Blossom Subdivision)

11. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as required by law.

12. The Executive Officer to hereby authorized to sign and file a Notice of Determination with the Tulare County Clerk.

The foregoing resolution was adopted upon motion of Commissioner\_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, at a regular meeting held on this 7th day of July, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

---

Ben Giuliani, Executive Officer

si

## CALAFCO Daily Legislative Report as of Tuesday, June 29, 2021

### [AB 339](#) ([Lee D](#)) **Local government: open and public meetings.**

**Current Text:** Amended: 6/25/2021 [html](#) [pdf](#)

**Introduced:** 1/28/2021

**Last Amended:** 6/25/2021

**Status:** 6/25/2021-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.

**Calendar:** 7/1/2021 Upon adjournment of Agriculture Committee - Room 3191 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair 7/13/2021 1:30 p.m. - Senate Chamber SENATE JUDICIARY, UMBERG, 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. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.

**Attachments:** [AB 339 Fact Sheet](#)

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** This bill allows for continued remote participant in local (and state) hearings/meetings while adding requirements for both call-in and internet service based options for all public meetings; requires providing closed caption services; and requires agencies to provide language access services. The bill requires teleconferenced meetings to include an in-person public comment opportunity that creates a place where members of the public can gather at a designated site to give public comment (barring any in-person restrictions). Further, the bill requires the agenda and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency is a speaker.

The bill adds requirements for local agencies to employ a sufficient amount of qualified bilingual people to provide translation services during the meeting in the language of the non-English speaking person (consistent with all languages for which 5% of the population in the area governed by the local agency speak). The bill adds similar requirements for any state legislative body. All of these new requirements are unfunded mandates. This bill is sponsored by the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

UPDATE: Amended on 5-4-21 as a result of the ALGC hearing, this version of the bill now:

- Limits the bill's applicability to the meetings of city councils and county boards of supervisors only, the jurisdictions of which contain a population of at least 250,000 people;
- Requires public access via telephone OR internet (not both);
- Removes language requiring two-way operability for internet;
- Removes all language translation requirements;
- Removes language allowing local agencies to require members of the public to register in order to provide public comment;
- Removes language allowing teleconferencing to be used by members of the legislative body (to avoid inadvertently precluding the use of teleconferencing by the public);
- Refines language referring to "all meetings" to state "all open and public meetings" (to ensure closed sessions are not subject to the provisions of the bill);
- Restores current law allowing public comment before an agenda item is taken up; and,
- Adds a sunset date of December 31, 2023.

### [AB 361](#) ([Rivas, Robert D](#)) **Open meetings: local agencies: teleconferences.**

**Current Text:** Amended: 5/10/2021 [html](#) [pdf](#)

**Introduced:** 2/1/2021

**Last Amended:** 5/10/2021

**Status:** 5/27/2021-Referred to Coms. on GOV. & F. and JUD.

**Calendar:** 7/1/2021 Upon adjournment of Agriculture Committee - Room 3191 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair 7/13/2021 1:30 p.m. - Senate Chamber SENATE JUDICIARY, UMBERG, Chair

**Summary:** Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state of emergency or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body determines, by majority vote, that meeting in person would present imminent risks to the health or safety of attendees.

**Attachments:** [AB 361 Fact Sheet](#)

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that certain requirements are met (noticing, public access, etc.). This bill allows a local agency to conduct meetings using teleconference methods without complying with certain teleconferencing requirements if they are meeting for the purposes of declaring or ratifying a local emergency, during a declared state or local emergency (as defined in statute), when state or local health officials have imposed or recommended certain measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.

The legislative body must give notice of the meeting and post agendas to allow members of the public to access the meeting and address the legislative body, offer public comment, and protect rights of the parties and public appearing before the legislative body. The bill also rescinds the requirement that at least a quorum of the body must meet within the jurisdictional boundaries of the agency under these circumstances when meeting via telecon.

UPDATE: As amended on 4/6/21, the bill now specifies that the new statute can be applied if meeting in person presents imminent risk to the health & safety of attendees; Requires the agenda to provide opportunity for anyone to attend via call-in or internet option; should there be a service disruption that prevents remote public participation, the agency must take no further action on any agenda item until service is restored; the agency cannot require submittal of public comments in advance of the meeting; and requires the legislative body, every 30 days after the initial declaration of emergency, should the emergency remain active, to make certain findings that the emergency still exists and prevents in-person meetings.

UPDATE: As amended on 5-10-21, the amendments tighten restrictions for in-person meetings to only the determination that meeting in person presents imminent risk to the health and safety of attendees (removing the option to consider if attendance by one of more members of the legislative body is hindered).

This bill is sponsored by the CA Special Districts Association (CSDA). The bill is not marked fiscal. A fact sheet is posted in the tracking section of the bill.

**[AB 703](#) (Rubio, Blanca D) Open meetings: local agencies: teleconferences.**

**Current Text:** Amended: 4/29/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Last Amended:** 4/29/2021

**Status:** 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 2/25/2021)(May be acted upon Jan 2021)

**Summary:** Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the notice requirements particular to teleconferencing and would revise the requirements of the act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a

singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction.

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** As amended on 4/29/21, the bill requires local agencies to allow for public participation during meetings of the legislative body both at in-person and via a call-in or internet-based option. It further requires that if the agency holds a teleconference meeting, at least a quorum of the governing body shall participate in person from a single location which shall be open to the public (and located within the boundaries of the jurisdiction). Despite these requirements, the bill is not marked fiscal. Further, it applies only to local agencies, not state agencies. The bill is sponsored by Three Valleys Municipal Water Agency.

**[AB 1581](#) (Committee on Local Government) Local government: omnibus.**

**Current Text:** Chaptered: 6/29/2021 [html](#) [pdf](#)

**Introduced:** 3/9/2021

**Last Amended:** 4/19/2021

**Status:** 6/28/2021-Signed by the Governor

**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 a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires, when a proposed change of organization or reorganization applies to 2 or more affected counties, that exclusive jurisdiction vest in the commission of the principal county, unless certain things occur. This bill would add the determination of a sphere of influence to the types of proposed changes for which exclusive jurisdiction may or may not vest in a principal county.

**Attachments**

[CALAFCO Request Governor Signature June 2021](#)

[CALAFCO Support letter](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

**CALAFCO Comments:** This is the annual ALGC Omnibus bill which CALAFCO sponsors. Sections amended are: 56133(a) and (f); 56325.1 (renumbered to 56331.4); 56427; and 56879(a). As amended on 4/19, additional sections amended include 56066, 56123, 56124, 56375. Further the bill repeals sections 56375.2, 56387, 56388, 56747, 56760, 57001.1, 57075.5, 57202.1 and 57383.

**[SB 810](#) (Committee on Governance and Finance) Validations.**

**Current Text:** Chaptered: 6/29/2021 [html](#) [pdf](#)

**Introduced:** 2/23/2021

**Status:** 6/28/2021-Signed by the Governor

**Summary:** This bill would enact the First Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

**Attachments:** [CALAFCO Support Letter March 2021](#)

**Position:** Support

**Subject:** Other

**CALAFCO Comments:** These are the annual validating Acts.

**[SB 811](#) (Committee on Governance and Finance) Validations.**

**Current Text:** Chaptered: 6/29/2021 [html](#) [pdf](#)

**Introduced:** 2/23/2021

**Status:** 6/28/2021-Signed by the Governor

**Summary:** This bill would enact the Second Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

**Attachments:** [CALAFCO Support Letter March 2021](#)

**Position:** Support

**Subject:** Other

**CALAFCO Comments:** These are the annual validating Acts.

**[SB 812](#) (Committee on Governance and Finance) Validations.**

**Current Text:** Chaptered: 6/29/2021 [html](#) [pdf](#)

**Introduced:** 2/23/2021

**Status:** 6/28/2021-Signed by the Governor

**Summary:**

This bill would enact the Third Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:** [CALAFCO Support Letter March 2021](#)

**Position:** Support

**Subject:** Other

**CALAFCO Comments:** These are the annual validating Acts.

**[AB 1195](#) (Garcia, Cristina D) Drinking water.**

**Current Text:** Amended: 5/24/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 5/24/2021

**Status:** 6/17/2021-In committee: Set, first hearing. Hearing canceled at the request of author.

**Summary:** Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would prohibit a public water system from transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed.

**Attachments:** [AB 1195 Fact Sheet](#)

**Position:** Watch With Concerns

**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.

UPDATE: 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.

**[AB 1250](#) (Calderon D) Water and sewer system corporations: consolidation of service.**

**Current Text:** Amended: 5/24/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Last Amended:** 5/24/2021

**Status:** 6/28/2021-VOTE: Do pass as amended, but first amend, and re-refer to the Committee on [Environmental Quality] (PASS)

**Summary:** The California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system. The bill would require the commission to approve or deny the application within 8 months, except as provided.

**Attachments:** [AB 1250 Fact Sheet 2021](#)

**Position:** Watch

**Subject:** Municipal Services, Water

**CALAFCO Comments:** The intent of the bill is to prescribe response timelines for the PUC in terms of processing consolidations. This bill creates the Consolidation for Safe Drinking Water Act of 2021. The bill allows a water or sewer corp to file an application with the Public Utilities Commission (PUC) to approval to consolidate with a public or state small system. The bill requires the PUC to act on the application within 8 months of receipt. If a consolidation is valued at \$5 million or less, the water or sewer corp can file an advise letter and get the PUC approval via resolution. In this instance, the PUC has 120 days to act on the request. The bill also give the PUC authority to designate a different procedure to request consolidation for systems valued less than \$5M.

The bill requires the PUC to prioritize consolidation requests based on compliance records and requires the entity requesting consolidation to conduct a thorough public process. The bill is sponsored by the California Water Association and does not have an impact on LAFCos. Nevertheless, CALAFCO will keep a watch on the bill. A fact sheet is posted in the tracking section of the bill.

UPDATE: The amendments on 5/24/21 establish the Consolidation For Safe Drinking Water Fund, with all moneys available, upon appropriation, going to the PUC in order to process the applications and cover any associated regulatory costs, and requires a water or sewer system corporation to pay a fee of \$10,000 when filing an application pursuant to the above provision and requires the fee to be deposited into the fund.

**[SB 403](#) (Gonzalez D) Drinking water: consolidation.**

**Current Text:** Amended: 6/8/2021 [html](#) [pdf](#)

**Introduced:** 2/12/2021

**Last Amended:** 6/8/2021

**Status:** 6/16/2021-From committee: Do pass and re-refer to Com. on L. GOV. (Ayes 6. Noes 3.) (June 16). Re-referred to Com. on L. GOV.

**Calendar:** 6/30/2021 Upon adjournment of Human Services Committee - State Capitol, Room 4202 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:** The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would authorize the state board to also order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined.

**Attachments:**

[CALAFCO Removal of Opposition Letter June 2021](#)

[CALAFCO Oppose Unless Amended Letter April 2021](#)

[SB 403 Fact Sheet 2021](#)

**Position:** Neutral

**Subject:** Disadvantaged Communities, Water

**CALAFCO Comments:** Current law (Health & Safety Code Section 116682) authorizes the State Water Resources Control Board (Board) to order consolidation (physical or operational) of a public water system or state small water system serving a disadvantaged community that consistently fails to provide an adequate supply of safe drinking water, or a disadvantaged community (in whole or part) that is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would add to that a water system or domestic well(s) that are at risk of failing to provide an adequate supply of safe drinking water, as determined by the Board. The bill also requires the Board, before ordering consolidation, to conduct outreach to ratepayers and residents served by the at-risk system and to consider any petition submitted by members of a disadvantaged community being served by the at-risk system.

There appears to be several problems with this bill: (1) The bill does not define "at risk" and there is no definition of "at risk" currently in H&S Code Sec. 116681; (2) There is a lack of consultation with GSAs by the State Board when considering ordering consolidation or extension of service; (3) There is no requirement or even consideration for annexation upon extension of service; and (4) there does not appear to be a limitation of the number of connections or the extent to which the system can be extended.

The bill is co-sponsored by the Leadership Counsel for Justice and Accountability, Clean Water Action and Community Water Center. A fact sheet is posted in the tracking section of the bill. CALAFCO's position letter is also posted there.

Specific to SB 403, we requested 3 amendments: (1) Define "at risk"; (2) Add a requirement for the SWRCB to consult with GSAs when considering a domestic well consolidation; and (3) Put a cap on the number of users to be added by the subsuming system or the extent to which the service is being extended. Additionally, CALAFCO recommended a comprehensive review of the current mandatory consolidation process citing a host of issues the current process creates.

UPDATE: As amended on 4/27/21, the bill now defines "at risk system" and "at risk domestic well"; creates an appeal process for potentially subsumed water systems; requires inspection or testing of wells to determine "at risk" status; and allows the Board to prioritize systems historically overburdened by pollution and industrial development or other environmental justice concerns. It also puts a cap of 3,300 or fewer connections on systems that can be subsumed. These amendments address 2 of our 3 requested amendments. We will continue to work with the author on requiring the SWRCB to consult with GSAs on wells.

UPDATE: Amends from 6/8/21 add a requirement for the Water Board to consult with GSAs. This is the last remaining amendment requested by CALAFCO so we have removed our opposition and gone to Neutral. The other amendment in this version simply reorders a subsection with no substantive impacts.

**[AB 11](#) ([Ward D](#)) Climate change: regional climate change authorities.**

**Current Text:** Amended: 1/21/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 1/21/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 1/11/2021)(May be acted upon Jan 2022)

**Summary:** Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.

**Attachments:** [AB 11 Fact Sheet](#)

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** As amended on 1/21/21, this bill authorizes/requires the Strategic Growth Council (SGC) to establish up to 12 regional climate change authorities by January 1, 2023, to include local agencies and regional stakeholders. The SGC is required to adopt guidelines that: (1) Define the authority; (2) Include guidelines for establishing an authority via a stakeholder-driven process; (3) Consult with OPR (and other state authorities) in development of the guidelines and award annual grants to authorities. The bill outlines the regional climate change authorities in summary as: coordination, capacity-building, and technical assistance activities within their boundaries, promote regional alignment and assist local agencies in creating and implementing plans developed pursuant to Section 65302 of the Government Code, other federal or state mandates, and programs designed address climate change impacts and risks. The bill also requires the authority to submit annual reports to the SGC, with the scope of the report outlined in the bill.

This is an author-sponsored bill. There is no appropriation to fund the cost of the program. A fact sheet is posted in the tracking section of the bill.

UPDATE 3/17/21: CALAFCO learned from the author's office they do not intend to move the bill forward, but instead work with Assm. Mullin on AB 897 and merge the two bills.

#### [AB 473](#) (Chau D) California Public Records Act.

**Current Text:** Introduced: 2/8/2021 [html](#) [pdf](#)

**Introduced:** 2/8/2021

**Status:** 6/16/2021-Referred to Com. on JUD.

**Calendar:** 6/29/2021 1:30 p.m. - Senate Chamber SENATE JUDICIARY, UMBERG, Chair

**Summary:** The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.

**Position:** Watch

**Subject:** Public Records Act

**CALAFCO Comments:** This bill is a redo of AB 2138 from 2020 that did not move forward. According to the author's office, this bill and AB 474 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

#### [AB 474](#) (Chau D) California Public Records Act: conforming revisions.

**Current Text:** Amended: 6/21/2021 [html](#) [pdf](#)

**Introduced:** 2/8/2021

**Last Amended:** 6/21/2021

**Status:** 6/21/2021-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD.

**Calendar:** 6/29/2021 1:30 p.m. - Senate Chamber SENATE JUDICIARY, UMBERG, Chair

**Summary:** Would enact various conforming and technical changes related to another bill, AB 473, which recodifies and reorganizes the California Public Records Act. This bill would only become operative if AB 473 is enacted and reorganizes and makes other nonsubstantive changes to the California Public Records Act that become operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

**Position:** Watch

**Subject:** Public Records Act

**CALAFCO Comments:** This bill is a redo of AB 2438 from 2020 that did not move forward. According to the author's office, this bill and AB 473 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

UPDATE: Amendments of 5/27 are technical and minor in nature, and make it the conforming act to AB 473

**[AB 897](#) (Mullin D) Office of Planning and Research: regional climate networks: climate adaptation action plans.**

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

**Introduced:** 2/17/2021

**Last Amended:** 4/19/2021

**Status:** 6/28/2021-From committee: Do pass and re-refer to Com. on N.R. & W. (Ayes 4. Noes 1.) (June 28). Re-referred to Com. on N.R. & W.

**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 to encourage the inclusion of agencies with land use 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 897 Fact Sheet](#)

**Position:** Watch

**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.

UPDATE: 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.

**[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:** 5/19/2021-Referred to Com. on GOV. & F.

**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.

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.

**[AB 959](#) (Mullin D) Park districts: ordinances: nuisances: abatement.**

**Current Text:** Amended: 6/18/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 6/18/2021

**Status:** 6/18/2021-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.

**Calendar:** 7/1/2021 Upon adjournment of Agriculture Committee - Room 3191 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

**Summary:** Current law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes a city legislative body to declare what constitutes a nuisance. Current law authorizes the legislative body of a city, county, or city and county to provide for the summary abatement of any nuisance resulting from the defacement of the property of another by graffiti or other inscribed material, at the expense of the minor or other person creating, causing, or committing the nuisance, and, by ordinance, authorizes the legislative body to make the expense of abatement of the nuisance a lien against property of the minor or other person and a personal obligation against the minor or other person. This bill would authorize the board of directors of a district to declare what constitutes a nuisance, as provided. The bill would, among other things, authorize a district to exercise the authority granted to a city, as described above, for purposes of abating a nuisance, as provided.

**Attachments:** [AB 959 Fact Sheet](#)

**Position:** Watch

**CALAFCO Comments:** As introduced, this bill gives authority to independent regional park & open space districts governed by PRC 5500 to: (1) Declare by ordinance what constitutes a public nuisance; (2) Abate those public nuisances by either administrative or civil actions; and (3) Ability to recover costs incurred in abating the public nuisance, including attorneys' fees. There are 4 of these independent special districts: (1) Midpeninsula Regional Open Space District; (2) East Bay Regional Park District; (3) Monterey Peninsula Regional Park District; and (4) Napa County Regional Park and Open Space District. A fact sheet is posted in the tracking section of the bill.

UPDATE: As amended on 5-10-21, the bill requires the district Board to adopt an ordinance declaring what constitutes a nuisance. It authorizes the district to initiate civil action and recover damages.

**[AB 975](#) (Rivas, Luz D) Political Reform Act of 1974: statement of economic interests and gifts.**

**Current Text:** Amended: 5/18/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 5/18/2021

**Status:** 6/1/2021-Ordered to inactive file at the request of Assembly Member Luz Rivas.

**Summary:** The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. The Fair Political Practices Commission is the filing officer for statewide elected officers and candidates and other specified public officials. If the Commission is the filing officer, the public official generally files with their agency or another person or entity, who then makes a copy and files the original with the Commission. This bill would revise and recast these filing requirements to make various changes, including requiring public officials and candidates for whom the Commission is the filing officer to file their original statements of economic interests electronically with the Commission.

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

### **AB 1021 (Mayes I) Imperial Irrigation District.**

**Current Text:** Amended: 5/24/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 5/24/2021

**Status:** 6/16/2021-Referred to Com. on GOV. & F.

**Calendar:** 7/8/2021 Upon adjournment of Session - Room 3191 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

**Summary:** Would require the commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet websites a joint study of voting rights in the Imperial Irrigation District, options for providing electricity in the Imperial Irrigation District, and options for alternative governance structures for the Imperial Irrigation District board of directors, as specified. The bill would require the study to be published no later than July 1, 2023. By imposing new duties on the specified local agency formation commissions, the bill would impose a state-mandated local program.

**Attachments:** [CALAFCO Oppose Unless Amended 5-26-21](#)

**Position:** Oppose unless amended

**Subject:** Special Districts Governance

**CALAFCO Comments:** As amended on 3/18/21, the bill focuses on the Imperial Irrigation District. The bill requires Imperial and Riverside LAFcos to conduct a special study of voting rights and options for providing electricity in the district area should the district decide it no longer desires to provide that serve, to be completed by December 31, 2022, as an unfunded mandate. The bill also requires membership of the district board to increase from 5 to 8 members, with the additional 3 members residing in Riverside County in the area being serviced by the district and appointed by the County Supervisor of that County district. The three new members will be non-voting members.

CALAFCO met with the author's staff on March 18 to discuss concerns on the bill, with input from Riverside and Imperial LAFcos (who will meet with the author's office as well). Concerns include: (1) The unfunded mandate and timing of the study; (2) As representation in the Riverside County service area is the issue, governance structure should also be a part of the study; (3) Section 21562.6 of the Water Code as added is far too vague. CALAFCO offered specific suggestions for clarification in this section.

This bill is similar to AB 854 (2019), which died in Appropriations. CALAFCO had a Watch position on that bill as the two member LAFcos had opposing positions, and this is a local matter. However, there is concern about requiring a study without funding (the last time the Legislature mandated a special study on a district

it required the study be funded by the district). The bill is author-sponsored and as of now there is no budget appropriation to cover cost.

UPDATE AS OF 4/21/21 - As amended on 4/19/21, the bill makes substantive changes including: (1) Requires state funding for the study and prescribes an 18-month timeline for completion upon receipt of funds; (2) Adds study content of options for governance structure of the district; (3) Changes the number from 3 to 1 of nonvoting board members appointed to the district Board; and (4) Specifies requirements for the appointment.

UPDATE: The amendments of 5/24/21 remove the funding for the special study, making it an unfunded mandate. The bill also now requires the study to be completed by 7-1-23. As a result of the funding removal and the concerning precedent setting nature of requiring LAFCo to conduct a special study without funding, CALAFCO has taken an OPPOSE UNLESS AMENDED position requesting funding be restored.

**[AB 1053](#) ([Gabriel D](#)) City selection committees: County of Los Angeles: quorum: teleconferencing.**

**Current Text:** Amended: 4/20/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 4/20/2021

**Status:** 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/18/2021)(May be acted upon Jan 2021)

**Summary:** Current law creates a city selection committee in each county that consists of 2 or more incorporated cities for the purpose of appointing city representatives to boards, commissions, and agencies. Under current law, a quorum for a city selection committee requires a majority of the number of the incorporated cities within the county entitled to representation on the city selection committee. Current law requires a city selection committee meeting to be postponed or adjourned to a subsequent time and place whenever a quorum is not present at the meeting. This bill, for the city selection committee in the County of Los Angeles, would reduce the quorum requirement to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to items that appeared on the immediately preceding agenda where a quorum was not established.

**Attachments:**

[CALAFCO Removal of Opposition Letter April 2021](#)

[CALAFCO Oppose Unless Amended April 2021](#)

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** As amended on 3/18/21, the bill reduces the quorum requirement for a city selection committee to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to replicate the meeting for which a quorum was not established. The bill also authorizes a city selection committee to conduct their meetings be teleconference and electronic means. The bill is sponsored by the Las Virgenes-Malibu Council of Governments.

UPDATE AS OF 4/21/21 - As amended on 4/20/21, the scope of the bill is significantly narrowed to apply only to the County of Los Angeles' City Selection Committee. This amendment resolves CALAFCO's concerns and we have removed our opposition and will retain a Watch position. CALAFCO's letter of opposition removal is posted in the bill detail area.

UPDATE: The bill failed to move out of committee so it is now a 2-year bill.

**[AB 1246](#) ([Nguyen R](#)) Community services districts.**

**Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/19/2021)(May be acted upon Jan 2021)

**Summary:** Current law, the Community Services District Law, authorizes the formation of community services districts for various specified purposes, including supplying water, treating sewage, disposing of

solid waste, and providing fire protection. The law specifies its relation and effect on certain districts organized pursuant to former laws and to actions taken by them, among other things. This bill would make nonsubstantive changes to those provisions.

**Position:** Watch

**CALAFCO Comments:** This is a spot bill.

**[AB 1295](#) ([Muratsuchi D](#)) Residential development agreements: very high fire risk areas.**

**Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/4/2021)(May be acted upon Jan 2021)

**Summary:** Current law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on the severity of fire hazard that is expected to prevail in those areas, as specified, and requires each local agency to designate, by ordinance, the very high fire hazard severity zones in its jurisdiction. Current law additionally requires the director to classify lands within state responsibility areas into fire hazard severity zones. This bill, beginning on or after January 1, 2022, would prohibit the legislative body of a city or county from entering into a residential development agreement for property located in a very high fire risk area. The bill would define "very high fire risk area" for these purposes to mean a very high fire hazard severity zone designated by a local agency or a fire hazard severity zone classified by the director.

**Attachments:** [AB 1295 Fact Sheet](#)

**Position:** Watch

**Subject:** Growth Management, Planning

**CALAFCO Comments:** This bill prohibits a city or county from entering into a residential development agreement for property located within a very high fire risk area as of 1-1-2022. This bill appears similar to SB 55 (Stern) except: (1) This bill explicitly calls out residential development, whereas SB 55 addresses new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone; and (2) SB 55 adds a state responsibility area. The bill is not marked fiscal. This is an author-sponsored bill and a fact sheet is posted in the tracking section of the bill.

**[SB 10](#) ([Wiener D](#)) Planning and zoning: housing development: density.**

**Current Text:** Amended: 6/24/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 6/24/2021

**Status:** 6/24/2021-Read second time and amended. Re-referred to Com. on L. GOV. **Calendar:** 6/30/2021 Upon adjournment of Human Services Committee - State Capitol, Room 4202 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:** Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local voter initiative that designates publicly owned land as open-space land or for park or recreational purposes.

**Position:** Watch

**Subject:** Housing

**CALAFCO Comments:** While not directly affecting LAFCOs, the requirements in the bill are of interest. As amended on 4/13/21, the bill authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined in the bill. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution adopted to amend the jurisdiction's General Plan Plan,

ordinance, or other local regulation adopted to be consistent with that ordinance, is exempt from CEQA. The bill imposes specified requirements on a zoning ordinance adopted under these provisions. The bill would prohibit a legislative body that adopts a zoning ordinance pursuant to these provisions from subsequently reducing the density of any parcel subject to the ordinance and makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts a use or density authorized by an ordinance adopted pursuant to the provisions in the bill.

UPDATE: The amendment of 4/27/21 amends 65913.5(a)(3) to remove exemption of parcels excluded from specified hazard zones by a local agency pursuant to 51179(b).

UPDATE: The amendments on 5/26 prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel zoned pursuant to these provisions from being approved ministerially or by right or from being exempt from CEQA, except as specified, and repealw these provisions on January 1, 2029.

**[SB 12](#) ([McGuire D](#)) Local government: planning and zoning: wildfires.**

**Current Text:** Amended: 5/4/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 5/4/2021

**Status:** 6/24/2021-From committee: Do pass and re-refer to Com. on H. & C.D. (Ayes 6. Noes 2.) (June 23). Re-referred to Com. on H. & C.D.

**Calendar:** 7/12/2021 Upon adjournment of Session - State Capitol, Room 4202 ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT, CHIU, Chair

**Summary:** Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. 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.

**Position:** Watch

**Subject:** Growth Management, Planning

**[SB 13](#) ([Dodd D](#)) Local agency services: contracts: Counties of Napa and San Bernardino.**

**Current Text:** Amended: 6/28/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 6/28/2021

**Status:** 6/28/2021-Read second time and amended. Ordered to second reading.

**Calendar:** 7/1/2021 #1 ASSEMBLY SECOND READING FILE -- SENATE BILLS

**Summary:** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Current law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021. This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025, deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require the contents of that report to include how many requests for extension of services were received under these provisions.

**Attachments:** [CALAFCO Oppose Unless Amended letter May 2021](#)

**Position:** Oppose unless amended

**Subject:** CKH General Procedures

**CALAFCO Comments:** This bill is the same as SB 799 from 2020 and seeks to re-establish and continue the pilot program for five more years. The program ended as of January 1, 2021 but due to the pandemic, SB 799 from 2020 to extend the sunset was not moved forward in the legislature.

UPDATE: As amended on 4/29/21, the bill now adds 56133.6 which seeks to address several projects in the City of St. Helena, and resolve a current law suit between the winery and the city. The amendments authorize Napa LAFCo to consider new or extended service by the city to specific parcels with certain conditions. The bill requires the Napa LAFCo make certain determinations if approving, include any decision in their required report to the Legislature and has a sunset of 1-1-26.

CALAFCO has made a request for several technical amendments to the version dated 4-29-21, and has concern this addition strays too far from the original intent of the pilot program. Requested amendments on the table now include: (1) Rewording of both sections 56133.5(a)(2) and 56133.6(a)(3) to explicitly state both (A) and (B) are required; (2) Reword the new addition to 56133.5(d) so that it does not presume Napa LAFCo will authorize the new or extension of service; and (3) Rewrite 56133.6(a)(1) to clarify that (A) must apply to both (B) and (C).

As amended on 5-11-21, all requested technical amendments were made, however the intent of the pilot program has changed with the addition of 56133.6 and Napa LAFCo's ability to approve extension of service for parcels that do not meet the pilot program's requirement of planned use as defined in 56133.5. For this reason, CALAFCO is opposed unless amended, requesting the removal of 56133.6. Our letter is in the bill detail section.

**SB 55 (Stern D) Very high fire hazard severity zone: state responsibility area: development prohibition: supplemental height and density bonuses.**

**Current Text:** Amended: 4/5/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 4/5/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/3/2021)(May be acted upon Jan 2022)

**Summary:** Would, in furtherance of specified state housing production, sustainability communities strategies, greenhouse gas reduction, and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area unless there is substantial evidence that the local agency has adopted a comprehensive, necessary, and appropriate wildfire prevention and community hardening strategy to mitigate significant risks of loss, injury, or death, as specified. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.

**Attachments:** [SB 55 Fact Sheet](#)

**Position:** Watch

**Subject:** Growth Management, Planning

**CALAFCO Comments:** This bill prohibits the creation or approval of a new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone or a state responsibility area. The bill is author-sponsored and imposes unfunded mandates. A fact sheet is posted in the tracking section of the bill.

As amended on 4/5/21, the bill removes the "blanket approach" to prohibiting development as noted above by adding specificity. The bill prohibits development in either of the areas noted above unless there is substantial evidence that the local agency has adopted a comprehensive, necessary and appropriate wildfire preventions and community hardening strategy to mitigate significant risks of loss, injury or death as specified in the bill. Additionally, the bill provides a qualifying developer a supplemental height bonus and a supplemental density bonus, as specified, if the development is located on a site that meets certain criteria, including, among others, not being located in a moderate, high, or very high fire hazard severity zone, as specified. These requirements are unfunded mandates. This bill appears similar to AB 1295 (Muratsuchi) except this bill appears to be broader in scope in terms of the type of development prohibited and includes a state responsibility area, whereas AB 1295 only addresses residential development in a very high fire risk area.

**[SB 96](#) (Dahle R) Fallen Leaf Lake Community Services District Fire Department Protection Act of 2021: elections.**

**Current Text:** Introduced: 12/21/2020 [html](#) [pdf](#)

**Introduced:** 12/21/2020

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 1/28/2021)(May be acted upon Jan 2022)

**Summary:** Would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding existing law, would provide that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District, as specified. The bill would require the designations of voters and authority of legal representatives to be filed with the El Dorado County elections official and the secretary of the Fallen Leaf Lake Community Services District and maintained with the list of qualified voters of the district. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Subject:** Special Districts Governance

**CALAFCO Comments:** This bill is the same as SB 1180 from 2020 which did not move through the legislature. It is a local El Dorado County/district bill. This bill does several things. (1) Provides that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services. (2) The bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on their behalf, regardless of the number of parcels in the district owned by the nonresident voter. (3) This bill would prohibit the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection and medical services, including emergency response and services, as well as parks and recreation services and facilities.

**[SB 261](#) (Allen D) Regional transportation plans: sustainable communities strategies.**

**Current Text:** Introduced: 1/27/2021 [html](#) [pdf](#)

**Introduced:** 1/27/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/15/2021)(May be acted upon Jan 2022)

**Summary:** current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires that each regional transportation plan include a sustainable communities strategy developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 established by the State Air Resources Board. This bill would require that the sustainable communities strategy be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the board. The bill would make various conforming changes to integrate those additional targets into regional transportation plans.

**Position:** Watch

**Subject:** Sustainable Community Plans

**[SB 273](#) (Hertzberg D) Water quality: municipal wastewater agencies.**

**Current Text:** Amended: 6/21/2021 [html](#) [pdf](#)

**Introduced:** 1/29/2021

**Last Amended:** 6/21/2021

**Status:** 6/21/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.S. & T.M.

**Calendar:** 6/30/2021 9 a.m. - State Capitol, Room 4202 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

**Summary:** Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, as defined, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The bill would require a municipal wastewater agency that enters into or amends one of these agreements after January 1, 2022, to file a copy of the agreement or amendment with the local agency formation commission in each county where any part of the municipal wastewater agency's territory is located, but would exempt those agreements and amendments from local agency formation commission approval except as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**Attachments:**

[CALAFCO Support June 2021](#)

[SB 273 Fact Sheet](#)

**Position:** Support

**Subject:** Municipal Services

**CALAFCO Comments:** This bill is a redo of SB 1052 from 2020 that was not moved forward because of the pandemic. This bill adds authority to municipal wastewater agencies as outlined in 13911(a) and (b) relating to stormwater runoff and management. The bill authorizes this additional authority while keeping the LAFCO process to activate these latent powers intact.

The CALAFCO requested an amendment to add a requirement that upon entering into the agreement, the agency has 30 days to file a copy of that agreement or amended agreement with the LAFCO, was accepted by the author in the ALGC hearing. The bill is sponsored by the CA Assn of Sanitation Agencies. A fact sheet is posted in the tracking section of the bill.

**[SB 274 \(Wieckowski D\) Local government meetings: agenda and documents.](#)**

**Current Text:** Amended: 4/5/2021 [html](#) [pdf](#)

**Introduced:** 1/29/2021

**Last Amended:** 4/5/2021

**Status:** 6/24/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (June 23). Re-referred to Com. on APPR.

**Summary:** The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

**Attachments:**

[CALAFCO Support SB 274 \(3-15-21\)](#)

[SB 274 Fact Sheet](#)

**Position:** Support

**Subject:** Public Records Act

**CALAFCO Comments:** This bill is a modified redo of SB 931 from 2020 that did not move forward because of the pandemic. This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it or the link to the website where the documents can be accessed (current law requires the mailing of such documents upon request, this bill adds the option to email if requested). A fact sheet is posted in the tracking section of the bill.

The amendment on 4/5/21 was to correct a typo reflecting the authority to email information.

**[SB 475](#) (Cortese D) Transportation planning: sustainable communities strategies.**

**Current Text:** Amended: 3/10/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 3/10/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/26/2021)(May be acted upon Jan 2022)

**Summary:** Would require the State Air Resources Board, on or before June 30, 2023, and in coordination with the California Transportation Commission and the Department of Housing and Community Development, to issue new guidelines on sustainable communities strategies and require these guidelines to be updated thereafter at least every 4 years. The bill would delete the provisions related to the Regional Targets Advisory Committee and instead require the State Air Resources Board to appoint, on or before January 31, 2022, the State-Regional Collaborative for Climate, Equity, and Resilience, consisting of representatives of various entities. The bill would require the State-Regional Collaborative for Climate, Equity, and Resilience to develop a quantitative tool for metropolitan planning organizations to use to evaluate a transportation plan's consistency with long-range greenhouse gas emission reduction targets and recommend guidelines for metropolitan planning organizations to use when crafting long-range strategies that integrate state goals related to climate resilience and social equity.

**Position:** Watch

**Subject:** Sustainable Community Plans

**[SB 499](#) (Leyva D) General plan: land use element: uses adversely impacting health outcomes.**

**Current Text:** Introduced: 2/17/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 2/25/2021)(May be acted upon Jan 2022)

**Summary:** Would prohibit the land use element from designating land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes in disadvantaged communities to be located, or to materially expand, within or adjacent to a disadvantaged community or a racially and ethnically concentrated area of poverty. By expanding the duties of cities and counties in the administration of their land use planning duties, the bill would impose a state-mandated local program.

**Attachments:** [SB 499 Fact Sheet](#)

**Position:** Watch

**Subject:** Disadvantaged Communities

**CALAFCO Comments:** As introduced, this bill would prohibit the land use element of a general plan from designating or expanding land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes within or adjacent to disadvantaged communities (DACs) or a racially and ethnically concentrated area of poverty. The sponsor of this bill is the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

**[SB 574](#) (Laird D) Agricultural preserves: Williamson Act.**

**Current Text:** Amended: 3/4/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 3/4/2021

**Status:** 6/24/2021-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 8. Noes 0.) (June 23). Re-referred to Com. on APPR.

**Summary:** Under the California Land Conservation Act of 1965, the board of supervisors or city council may grant tentative approval for a cancellation by petition of a landowner as to all or any part of land subject to a contract, as specified. Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction, and requires the assessor to send the fair market value to the Department of Conservation, hereafter department, at the same time the assessor sends the value to the landowner. Current law provides for a certificate of tentative cancellation upon tentative approval of a petition by a landowner accompanied by a proposal for a specified alternative use of the land, as provided. Current law requires the board of supervisors or city council to provide notice to the department related to cancellation of the contract as well as in other specified instances. This bill would revise and recast these

provisions to no longer require the assessor to provide notice to the department and to require the board of supervisors or city council to provide notice to the department if the certificate of tentative cancellation is withdrawn, as specified.

**Position:** Watch

**CALAFCO Comments:** This bill narrows the role of Department of Conservation (DOC) in administering the Williamson Act. It does not change other provisions in the Act except for lessening reporting requirements by local governments to the DOC. The bill repeals the ability of the DOC to agree on a cancellation value for contracted land with a landowner, along with the requirement that the department provide a preliminary valuation to the applicable assessor, and repeals the requirement that the DOC approve cancellation of a farmland security contract. The bill also repeals and narrows reporting requirements by requiring the DOC to post all local government reports on Williamson Act lands/contracts on its website rather than create a report and submit to the Legislature. The bill also repeals certain reporting requirements by local governments (cities and counties) to the DOC regarding Williamson Act contracts.

As amended on 3/4/21, the bill requires cities/counties to file annual maps on Act lands; and removes the requirement for state approval for the amount of security to be paid when paying cancellation fee. CALAFCO will continue to watch this bill to ensure no detrimental changes are made to the Act through future amendments.

**[SB 813](#) (Committee on Governance and Finance) Local Government Omnibus Act of 2021.**

**Current Text:** Amended: 6/21/2021 [html](#) [pdf](#)

**Introduced:** 2/23/2021

**Last Amended:** 6/21/2021

**Status:** 6/21/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on L. GOV.

**Calendar:** 6/30/2021 Upon adjournment of Human Services Committee - State Capitol, Room 4202 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:** Current law provides that a person who has made an offer to purchase an interest in an undivided-interest subdivision, as specified, and not exempted, has the right to rescind any contract resulting from the acceptance of that offer during a specified timeframe. Current law defines and describes the terms "subdivided lands" and "subdivision" for these purposes. Current law requires any person who intends to offer subdivided lands for sale or lease, as specified, to file with the Bureau of Real Estate an application for a public report consisting of, among other things, a notice of intention and a completed questionnaire. Current law exempts the proposed sale or lease of those lots or other interests in a subdivision that are limited to industrial or commercial uses by law or by a declaration of covenants, conditions, and restrictions that has been recorded in the official records of the county or counties in which the subdivision is located from certain of those provisions relating to the filing of a report with the Bureau of Real Estate and sales contracts. This bill would instead exempt the proposed sale or lease of those lots or other interests from all provisions as specified.

**Position:** Watch

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

MILESTONES AND TIME OBJECTIVES  
OROSI P.U.D. AND EAST OROSI C.S.D. CONSOLIDATION ORDER

Milestone No.	DESCRIPTION (1)	LEAD AGENCY	TIME OBJECTIVE
		ASSIGNMENTS	
1	OPUD/EOCSD Agreement No. 1	OPUD/EOCSD	June 30, 2021
2	Initial Proposition 218 Rate Increase Process	EOCSD	September 30, 2021
3	OPUD/EOCSD Letter of Commitment	OPUD/EOCSD	August 31, 2021
4	OPUD/EOCSD Agreement No. 2	OPUD/EOCSD	September 30, 2021
5	OPUD/EOCSD Agreement No. 3	OPUD/EOCSD/ LAFCO	February, 2022
6	OPUD/EOCSD Agreement No. 4	OPUD/EOCSD	March, 2022
7	Full execution of Construction Funding Agreement – Water System	OPUD/EOCSD/ SWRCB	June 30, 2023
8	Full execution of Construction Funding Agreement – Sanitary Sewer System	OPUD/EOCSD/ SWRCB	June 30, 2024
9	<b>Full Consolidation</b>	OPUD/EOCSD/ LAFCO	June 30, 2026

Note:

(1) Detailed descriptions attached.

ATTACHMENT

MILESTONES AND TIME OBJECTIVES  
OROSI P.U.D. AND EAST OROSI C.S.D. CONSOLIDATION ORDER

Milestone No. 1

Agreement No. 1 between the OPUD and the EOCSD would have an objective implementation date of July 1, 2021. This is the beginning of a new Fiscal Year. The Agreement would call for the OPUD to assume full oversight of the EOCSD water and sanitary sewer system's day-to-day administration, financial functions and utility systems operation and maintenance. The EOCSD Board of Directors would continue to function and provide governance oversight of the EOCSD including general office administration, responding to Public Records Act requests, approving budgets, agreements and other tasks as necessary for the operation of EOCSD. EOCSD would continue to pursue and put into place, administrative assistance from an outside, qualified source. Quarterly reports would be provided to the EOCSD by the OPUD.

Initial cash flow for the EOCSD and the OPUD would be based on the OPUD billing EOCSD customers at the existing applicable monthly utility rates of the EOCSD with 20 percent of the collected EOCSD monthly revenue due and payable to EOCSD on a monthly basis and paid within 30 days of monthly collection by the OPUD. The ratio of revenue sharing was based on EOCSD's fixed costs and may be changed in accordance with an established protocol to be specified in Agreement No. 1. Delinquent customer billed amounts would not be recognized until collected. The EOCSD would authorize the OPUD to effect service termination of EOCSD accounts which are in or fall into a delinquent status, subject to COVID-19 State order(s). The EOCSD would be responsible, in any event, for the accrued charges to the EOCSD from the OPUD. OPUD would bill the EOCSD at the average single family monthly rate of the OPUD. The retained, collected EOCSD balance, after payment of the 20 percent to the EOCSD, would be deducted from the amount billed to the EOCSD by the OPUD.. The unpaid balance will accrue interest at a rate agreed to by the parties and set forth in Agreement No. 1. Payment of the accumulated debt would be addressed by the EOCSD in the undertaking of a utility rate increase process, subject to the provisions of law implementing Proposition 218. The new EOCSD rate structure shall include an automatic annual increase adjusted pursuant to the CPI or other similar standard. Provision for payment of extra ordinary repair and/or replacement costs is to be addressed in Agreement No. 1.

Once put into effect based on the successful outcome of a rate increase proceeding satisfying the requirements of Proposition 218, the EOCSD customer monthly utility billing rates would remain at the level necessary to match the applicable OPUD utility rates, plus the accrued deficit, until paid, said extension of credit not to exceed a period of five (5) years in duration from the effective date of Agreement No. 1. If Construction level Funding Agreements related to water and sanitary sewer utility system improvements have not been issued and fully executed by June 30, 2024, EOCSD will be obligated to cover its costs to OPUD for the improvements and for the provision of the services and will be obligated to undertake another rate increase process,

again in concert with statutes implementing Proposition 218, in sufficient time to satisfy a June 30, 2025, requirement. Said rates and level of service provided to the EOCSD by the OPUD shall remain in effect until replaced by provisions of service contained in Agreement No. 2.

### Milestone No. 2

The EOCSD shall initiate and see through to completion, a rate increase process complying with the statutes implementing Proposition 218. The rate increases should reflect the funding levels necessary to discharge the obligations of the EOCSD, bring the rates current with the then current monthly single-family residential, commercial and public use water and sanitary sewer utility rates of the OPUD and to address the payment deficit owed to the OPUD as a result of the provisions of Agreement No. 1, if any.

The EOCSD shall initiate the steps associated with authorization to increase rates at the earliest possible date. The OPUD agrees to provide to the EOCSD the average OPUD applicable category monthly billing rates established from the most recent OPUD annual average billing history. The target date for receipt of authorization to increase rates shall be September 30, 2021. In any event, the Public Hearing on the matter shall be concluded no later than December 31, 2021.

The OPUD, EOCSD and the State agency parties understand that OPUD's customers cannot subsidize the costs of providing water or sewer services to the EOCSD customers, and that the approval by EOCSD of rates at the necessary level to fund the costs of the services is a critical element of consolidation. Failure to secure rate increase authorization or to fund the revenue requirements from any other outside sources shall provide the basis for the termination of Agreement No. 1 between the parties and any subsequent agreement(s) entered into by and between the EOCSD and the OPUD related to service, extra territorial service or consolidation. Based on the above-referenced understandings and actions, failure of EOCSD to generate the required level of revenues to allow for pursuit of a full consolidation of EOCSD and OPUD, an agreement shall be developed and executed providing for the provision of a defined level of water supply service to the EOCSD by the OPUD. Said agreement shall reflect costs associated with wheeling an EOCSD supply of water from a well, construction of which is currently being pursued by the EOCSD, located within the Sphere of Influence of the Cutler Public Utility District, through the OPUD water distribution system and metered upon introduction, to a point of delivery to the distribution system of the EOCSD. The quantity of water made available to the EOCSD by the OPUD necessary to satisfy EOCSD demands in excess of that satisfied by compliant sources of the EOCSD shall be provided at a rate agreed to by and between the EOCSD and the OPUD. The quality of the water made available under this agreement to the EOCSD shall be the same as provided by the OPUD to its customers. The cost of the wheeling service and of the supplemental water supply made available by the OPUD shall be negotiated at the time of development of the subject agreement, but in no case shall be less than the cost to OPUD of providing said services.

### Milestone No. 3

The EOCSD and the OPUD shall negotiate and fully execute a Letter of Commitment to pursue voluntary consolidation of the EOCSD with the OPUD up to and including the potential for the dissolution of the EOCSD and full annexation of same to the OPUD.

### Milestone No. 4

Assuming satisfaction of the terms and conditions of Agreement No. 1, Milestone No. 4 calls for Agreement No. 2 to be developed and entered into between the EOCSD and the OPUD. The Agreement shall address the desire of the EOCSD for the OPUD to assume a lead agency position, on behalf of the EOCSD, to address applications for funding assistance for the water utility system of the EOCSD, including a request to act as lead agency with respect to compliance with the California Environmental Quality Act (CEQA). The adopted CEQA Guidelines of the OPUD shall be utilized in satisfaction of this request.

This Agreement will provide EOCSD authorization for the OPUD to act as the applicant on behalf of the EOCSD relative to the subject water system related application, which is anticipated to be in the form of a construction grant application (CGA). Documents, including 95 percent Plans and Specifications, shall be provided to the OPUD to assist in the completion of the CGA.

As the work to be completed and delivered to OPUD pursuant to this Agreement currently only deals with the potential for a single compliant source of water supply, compliance with source water requirements are left to be satisfied for the EOCSD by the OPUD. In addition, current plans for the wheeling of source supply from the proposed new well of EOCSD to the service area of the EOCSD involve the use of the distribution system of the OPUD. In recognition of the obligations placed on the OPUD as a result of the current Plan of Service, the OPUD will also be requested to expend funds of the OPUD on behalf of the EOCSD such as costs related to the CGA. Each of these items involve OPUD funds which will need to be defined and reimbursed.

Should the State Water Resources Control Board – Division of Financial Assistance, or any successor agency fail to accept the CGA or, if accepted, fail to issue a Grant Funding Agreement within two (2) years of the submittal of the CGA, the terms and conditions of the Agreement relative to service shall be extinguished and all funds advanced by the OPUD on behalf of the EOCSD shall become immediately due and payable. EOCSD, at its election, may pursue other sources of funds, such as those made available from time-to-time by USDA-Rural Development, ear-marked Federal appropriation of project specific funds or other specific grants in aid, to satisfy the requirements of Milestone No. 7.

### Milestone No. 5

Milestone No. 5 will take the relationship between the EOCSD and the OPUD from an agreement for contract services between the districts to a formal extra territorial service agreement (ETSA) identified for milestone purposes as Agreement No. 3. The ETSA will be

offered by the OPUD to the EOCSD based on the status of funding the necessary infrastructure improvements to allow the OPUD to serve the EOCSD and do so in a manner allowing the level of service to meet all applicable service standards and provide assurance to the OPUD that the cost of services being provided to the EOCSD are being borne by the EOCSD, either directly, or from State/Federal funding sources. The ETSA shall be subject to approval of the Local Agency Formation Commission (LAFCO).

#### Milestone No. 6

Milestone No. 6 calls for Agreement No. 4 to be developed between the EOCSD and the OPUD. The Agreement shall address the desire of the EOCSD for the OPUD to assume a lead agency position, on behalf of the EOCSD, to address applications for funding assistance related to the sanitary sewer collection and force main system of the EOCSD, including a request to act as lead agency with respect to compliance with CEQA. Again, as with Agreement No. 2, the adopted CEQA Guidelines of the OPUD shall be utilized in satisfaction of this request.

This Agreement will provide EOCSD authorization for the OPUD to act as the applicant on behalf of the EOCSD relative to the subject sanitary sewer system related application(s), which, from the state perspective, is anticipated to be in the form of a CGA. Documents, including 95 percent Plans and Specifications, shall be provided to the OPUD to assist in the completion of the CGA. Should the Plan for Service involve the discharge point of the force main be other than the existing, compensation shall be provided to the OPUD, or, in the alternative the Cutler Public Utility District, for utilization of their interceptor capacity to convey the EOCSD discharge to the Regional Wastewater Facility.

In recognition of the obligations placed on the OPUD as a result of accomplishing the tasks set forth in Agreement No. 4, the OPUD will be requested to expend funds of the OPUD on behalf of the EOCSD, which funds will need to be reimbursed to the OPUD.

Should the State Water Resources Control Board – Division of Financial Assistance, or any successor agency, fail to accept the CGA, or, if accepted, fail to subsequently issue a Grant Funding Agreement within two (2) years of the submittal of the CGA, consolidation with the OPUD will not occur and sanitary sewer service will remain subject to the terms and conditions of the ETSA, or subsequent modifications thereto. EOCSD, at its election, may pursue other sources of funds, such as those made available from time-to-time by USDA-Rural Development, ear-marked Federal appropriation of project specific funds or other specific grants in aid, to satisfy the requirements of Milestone No. 8.

#### Milestone No. 7

Assuming acceptance of a submitted water system related funding application and issuance of a related funding agreement, the OPUD will execute the funding agreement and pursue full satisfaction of the required terms and conditions of said funding agreement.

### Milestone No. 8

Assuming acceptance of a submitted sanitary sewer system related funding application and issuance of a related funding agreement, the OPUD will execute the funding agreement and pursue full satisfaction of the required terms and conditions of said funding agreement.

### Milestone No. 9

Assuming full satisfaction of the terms and conditions of the agreements between the EOCSD and the OPUD, completion of water and sanitary sewer utility related improvements to the EOCSD utility systems and full reimbursement of water system related capacity rights fees and funds advanced by the OPUD on behalf of the EOCSD, petition shall be made to LAFCO to accomplish the annexation of the area served by the EOCSD to the OPUD and for the dissolution of the EOCSD, subject to legal and procedural provisions being satisfied related to such reorganization efforts.

Prior to dissolution of the EOCSD all property related deeds shall be transferred by the EOCSD to the OPUD. These deeds shall cover property associated with the sanitary sewer lift station, all groundwater wells and the office site. A quit claim deed shall be executed by the EOCSD granting all other fixed assets, not covered by a grant deed, to the OPUD.

Upon dissolution of the EOCSD a descriptive document shall be prepared explaining participation by EOCSD customers in business and related actions of the OPUD, including participation as a member of the Board of Directors.

The estimated timelines/deadlines above assume and are contingent upon adequate funding from an identified source(s) being approved and made available at the relevant time. Both districts reserve the right to mutually agree to revise any of timelines/deadlines specified above, especially when necessary due to changed or unforeseen circumstances. The foregoing should not be construed as any waiver, concession or admission of any nature whatsoever by either district, unless expressly indicated otherwise.



# News from the Board of Directors **CALAFCO QUARTERLY**

May 2021

**A message from the Executive Director**

Greetings from your CALAFCO Board of Directors and Executive Director. Spring is in the air and things seem to be shifting. Spring is a time of renewal and re-awakening and that is exactly what it feels like this year - in so many ways.

This Second Quarterly Report of 2021 will begin by highlighting the good news in our CALAFCO family first, followed by Association updates. Happy reading!

## LAFCoS in the News

### **Alameda LAFCo Awarded Sustainable Agricultural Lands Conservation (SALC) Grant**

In our last Quarterly Report we announced SALC grants for San Bernardino and San Diego LAFCos. CALAFCO inadvertently omitted Alameda LAFCos grant award and apologize for the oversight. We are pleased to announce their grant award.

**Alameda LAFCo**, in partnership with the Alameda County Resource Conservation District, was awarded a SALC planning grant for \$250,000. The planning grant project is aimed at collaborative stakeholder planning in Alameda County to ensure the identification and preservation of agricultural and working lands, an infill development focus on healthy and resilient communities for disadvantaged and low-income populations, and a reduction in greenhouse gas emissions.

The Strategic Growth Council (SGC) added LAFCos to the list of eligible entities to apply for SALC grants in January 2019 after many years of CALAFCO trying to get LAFCos eligible for state-level grant funding. We are pleased that to date, three of our member LAFCos have received these grants.

### **Los Angeles LAFCo Executive Officer Receives State Appointment**

On January 4, 2021, Assembly Speaker Anthony Rendon appointed **Los Angeles LAFCo Executive Officer Paul Novak** to the Board for Professional Engineers, Land Surveyors, and Geologists. The Board regulates the practices of engineering (civil, electrical, structural, geotechnical/soils), land surveying, geology, and geophysics in the State of California to safeguard the life, health, property and welfare of the public. The Board licenses qualified individuals, based on experience and successfully passing examinations; establishes regulations and promotes professional conduct; enforces laws and regulations; and provides information to the public on using professional engineering and land surveying services. Paul's term runs to June 30, 2023.

### **Marin LAFCo Holds Shared Services Workshop For Agencies**

**Marin LAFCo** held a Shared Services Workshop on April 29, 2021. Partners for the workshop included Marin County Council of Mayors and Councilmembers, Marin County Special Districts Association, and Marin County Office of Education. The workshop had 2 panels, one on successful shared services in Marin, and another exploring how to successfully implement shared services. Marin LAFCo reports the workshop was a success with 78 people attending, including elected officials and staff throughout the County, as well as staff from 2 other LAFCos. If you are curious about this event, a recording is posted on their website at [www.marinlafco.org](http://www.marinlafco.org). Marin LAFCo thanks CALAFCO for offering their Zoom account, noting the webinar function played a large role in the success of this workshop.

### **Orange LAFCo Welcomes New Assistant EO**

**Orange LAFCo** is pleased to welcome a new member to the Orange LAFCo team. **Raymond Barragan** will serve as Orange LAFCo's Assistant Executive Officer and brings extensive experience in local government to his new role. Before joining Orange LAFCo, he served as the Acting Director of Community Development with the City of Gardena where he was employed since 2012. Raymond holds a bachelor's degree in urban and regional planning and is a master's candidate in Community and Economic Development at Penn State.

### **San Luis Obispo Announces New Hire and Promotion**

**San Luis Obispo LAFCo** is excited to announce **Robert "Rob" Fitzroy** as its new Executive Officer. Most recently he was the Director of the Community Development Department for the City of Arroyo Grande. Prior to that, Rob was the Asst. Director for the County Planning & Building Department. Rob graduated from Cal Poly San Luis Obispo with a bachelor's degree and has a master's of Natural Resource Management, Environmental Planning & Public Policy. He begins his new role on May 24, 2021.

**Imelda Marquez**, **San Luis Obispo LAFCo** Clerk, was promoted to Analyst late last year. Imelda has been with SLO LAFCo for about 19 months. Her broad range of skills and analytical abilities are numerous. She is a proud Fresno St. Bulldog with a Geography degree and according to Interim EO David Church, "is an absolute delight to work with".



# News from the Board of Directors

## CALAFCO QUARTERLY

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### Welcome to Our Newest Associate Members

*CALAFCO is pleased to welcome two new Silver Associate Members.*

We welcome the return of **SWALE, Inc.** SWALE's consulting services focus on LAFCo's critical issues including MSRs, SOIs, CEQA compliance, strategic planning, workshops and mapping with GIS. Their northern California office is expanding to bring you the best of consulting services. To learn more about the services provided by SWALE, contact **Kateri Harrison** at [harrison@swaleinc.com](mailto:harrison@swaleinc.com), or visit their website at [www.swaleinc.com](http://www.swaleinc.com).

We also welcome **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, contact **Nathan Perez** at [Nate@FinanceDTA.com](mailto:Nate@FinanceDTA.com), or visit their website at [www.FinanceDTA.com](http://www.FinanceDTA.com).

### CALAFCO Educational Events

**MARK YOUR CALENDARS FOR THESE UPCOMING CALAFCO EDUCATIONAL EVENTS!**

#### CALAFCO 2021 ANNUAL CONFERENCE

Join us **October 6-8** at the **Hyatt Regency Newport Beach John Wayne Airport** for the 2021 Annual Conference. It's been so long since we've gathered in person and the time is finally here! The program planning committee is forming and CALAFCO staff is working with the facility on details to keep all of our attendees safe. Watch for Conference registration and hotel reservations to be open soon. Conference registration rates will be at the 2019 rates. We look forward to seeing you in Newport Beach later this year.

#### CALAFCO UNIVERSITY

We are pleased to continue offering webinars at no cost to our membership and are preparing several great sessions for you. Registration is now open for our **June 7** session: **Financial Health Indicators for Cities and Districts**. Registration is open until June 2. You will find all the details on the CALAFCO website at [www.calafco.org](http://www.calafco.org).



We are also working on a very unique 4-part series on **Fire & EMS** services and a session on **Forming a CSD**. Watch for details and registration for these offerings coming soon.

### CALAFCO Board of Directors

#### CALAFCO BOARD ACTIONS

The Board met virtually on April 30 with a full agenda. Under the leadership of **Chair Mike Kelley**, the Board took a number of important actions.



- ✓ **The FY 2021-22 budget was adopted.** For the first time, the Board considered a rolling 2-year budget. The FY 21-22 budget reflects a decrease of 2.1% over the current FY operating budget. The adopted budget can be found on the CALAFCO website.
- ✓ **The 2021-22 Strategic Plan was adopted.** The three primary strategies for the Association are: (1) Serve as an educational resource to member LAFCo Commissioners, LAFCo staff, Associate Members, and stakeholders; (2) Focus efforts on Association member relations, development, recognition and communication. Continue development of a strong and sustainable Association; and (3) Serve as an information resource to all Association members, work as a legislative and policy advocate for LAFCo issues and provide information to the Legislature and other stakeholders. The adopted Strategic Plan can be found on the CALAFCO website.
- ✓ **Updated Policies for Sections I and II of the current CALAFCO Policies were adopted.** One of the goals for 2021 is to conduct a comprehensive review of CALAFCO Policies, considering two sections per quarter. This is the first of a three-phase update process. The updated policies can be found on the CALAFCO website.
- ✓ **The new Annual Achievement Awards program was approved.** As the membership is aware, last year the Board approved consideration of an update to the Achievement Awards program. CALAFCO staff and Regional Officers worked for many months in crafting two options for the Achievement Awards Committee to consider. The Committee unanimously approved one of the options and recommended adoption of that option to the Board, which was unanimously approved. Watch for an announcement on the new program and the opening of the nomination period coming soon!
- ✓ **The Board ratified approval of filing an amicus letter in support of San Luis Obispo (SLO) LAFCo's appeal to the State Supreme Court.** As a follow up to the Superior Court decision in favor of the City of Pismo Beach, and at the request of SLO LAFCo, CALAFCO filed an amicus letter requesting the court review the case. The Court of Appeal opinion in *San Luis Obispo Local Agency Formation Commission v. City of Pismo Beach*



threatens to change operations across of LAFCos throughout the state.

By limiting the ability of LAFCos to require indemnification agreements from annexation applicants, the opinion conflicts with a number of decisions on which LAFCos reasonably relied to require indemnification as part of their implied powers. We thank **BBK** for their work on this amicus letter (which was preceded by an amicus brief). CALAFCO will keep our members posted on the appeal process.

- ✓ **The Board received the 3<sup>rd</sup> quarter financial reports and the projected FY 20-21 year-end fiscal report.**
- ✓ **The Board received several verbal updates from staff.**

All Board meeting documents are on the CALAFCO website.

### CALAFCO Administrative Update

The 2021-22 CALAFCO Membership Directory is out! Each LAFCo received their requested number of hard copy directories and each Associate Member also received a copy. There is an electronic version of the Membership Directory on the CALAFCO website.



### CALAFCO Legislative Update



What an interesting and busy legislative year this is turning out to be! CALAFCO is sponsoring the 2021 Assembly Local Government Committee (ALGC) **Omnibus bill, AB 1581**. This year's Omnibus contains a record number of items, totaling 13. Six of the items came from member LAFCos and seven from the protest provisions rewrite working group (deleting obsolete provisions). CALAFCO is currently tracking 32 bills, has a formal position on 9, and has been actively engaged on amendment negotiations for 10 bills.

This year there seems to be a number of bills addressing the same issue by several different authors, who, at the beginning of the year, did not appear to be talking with each other. The primary topics include COVID relief, wildfire prevention, climate resilience, homelessness and affordable housing, bridging the equity divide and transparency and public participation.

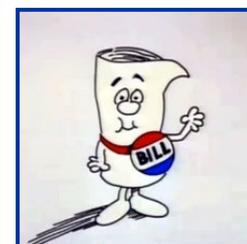
To complicate matters, the Legislature is still meeting under COVID restrictions with the majority of their staff working remotely. There are only a handful of meeting rooms in the Capitol that allow for social distancing, so the number of committee meetings have been reduced and the timeframe condensed.

Here are a few of the bills of importance we are tracking or working on:

- ✓ **AB 339 (Lee) CALAFCO Watch** - Open meetings. Requirements recently drastically amended and narrowed the scope to now apply only to cities and counties with a population over 250,000 with a sunset of 12-31-23 (requirements no longer applies to LAFCo).
- ✓ **AB 1195 (C. Garcia) CALAFCO Watch With Concerns** - Drinking water. Creates the So LA County Human Rights to Water Collaboration Act and gives the Water Board authority to appoint a Commissioner to oversee the Central Basin Municipal Water District.
- ✓ **SB 403 (Gonzalez) CALAFCO Oppose Unless Amended** - Drinking water consolidation. Authorizes the Water Board to order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined. Two of our three requested amendments have been taken (define "at risk" and put a cap on the number of users to be added to the subsuming system). The third request to add GSAs to the list of entities the Board must consult with has not yet been taken.

The last day for all policy committees to pass bills originating in their house was May 14. With one additional week for fiscal committees to pass bills to the respective floors, the Legislature will spend the last several weeks of May focusing on passing bills to the other house and the first part of June negotiating last minute budget deals for the June 15 budget passage deadline.

All bills being tracked by CALAFCO can be found on the CALAFCO website inside the Legislation section of the site (log in with your member id first to access this section). CALAFCO's position on all bills is reflected there, and any letters issued by CALAFCO are posted. The CALAFCO Legislative Committee meets regularly and all meeting materials are located in the Legislation section of the CALAFCO website.





### CALAFCO Associate Members' Corner



This section is dedicated to highlighting our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.

#### Cucamonga Valley Water District

The **Cucamonga Valley Water District** has been a Silver Associate Member since 2014. Formed in 1995, the district provides water and wastewater service to 200,000 customers in a 47 square mile area. The district has a mission of providing high quality, reliable water and wastewater service while practicing good stewardship of natural and financial resources. CVWD's water supply is comprised of two main sources: groundwater and imported water. Supplemented by surface water, recycled water and water conservation, the district's average daily demand is 43 million gallons. For more information on the district, contact **Cindy Cisneros** at [cindyc@cvwdwater.com](mailto:cindyc@cvwdwater.com) or visit their website at [www.cvwdwater.com](http://www.cvwdwater.com).



#### P. Scott Browne

**Scott Browne** has been a Silver Associate member since 2007. Scott provides legal services and staff support to various LAFcos throughout the state. He has served as a member of the CALAFCO Legislative Committee for a number of years. To learn more about the services he provides or to contact him, email him at [scott@scottbrowne.com](mailto:scott@scottbrowne.com) or visit his website at [www.scottbrowne.com](http://www.scottbrowne.com).

#### E Mulberg & Associates

**E Mulberg & Associates** has been a Silver Associate Member since 2011. Services offered include Municipal Service Reviews, Sphere of Influence updates, changes in organization, staff reports, CEQA analysis, and assistance with applications to LAFco. For more information, contact **Elliot Mulberg** at [elliott@emulberg.com](mailto:elliott@emulberg.com) or visit their website at [www.emulberg.com](http://www.emulberg.com).

#### Policy Consulting Associates

A Silver Associate member since 2010, **Policy Consulting Associates** (PCA) prepares interdisciplinary research studies for LAFcos, councils of government, counties, cities, states, elected representatives and candidates, with an emphasis on MSRs and fiscal studies. The PCA team's combined experience covers the spectrum of governance configurations and alternatives, and runs the gamut of services under LAFco jurisdiction. For more information on PCA, contact **Jennifer Stephenson** or **Oxana Wolfson** at [info@pcateam.com](mailto:info@pcateam.com), or visit their website at [www.pcateam.com](http://www.pcateam.com).

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

#### Did You Know??

##### Meeting Documents Online

Did you know that all **CALAFCO Board of Directors and Legislative Committee meeting documents are online?** Visit the Boards & Committees pages in the Members Section of the site. Board documents cover 2008 to present and Legislative Committee documents span 2007 to present.



##### CALAFCO Webinars & Courses Archived

Did you know that all **CALAFCO Webinar recordings are archived on the CALAFCO website and available at no cost for on-demand viewing?** Visit the CALAFCO website in the CALAFCO Webinars section (log in as a member first).

##### Certificate of Recognition Program

Did you know that CALAFCO has a **Certificate of Recognition Program** and offers it at no cost to our members (both LAFco and Associate members)? The program has been in place several years and while a few of you utilize this service, most of you do not. For details, visit the CALAFCO website in the Member Services Section and upload the program packet or contact the CALAFCO Executive Director.



#### Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO Legislative Committee virtual meeting – 6/18
- ❖ CALAFCO Legislative Committee virtual meeting – 7/23
- ❖ CALAFCO Board of Directors virtual meeting – 7/30



The **CALAFCO 2021 Calendar of Events** can be found on the CALAFCO website.