

TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

LAFCO MEETING AGENDA July 6, 2022 @ 2:00 P.M. TULARE COUNTY HUMAN RESOURCES AND DEVELOPMENT 2500 West Burrel Avenue Visalia, CA 93291

COMMISSIONERS:
Rudy Mendoza, Chair
Dennis Townsend, V-Chair
Pete Vander Poel
Liz Wynn
Richard Feder

ALTERNATES:
Larry Micari
Fred Sheriff
Steve Harrell

EXECUTIVE OFFICER:
Ben Giuliani

I. Call to Order

II. Approval of Minutes from June 1, 2022

(Pages 01-03)

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. Action Items and Presentations

1. Annexation to the City of Porterville No. 487 and Detachment from County Service Area #1, Case 1565-P-324 (Pages 05-50)
[Public Hearing] Recommended Action: Approval

The City of Porterville has submitted a request for an annexation of approximately 67.75 acres of land located at the northwest corner of Westfield Avenue and Lombardi Street. The proposal is intended to annex the existing Summit Charter Academy School and facilitate the development of a residential subdivision of 229 residential lots. An Environmental Impact Report has been prepared in compliance with CEQA by the City of Porterville.

V. Executive Officer's Report

1. Legislative Update (Pages 51-70)
Enclosed is a listing of bills that CALAFCO is tracking.
2. Upcoming Projects (No Page)
The Executive Officer will provide a summary and tentative schedule of upcoming LAFCO projects.

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

VI. Correspondence

None

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 3, 2022 @ 2:00 P.M in the Tulare County Human Resources and Development Building, 2500 W. Burrel Ave., Visalia, CA 93291.

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
2500 W. Burrel Ave., Visalia, CA 93291
Tulare County Human Resources and Development Building
June 1, 2022 – Meeting Minutes**

Members Present:	Townsend, Vander Poel, Wynn, Feder
Members Absent:	Mendoza
Alternates Present:	Micari, Harrell
Alternates Absent:	Sheriff
Staff Present:	Giuliani, Ingoldsby, & Kane recording
Counsel Present:	Matt Pierce

- I. **Call to Order:** Vice-Chair Townsend called the meeting to order at 2:00 p.m.
- II. **Approval of the May 4, 2022 Meeting Minutes:**
Upon motion by Commissioner Vander Poel and seconded by Commissioner Wynn, the Commission unanimously approved the LAFCO minutes.
- III. **Public Comment Period:**
Vice-Chair Townsend opened/closed the Public Comment Period at 2:02 p.m. No public comments received.
- IV. **Action Items and Presentations:**
 1. **Sphere of Influence Amendment to the City of Porterville, Case 1559-P-322A**
 2. **Annexation to the City of Porterville and Detachment from County Service Area #1, Case 1559-P-322 (Central Mutual Water Company Consolidation)**
Staff Analyst Ingoldsby reviewed both action items together, outlined the environmental impacts and municipal services. Staff Analyst Ingoldsby explained that should the commission choose to annex the proposed site that the SOI would need to first be amended to accommodate the annexation area. He proceeded to outline three options the commission could select and the required determinations for each.

Vice-Chair Townsend opened the Public Hearing at 2:14 p.m.

Michael Knight, City of Porterville Public Works Director spoke in favor of the proposed SOI amendment and annexation.
Jason Ridenour, City of Porterville spoke in favor of Option 2 to amend the SOI and the proposed annexation.

Vice-Chair Townsend closed the Public Hearing at 2:18 p.m.

Upon motion by Commissioner Vander Poel and seconded by Commissioner Harrell, the Commission unanimously approved option 2 which would amend the SOI to include all of the area requested by the City of Porterville.

Upon motion by Commissioner Vander Poel and seconded by Commissioner Harrell, the Commission unanimously approved the annexation to the City of Porterville as recommended.

3. **Sphere of Influence Amendment to the City of Dinuba, Case 1564-D-63A**

4. **Annexation to the City of Dinuba, Detachment from Kings River Conservation District and from County Service Area #1, Case 1564-D-63**

Staff Analyst Ingoldsby reviewed both action items together since they have significant overlap. The proposed annexation is approximately 77.29 acres intended to facilitate the development of a high school for Dinuba Unified School District. Some discussion was had amongst the Commissioners on the impacts to agricultural land and open space. Staff Analyst Ingoldsby outlined the environmental impacts and municipal service review, stating that the last MSR update for Dinuba had been adopted in 2012.

Vice-Chair Townsend opened the Public Hearing at 2:27 p.m.

Steven Drew, local property owner submitted written comment against the SOI amendment and proposed annexation.

Karl Schoettler, City of Dinuba spoke in favor of the SOI amendment and proposed annexation.

Jack Schreuder, Dinuba Unified School District Facilities Director spoke in favor of the SOI amendment and proposed annexation.

Vice-Chair Townsend closed the Public Hearing at 2:30 p.m.

Upon motion by Commissioner Vander Poel and seconded by Commissioner Wynn, the Commission unanimously approved the SOI amendment and Annexation to the City of Dinuba as recommended.

5. **2022/2023 Final Budget and Work Program**

EO Giuliani noted that the only change from the draft budget and work program was the application of \$92,000 in reserve funding to offset City/County contributions in the coming 2022/2023 fiscal year.

Vice-Chair Townsend opened/closed the public hearing at 2:32 p.m. No public comments were received.

Upon motion by Commissioner Vander Poel and seconded by Commissioner Feder, the Commission unanimously approved the final budget with the carryover of \$92,000 in reserve funding.

V. Executive Officer's Report

1. **Legislative Update**

EO Giuliani reviewed the legislative report, highlighting AB 1773: Williamson Act: subvention payments: appropriation; AB 1944: Local government: open and public meetings; and SB 1449: Office of Planning and Research: grant program: annexation of developed unincorporated areas, which would provide a 50% match.

2. **Upcoming Projects**

EO Giuliani stated that for the July meeting one project, the annexation request from the city of Porterville would be presented.

VI. Correspondence:

None

VII. Other Business:

1. **Commissioner Report:**

Commissioner Feder stated that he was happy to join the Commission and looked forward to serving.

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 6, 2022 at 2:00 p.m.** in the Tulare County Human Resources and Development Building, 2500 W. Burrel Ave., Visalia, CA 93291.

IX. Adjournment: The Tulare County LAFCO meeting adjourned at 2:37 p.m.

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

July 6, 2022

**LAFCO Case Number 1565-P-324
City of Porterville Annexation No. 487**

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 67.75 acres

LOCATION: The Northwest corner of Westfield Avenue and Lombardi Street.
(Figure 1)

NOTICE: Notice for this public hearing was provided in accordance with Government Code Sections 56660 & 56661.

SUMMARY: The proposal is intended to facilitate the development of a 229-lot single family residential subdivision. The proposal would also annex the existing Summit Charter Academy in the City of Porterville.

APNs: 245-010-037, 245-010-041, 245-010-087, and 245-010-092

GENERAL ANALYSIS

1. Land Use:

A. Site Information

	Existing (County)	Proposed (City)
Zoning Designation	AE-20	RS-2 (Low Density Residential), PK (Park and Recreation), PS (Public Institutional)
General Plan Designation	Low Density Residential, Medium Density Residential, Public Institutional, Parks and Recreation	Low Density Residential, Parks, Public Institutional
Uses	Agriculture, Rural Residential, Summit Charter Academy	Tentative Subdivision Map (for single family residential and pocket park), Summit Charter Academy

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

	Zoning Designation	General Plan Designation	Existing Use
North	R-A-43, AE-40	Low Density Residential	Single family residential
South	RS-2, CN	Low Density Residential, Neighborhood Commercial	Single family residential
East	RS-1, RS-2	Low Density Residential	Single family residential
West	AE-20 (county) RS-2 (city)	Low Density Residential	Single family residential / Agriculture

C. Topography, Natural Features and Drainage

The site is generally flat with no major natural features. The northwest portion of the site is bordered by a canal.

D. Conformity with General Plans and Spheres of Influence:

The site is within the planning area for the City's General Plan and is within the City's Sphere of Influence.

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

The proposal area contains territory that is under Williamson Act contract.

Pursuant to GC Section 51243.5(d), the City of Porterville has stated that it wishes to exercise its right not to succeed to the contract. Since the City of Porterville protested the creation of the Agricultural Preserve, the site can be annexed into the City of Porterville without penalty.

The California Department of Conservation was notified and no comments have been received. See **Figure 3** for a copy of the letter sent.

3. Population:

The estimated population of the proposal area is 7. 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 assists City with 1 engine + manning	Automatic Aid- County assists City with 1 engine + manning	General Fund
Water Supply	Private well & City of Porterville	City of Porterville	Applicant / developer fees
Sewage Disposal	Private septic systems & City of Porterville	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 undeveloped area. 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 .0587 mgd.

In conjunction with the development of the residential and park components 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 0.1368mgd. The City has recently undertaken a ground water recharge program, a proposed tertiary water project and a recycled water feasibility study.

5. Boundaries and Lines of Assessment:

The boundaries of the proposal area are definite and certain and but do not conform to the lines of assessment and ownership. The Friant Kern Canal bisects approximately two acres of parcel 245-010-087 from the annexation area. The bisected area west of the canal was not included in the proposal because it is outside of the City's SOI and historic planning area and would not be contiguous with the city boundary. A map sufficient for filing with the State Board of Equalization has been received.

6. Assess Value, Tax Rates and Indebtedness:

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: \$144,196
Improvements: \$462,283

7. Environmental Impacts:

The City of Porterville is the lead agency for this proposal. The City prepared an Environmental Impact Report (EIR) for use in this proposal (SCH No. 2021070158). A copy of the document is included in the application materials. The EIR found that with the implementation of mitigation measures all potentially significant effects resulting from the Project can be mitigated to a less-than significant level.

8. Landowner Consent:

Three of the four landowners have provided signed consent to annexation. Notice was mailed to all landowners and registered voters within 300 feet of the reorganization area. If no protests are received by the end of the public hearing, the Commission may waive the protest hearing. If protests are received by the end of the public hearing, a protest hearing will be held following the 30-day reconsideration period if the reorganization is approved.

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.

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

5th Cycle City of Porterville RHNA allocation

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

During the 5th Cycle, the City of Porterville has made the following progress towards providing its fair share of regional housing.

Very Low	Low	Moderate	Above Moderate	Total
73	61	261	234	629

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

Very Low	Low	Moderate	Above Moderate	Total
550	515	305	1,197	1,567

With a little over a year left in 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 moderate and above moderate income groups.

10. Discussion:

City Owned Parcel

The city owns a parcel of land APN 240-040-024 that lies directly west of the site. The property abuts existing the existing city boundary to the south and the canal to the north and west. The Commission may wish to include this property and the adjacent right-of-way into the annexation boundary. The City has indicated that they are not opposed to the inclusion of this area for the annexation. Should the Commission choose to include this parcel in the annexation, an updated map and legal description would need to be prepared prior to recordation of the reorganization.

Residential Land Supply and Development

The site is bordered on three sides by single family residential development. The tentative subdivision map filed with the City shows single family residential development for 229 lots and a 2.9 acre park.

The City currently has approximately a 5.7 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 14.0 person per acre of developed residential land at a growth rate of 2.90% per year which is the estimated growth rate for the City from 2000 to 2020.

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

The recently approved annexation in case 1559-P-323 was not included in the above table because it has not yet been recorded since it is still in the mandatory 30-day reconsideration period at the time of the staff report preparation. However, as a 19.53 acre annexation that was already largely developed with approximately 125 persons it further the assessment that the majority of Porterville's recent annexations have occurred on largely developed land.

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.

Regional Transportation Plan (RTP) and Circulation Element

There are three transportation projects in the vicinity of the annexation that are listed in the 2022 RTP. These include the widening of Westwood to four lanes between Henderson and the Friant-Kern Canal and the signalization of the intersections at Westwood/Westfield and Westfield/Matthew. The extension of Castle is not currently included in the RTP but it is shown as a future arterial road in the City's Circulation Element. The City's budget calls for a traffic signal to be installed at Westwood/Westfield in FY 22/23. Environmental and design for the Castle extension is budgeted for FY 22/23 and construction for FY 23/24. The City will soon be starting the Westwood street widening design and ROW with construction of the street portion scheduled for FY 23/24 and construction of the bridge portion in FY 24/25. These projects are needed to both improve existing traffic and emergency response access conditions and future growth in the area.

Public Comments

At the time of the writing of this report, staff has received written comments from one local resident (**Figure 5**). Many of the issues that Mr. Ennis raises in his letter to LAFCO are addressed in the EIR which was included in the application materials. As stated in the EIR, generally, projects cannot be made to mitigate or correct an existing condition, it can only be made to address its own impact. Site design issues like traffic impacts and street layouts are typically addressed at the local level who have jurisdiction over the issue rather than by LAFCO.

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 Environmental Impact Report and the Mitigation Monitoring and Reporting Program (MMRP) prepared by the City of Porterville for this project and determine that the project will not have a significant effect on the environment with the implementation of mitigation measures as identified in the MMRP.

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.
 - g. The City has several near-term transportation projects that will improve both existing traffic and emergency response access conditions and future growth in the area.
4. Based on substantial evidence in record, including the Executive Officer's Report, the Commission hereby determines that the City of Porterville may exercise its option not to succeed to the rights, duties, and powers of Williamson Act Contract Number 5126.
5. Find that the territory proposed for this reorganization is uninhabited.
6. Approve the proposed reorganization, to be known as LAFCO Case Number 1565-P-324, City of Porterville Annexation 487 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 City of Porterville shall record a Certificate of Contract Termination pursuant to GC §51243.5(h) with the County Recorder at the same time as the Executive Officer of LAFCO files a Certificate of Completion pursuant to GC §57203. The Certificate of Contract Termination shall include a legal description of the land for which the City terminates the

contract.

- c. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
 - d. (If the Commission includes the City owned parcel in the reorganization) The applicant must provide an updated map and legal description sufficient for filing with the Board of Equalization that includes APN 240-040-024.
- 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 (Page 14)
- Figure 2 Aerial (Page 15)
- Figure 3 Letter to California Department of Conservation (Pages 17-37)
- Figure 4 Tentative Subdivision Map (Page 38)
- Figure 5 Written Comments (Pages 39-45)
- Figure 6 Resolution (Pages 46-50)

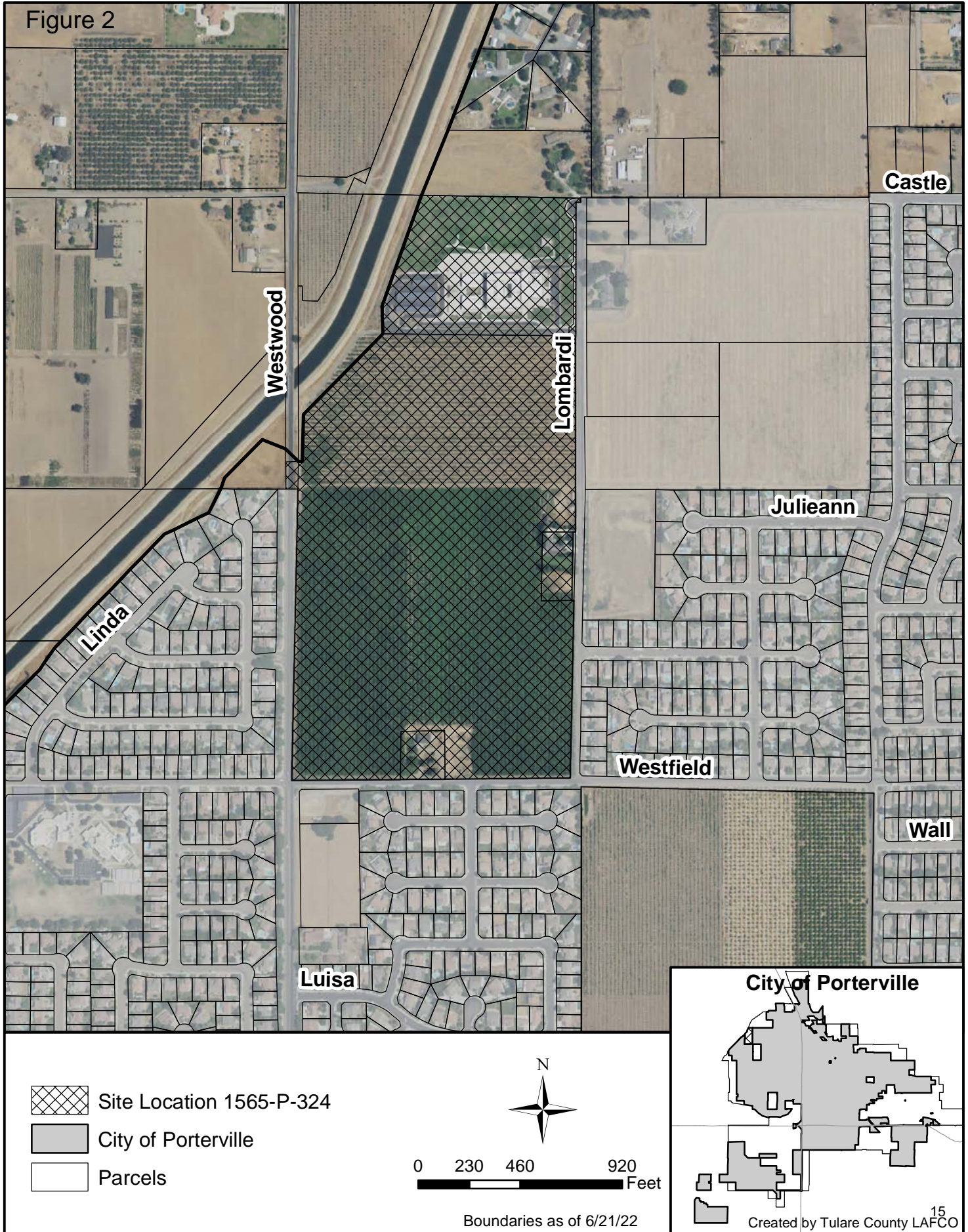
LAFCO Case 1565-P-324

Figure 1



LAFCO Case 1565-P-324

Figure 2



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Figure 3



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

COMMISSIONERS:

*Rudy Mendoza, Chair
Dennis Townsend, Vice Chair
Pete Vander Poel
Liz Wynn
Richard Feder*

ALTERNATES:

*Larry Micari
Fred Sheriff
Steve Harrell*

EXECUTIVE OFFICER:

Ben Giuliani

June 3, 2022

David Shabazian, Director
California Department of Conservation
715 P Street, MS 1900
Sacramento, CA 95814

Dear Mr. Shabazian:

The Tulare County Local Agency Formation Commission has received an application from the City of Porterville for the annexation of territory under Williamson Act contract. The public hearing for this proposal is tentatively scheduled for July 6, 2022. In accordance with Government Code Section 56753.5, the following information is provided:

Annexation: LAFCO Case Number 1565-P-324, Proposed Annexation to the City of Porterville 487 and Detachment from County Service Area #1

Location: The site is located at the northwest corner of Westfield Avenue and Lombardi Street. (Site location map enclosed.)

Ag. Preserve #: **2034**

Land Conservation
Contract #: **5126**

City Protest:

The following is the timeline of events relating to the preserve and contract execution and the city protest:

- **10/1/1970** – An application (70-1126) was made by Guido and Joyce Lombardi to the County of Tulare for the establishment of an agricultural preserve on APN 245-010-01 **[Exhibit I]**
- **11/18/1970** – The City of Porterville protested the creation of the Agricultural Preserve, identifying the application number and property owners **[Exhibit II]**. This

protest referenced an earlier City Resolution No. 6082 (11/3/1970) which protested the creation of all contracts within one mile of the City **[Exhibit III]**.

Note: Contract numbers weren't assigned until the contract was entered into between the property owners and the County.

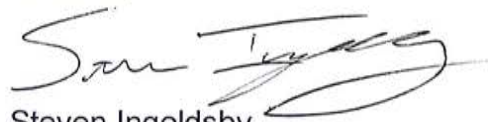
- **12/01/1970** – The County Board of Supervisors approved the creation of Agricultural Preserve No. 2034 **[Exhibit IV]**
- **02/16/1971** – Contract No. 5126 was entered between the County and property owners **[Exhibit V]**

Note: The original APN 245-010-001 was later split into 245-010-087, 245-010-037, 245-010-041 and 245-010-092.

The City wishes to exercise its right not to succeed to the contract pursuant to G.C. Section 51243.5(d), therefore terminating the contract upon completion of the annexation.

If you have any questions, please feel free to contact me at (559) 623-0454.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Ingoldsby", with a stylized flourish at the end.

Steven Ingoldsby
LAFCO Staff Analyst

Exhibit I

APPLICATION FOR ESTABLISHMENT OF AGRICULTURAL PRESERVE

70 3754

FOR OFFICE USE ONLY! DO NOT MARK!

Application No. 70-1162

Supervisory District No. 1

Receipt No. 01333

Date received OCT 1 - 1970

NOTE: Applications for establishment of Agricultural Preserves may be presented in person or mailed to the following address:

Tulare County Planning Department
Williamson Act Annex
County of Tulare
Courthouse, Room 310
Visalia, Ca 93277

(See Page 6 of this form for instructions for preparing and filing this application.)

TO THE TULARE COUNTY PLANNING DEPARTMENT:

SECTION 1. REQUEST: We, the undersigned, owners or authorized agents of the real property set opposite our respective names, hereby request the Board of Supervisors of Tulare County to hold a public hearing for the purpose of establishing an Agricultural Preserve pursuant to the Williamson Act. (Government Code Section 51200 et seq.)

SECTION 2. DESCRIPTION OF LAND: Use the following space to describe the parcels of land to be included in the proposed Agricultural Preserve. Only Assessor's Parcel Numbers (APN) may be used to describe the land. Assessor's Parcel Numbers may be obtained either from the Assessor's office (Courthouse) or from your tax statements. Space is also provided below for indication of ownership. If more space is necessary, a separate sheet may be attached at the end of this form.

OWNER(S)

LOMBARDI, GUIDO & JOYCE
(Please print or type)

ADDRESS

825 No. MATTHEW
PORTERVILLE, CALIF

Phone 784-4271

APN

ACREAGE

APN

ACREAGE

24.5-020-04 ✓

100 acres

OWNER(S) LOMBARDI, GUIDO
 (Please print or type)

ADDRESS 825 No. MATTHEW
PORTERVILLE, CALIF. Phone 784-4271

APN	ACREAGE	APN	ACREAGE
<u>245-010-01</u> ✓	<u>73.60</u>		
	<u>GUIDO LOMBARDI</u>		

OWNER(S) _____
 (Please print or type)

ADDRESS _____

_____ Phone _____

APN	ACREAGE	APN	ACREAGE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

OWNER(S) _____
 (Please print or type)

ADDRESS _____

_____ Phone _____

APN	ACREAGE	APN	ACREAGE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

b. Name and title of person authorized to execute application
for the above named organization _____

SECTION 4. USE: All of the land in the proposed Preserve must be used for the production of agricultural commodities for commercial purposes and/or other uses compatible therewith. Use the following space to list the various land uses which are existing within the proposed Agricultural Preserve. In addition, the general location of said land uses shall be indicated on Assessor's parcel maps which must be attached to this application. (See sample map on page 7 of this application.) Please indicate specific crop on the map, i.e., oranges, walnuts, milo, etc.

<u>LAND USE</u>	<u>ACREAGE</u>
a. Citrus	_____
b. Orchard (non-citrus)	<u>55.6</u>
c. Field crops	<u>85.0</u>
d. Vineyards	_____
e. Grazing <i>Perennial Pasture</i>	<u>13.0</u>
f. Dairy	_____
g. Other (specify below)	<u>20.0</u>
<i>Houses - Corral -</i>	
<i>Pumps - yard</i>	
	<u>173.60 acres Total</u>

SECTION 5. SIZE: Each Preserve must consist of a minimum of 40 acres or 1/16 of a Section of land or more. What is the size of the proposed Agricultural Preserve?

(Total acreage of all contiguous properties included.) 173.60 acres

SECTION 6. URBAN AREA: Is any part of the proposed Agricultural Preserve within one mile of the exterior legal boundaries of any incorporated city?

(Circle one)

Yes

No

If yes, what city? Porterville

22



CITY OF PORTERVILLE
TULARE COUNTY

November 18, 1970

70 3754

Tulare County Planning Commission
County Civic Center
Visalia, California 93277

Re: Agricultural Preserve No. 70-1162

Gentlemen:

The City of Porterville hereby protests the creation of Agricultural Preserve No. 70-1162 on property owned by Guido Lombardi and Joyce Lombardi.

Enclosed is a copy of Resolution No. 6082, which officially states the position of the City of Porterville with regards to the formation of Agricultural Preserves.

Sincerely,

Gary E. Irish
Director of Planning

GEI:eb

Enclosure

RESOLUTION NO. 6082

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PROTESTING THE ESTABLISHMENT OF CERTAIN AGRICULTURAL PRESERVES AND DECLARING THAT THE CITY OF PORTERVILLE WILL NOT ASSUME THE ADMINISTRATION OF ANY AGREEMENT OR CONTRACT WITH REFERENCE TO SAID AGRICULTURAL PRESERVES.

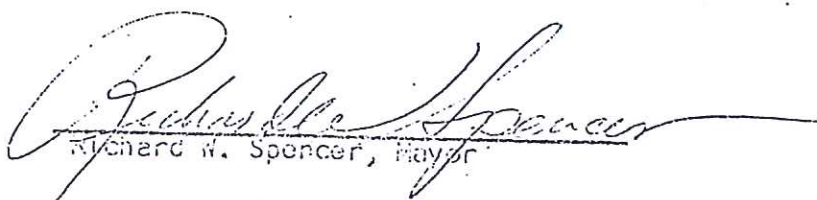
WHEREAS: the City Council of the City of Porterville has been advised that the County of Tulare will from time to time enter into agreements with agricultural land owners pursuant to the Williamson Act which will in effect allow said land owners to retain the character of their land as an agricultural preserve, and

WHEREAS: the Williamson Act provides that any land within one mile of the incorporated limits of any city which is to be zoned pursuant to the Williamson Act, requires the city be notified should said land be within one mile of the city limits of said city, and

WHEREAS: the City Council has been further advised that the City, in order to protect its interest in any land being zoned pursuant to the Williamson Act, must file with the Board of Supervisors of the County a resolution protesting the execution of a contract which includes land within one mile of the exterior boundaries of the City.

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville hereby instructs the City Clerk to file a resolution with the County protesting the execution of any contracts which include land within one mile of the exterior boundaries of the City, pursuant to the Williamson Act as specifically set forth in Section 51243.5 of the Government Code of the State of California, and

BE IT FURTHER RESOLVED: that the City Council of the City of Porterville does hereby declare that the City of Porterville will not assume the responsibility of the administration of any agreement or contract establishing agricultural preserves in the event said real property is hereafter annexed to the City of Porterville.


Richard W. Spencer, Mayor

STATE OF CALIFORNIA)

COUNTY OF TULARE)

I, EDWARD J. VALLIERE, the duly appointed and acting City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on the 3rd day of November, 1970.

THAT said resolution was passed and adopted by the following vote:

AYES: COUNCILMEN: Cotta, Yntigues, Hanson, Lumley, and Spencer

MOES: COUNCILMEN: None

ABSENT: COUNCIL MEN: None

EDWARD J. VALLIERE, City Clerk

By: Melba Lawing
Melba Lawing, Deputy City Clerk

Exhibit IV

RESOLUTION NO. 6082

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PROTESTING THE ESTABLISHMENT OF CERTAIN AGRICULTURAL PRESERVES AND DECLARING THAT THE CITY OF PORTERVILLE WILL NOT ASSUME THE ADMINISTRATION OF ANY AGREEMENT OR CONTRACT WITH REFERENCE TO SAID AGRICULTURAL PRESERVES.

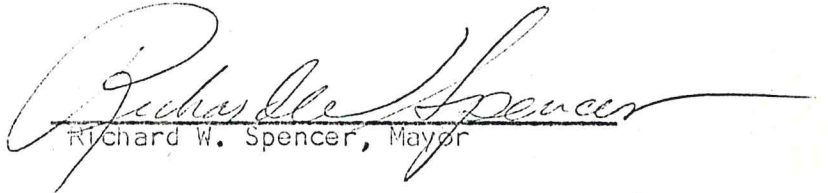
WHEREAS: the City Council of the City of Porterville has been advised that the County of Tulare will from time to time enter into agreements with agricultural land owners pursuant to the Williamson Act which will in effect allow said land owners to retain the character of their land as an agricultural preserve, and

WHEREAS: the Williamson Act provides that any land within one mile of the incorporated limits of any city which is to be zoned pursuant to the Williamson Act, requires the city be notified should said land be within one mile of the city limits of said city, and

WHEREAS: the City Council has been further advised that the City, in order to protect its interest in any land being zoned pursuant to the Williamson Act, must file with the Board of Supervisors of the County a resolution protesting the execution of a contract which includes land within one mile of the exterior boundaries of the City.

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville hereby instructs the City Clerk to file a resolution with the County protesting the execution of any contracts which include land within one mile of the exterior boundaries of the City, pursuant to the Williamson Act as specifically set forth in Section 51243.5 of the Government Code of the State of California, and

BE IT FURTHER RESOLVED: that the City Council of the City of Porterville does hereby declare that the City of Porterville will not assume the responsibility of the administration of any agreement or contract establishing agricultural preserves in the event said real property is hereafter annexed to the City of Porterville.


Richard W. Spencer, Mayor

ATTEST:


Edward J. Valiere, City Clerk

STATE OF CALIFORNIA)) SS
COUNTY OF TULARE)

I, EDWARD J. VALLIERE, the duly appointed and acting City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on the 3rd day of November, 1970.

THAT said resolution was passed and adopted by the following vote:

AYES: COUNCILMEN: Ynigues, Hanson, Lumley, and Spencer

NOES: COUNCIL MEN: None

ABSENT: COUNCIL MEN: None

EDWARD J. VALLIERE, City Clerk

By: Melba Lawing
Melba Lawing, Deputy City Clerk

BEFORE THE BOARD OF SUPERVISORS

COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of Establishing) R E S O L U T I O N
Agricultural Preserve No. 2034) NO. 70-3754

Guido Lombardi and Joyce Lombardi;
Guido Lombardi

WHEREAS, this Board has been requested to establish an Agricultural Preserve pursuant to the Williamson Act (Government Code sections 51200 et seq.); and

WHEREAS, the procedural requirements to establish the Agricultural Preserve under the Williamson Act have been complied with; and

WHEREAS, all of the land to be included within the Preserve is used for the purpose of producing agricultural commodities for commercial purposes and compatible uses; and

WHEREAS, this Board determines that it is in the best interest of the County to establish the proposed Agricultural Preserve;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

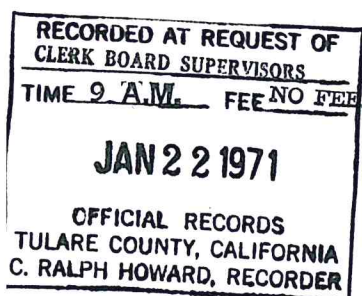
1. This Board does hereby establish an Agricultural Preserve which shall consist of all of the real property located in the County of Tulare which is described in the Notice of Public Hearing which is attached hereto as Exhibit "A" and incorporated herein by reference.

2. Said Agricultural Preserve is hereby designated as Preserve No. 2034, and may be referred to as such.

3. The following uniform rules shall apply in this Preserve:

(A) This Board does hereby determine that all of the uses which are allowed uses in the AE, Exclusive Agricultural Zone, under paragraphs 1 through 10 and paragraphs 12 through 17 of subsection B of Section 9.5 of Ordinance No. 352, as presently in effect, are either agricultural uses which are allowed under the Williamson Act or are compatible with said agricultural uses, and all of said uses may be carried on in the Preserve.

(B) This Board also determines that residences and mobile-homes for use by nonpaying guests of the owners or



lessees of the property are also compatible uses in the Preserve.

- (C) All of the uses which are set forth in subsection D of Section 9.5 of Ordinance No. 352, as presently in effect, are also determined to be compatible uses in the Preserve and may be carried on without securing a Use Permit unless and until AE zoning is actually applied to property in the Preserve, or unless a Use Permit is required by other zoning on the property.
- (D) No subdivision, as that term is defined in Section 7006.23 of the Ordinance Code of Tulare County, may be created in the Preserve.
- (E) All of the uses which are set forth in paragraph B of Part II of Section 16 of Ordinance No. 352, as presently in effect, which are allowed in the AE Zone are also determined to be compatible uses in the Preserve. However, such uses may not be commenced until the required Special Use Permits have been secured as required by said provisions of Ordinance No. 352. Because of the many factors which must be considered when issuing Special Use Permits, nothing in this subsection shall be construed to obligate this Board to issue such a Permit if one should be applied for in the future.
- (F) The erection, construction, alteration or maintenance of gas, electric, water and communication utility facilities are also determined to be compatible uses in the Preserve; provided, however, that insofar as such facilities required Special Use Permits under Ordinance No. 352, such uses may not be commenced unless and until such Permits are secured. Because of the many factors which must be considered when issuing Special Use Permits, nothing in this subsection shall be construed to obligate this Board to issue such a

Permit if one should be applied for in the future.

Min. Bk. (G) Nothing in subsections (C), (D) and (E) above is
 St. Dir. Agr. intended to deprive the owner of any nonconforming
 Plan. Dept. use which he may have, or hereafter acquire, under
 Recorder The Zoning Laws of the State or the Zoning Ordinances
 Assessor of the County.
 Applicants
 File

4. The provisions of Tulare County Ordinance No. 352, which are referred to in this Resolution, are currently set forth in Tulare County Ordinance No. 1169, which amends said Ordinance No. 352, and a copy of said Ordinance No. 1169 is recorded in Volume 2815, page 905 of Official Records in the Office of the County Recorder of Tulare County.

The foregoing resolution was adopted upon motion of Supervisor Muller seconded by Supervisor Batkin, at a regular meeting on this 1st day of December, 1970, by the following vote:

AYES: Supervisors Cummings, Hillman, Harrell, Batkin and Muller.
 NOES: None.
 ABSENT: None.

STATE OF CALIFORNIA, {		SS
COUNTY OF TULARE, {		
I, JAY C. BAYLESS, County Clerk and Ex-Officio Clerk of the Board of Supervisors, do hereby certify the foregoing to be a full, true and correct copy of an original order made and entered by said Board		
Dec. 1, 1970 as the same appears of record and on file in my office		
Witness my hand and seal of said Board of Supervisors, this 20th		
day of January, 1971		
JAY C. BAYLESS, County Clerk and Ex-Officio Clerk of the Board of Supervisors.		
SEAL	By <u>Judy Oacono</u>	Deputy Clerk.

NOTICE OF PUBLIC HEARING ON FORMATION
OF
AGRICULTURAL PRESERVE

NOTICE IS HEREBY GIVEN that application No. PAP 70- 1162 has been filed with the Planning Commission of the County of Tulare to form an Agricultural Preserve, pursuant to the Williamson Act (Government Code Sections 51200 et seq.) comprising the real property which is designated as
Assessor's Parcel Nos. 245-020-04; 245-010-01

on the parcel maps in the office of the Tulare County Assessor. Said property is owned by Guido Lombardi and Joyce Lombardi; Guido Lombardi.

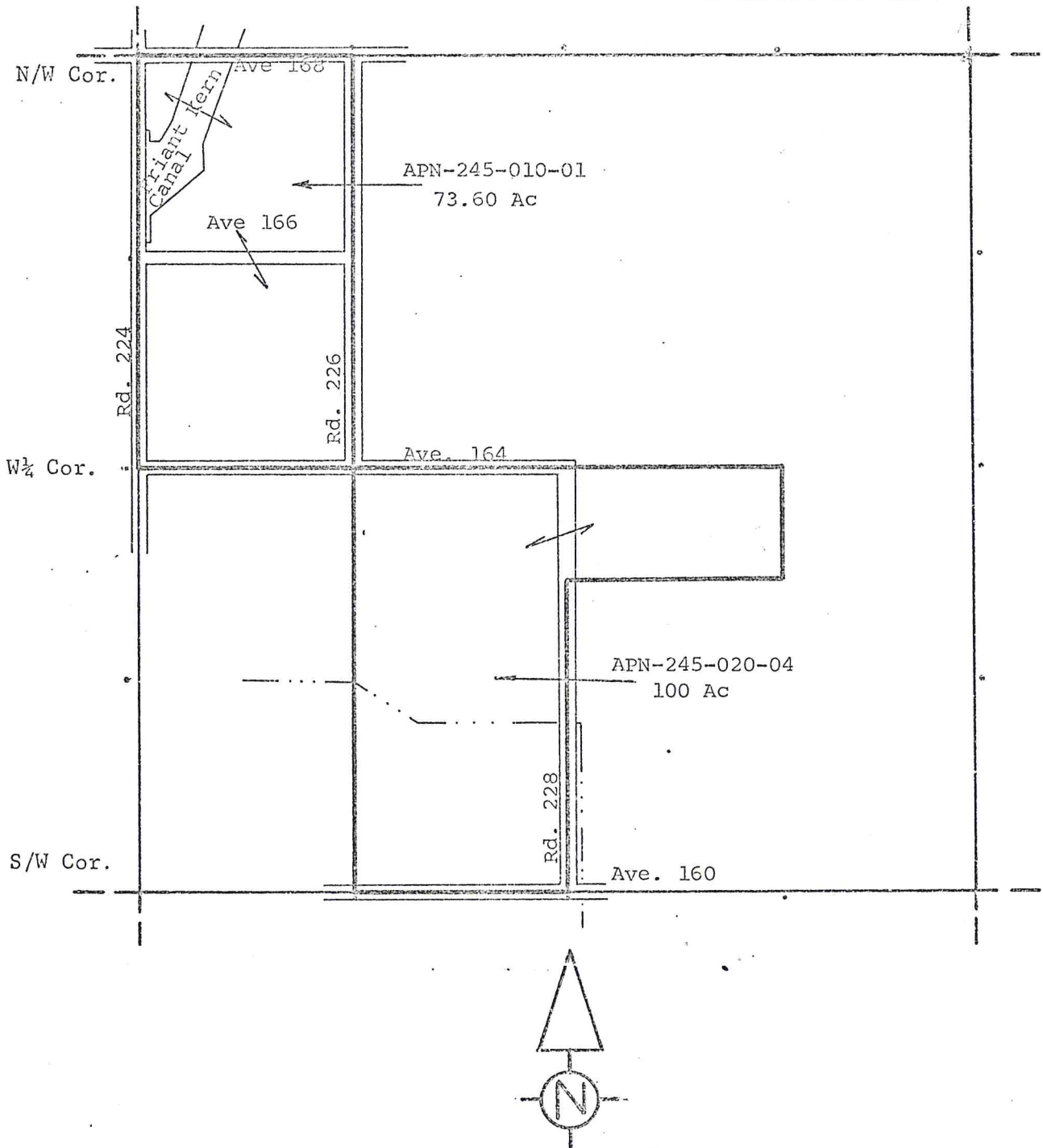
Pursuant to Section 51230 of the Government Code, the Board of Supervisors of the County of Tulare will hold a public hearing on the proposed formation of said Agricultural Preserve in the Chambers of the Board of Supervisors in the Tulare County Courthouse, County Civic Center, in the City of Visalia, on December 1, 1970 at 10:00 a.m.
Dated: November 13, 1970

DONALD A. WOOLFE,
DIRECTOR OF PLANNING.

EXHIBIT "A"

partonville
per

2034 70-3754



1 in. = 1,000 ft.

Section 21 , T. 21 S. R. 27 E.

Resolution No. 70-3754

Adopted By Tulare County

Board of Supervisors

Date Approved December 1, 1970

Page 1 of 1

Exhibit V

7781

VOL 2945 PAGE 899

1

LAND CONSERVATION CONTRACT

71 1399

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THIS CONTRACT, made and entered into as of this _____ day of
FEB 16 1971, 19____, by and between _____

Guido Lombardi

hereinafter referred to as the "Owner", and the County of Tulare,
hereinafter referred to as the "County";

W I T N E S S E T H

WHEREAS, the Owner owns real property in the County of Tulare,
State of California, hereinafter referred to as the "Subject Property",
which is described as follows:

The West half of Northwest quarter of Section 21, Township 21
South, Range 27 East, Mount Diablo Base and Meridian, excepting
therefrom that portion thereof lying within the Right of Way of
the Friant-Kern Canal.

RECORDED AT REQUEST OF CLERK BOARD SUPERVISORS TIME 8 A.M. FEE NO. 722
FEB 22 1971
OFFICIAL RECORDS TULARE COUNTY, CALIFORNIA C. RALPH HOWARD, RECORDER

- 1 -

TULARE COUNTY AGREEMENT NO. 5126

1 WHEREAS, the Subject Property is now devoted to agricultural uses and
2 uses compatible thereto; and

3 WHEREAS, the Subject Property is located in Agricultural Preserve
4 No. 2034 which was established by the Board of Supervisors of the
5 County by Resolution No. 70-3754; and

6 WHEREAS, the Owner and the County desire to limit the use of the
7 Subject Property to agricultural uses and uses compatible thereto in order
8 to preserve a maximum of agricultural land, to conserve California's
9 economic resources, to maintain the agricultural economy, to assure a
10 supply of food and fiber for future residents of the State and to dis-
11 courage the premature and unnecessary conversion of agricultural land to
12 urban uses, recognizing that such land has public value as open space
13 and constitutes an important physical, social, esthetic and economic
14 asset to the Owner and the County; and

15 WHEREAS, this Contract is entered into pursuant to the Williamson
16 Act (Government Code, Section 51200, et seq.) and constitutes an
17 enforceable restriction under the provisions of section 421 et seq. of
18 the Revenue and Taxation Code;

19 NOW, THEREFORE, IT IS AGREED as follows:

20 1. This Contract is entered into pursuant to the Williamson
21 Act and all of the provisions of said Act, including any amendments
22 hereafter enacted, are hereby incorporated by reference and made a part
23 of this Contract as if fully set forth herein.

24 2. During the term of this Contract and any renewals thereof
25 the Subject Property shall not be used by the Owner, or his successors
26 in interest, for any purpose other than the production of agricultural
27 commodities for commercial purposes, and those compatible uses which are
28 listed in the Resolution establishing the Agricultural Preserve within
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1 which the land is located. The Board of Supervisors of the County may
2 from time to time during the term of the Contract and any renewals
3 thereof, by Resolution, add to the permissible uses of the Subject
4 Property listed in the Resolution establishing the Preserve. However,
5 the Board of Supervisors may not during the term of the Contract and
6 any renewals thereof eliminate any of the permitted uses for the
7 Subject Property, as set forth in said Resolution, without the prior
8 written consent of the Owner.

9 3. Nothing in this Contract shall limit or supersede the
10 planning, zoning and other police powers of the County, and the
11 right of the County to exercise such powers with regard to the Subject
12 Property.

13 4. There shall be no payment to the Owner by the
14 County.

15 5. The term of this Contract shall be for ten (10) years,
16 commencing on the date that this Contract is executed by the Board
17 of Supervisors of the County. The 1st day of January of each year
18 shall be the annual renewal date of this Contract.

19 6. This Contract shall be automatically renewed on the
20 annual renewal date each year for an additional period of one (1)
21 year unless notice of nonrenewal is given in accordance with the
22 Williamson Act. No notice of renewal is required to be given or
23 recorded by either party to effectuate the automatic renewals
24 provided for in this paragraph.

25 7. This Contract may be cancelled only in accordance with
26 the provisions of the Williamson Act governing cancellation of
27 Contracts.

1 8. Any notices required to be given to the County under
2 this Contract shall be delivered to the Clerk of the Board of Super-
3 visors of the County, and any notices to be given to the Owner shall
4 be mailed to him at 825 North Matthew, Porterville, California 93257
5 _____

6
7 IN WITNESS WHEREOF, the parties have executed this Contract as
8 of the date first above written.
9

10
11 _____
12 *Guido Lombardi*
13 "Owner"
14

15 COUNTY OF TULARE

16 By *Raymond J. Muller*
17 Chairman, Board of Supervisors
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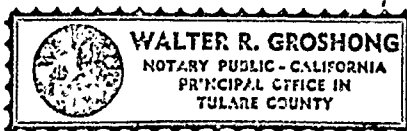
1 ATTEST: JAY C. BAYLESS, County
2 Clerk and Ex-officio Clerk of the
3 Board of Supervisors

4 By Judy Iacono Deputy "County"

6 STATE OF CALIFORNIA)
7 (SS.
8 COUNTY OF TULARE)

9 On February 13, 1971, before me, the under-
10 signed, a Notary Public in and for said County and State, personally
11 appeared Guido Lombardi, known to me to be the
12 person whose name is subscribed to the within instrument and
13 acknowledged to me that he executed the same.

14 WITNESS my hand and official seal.



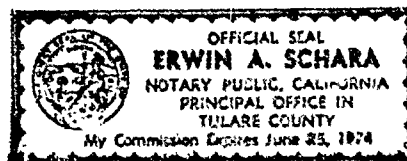
15 WALTER R. GROSHONG - NOTARY PUBLIC
16 My Commission Expires March 22, 1971

17 Walter R. Groshong
18 Notary Public in and for said
19 County and State

20 STATE OF CALIFORNIA)
21 (SS.
22 COUNTY OF TULARE)

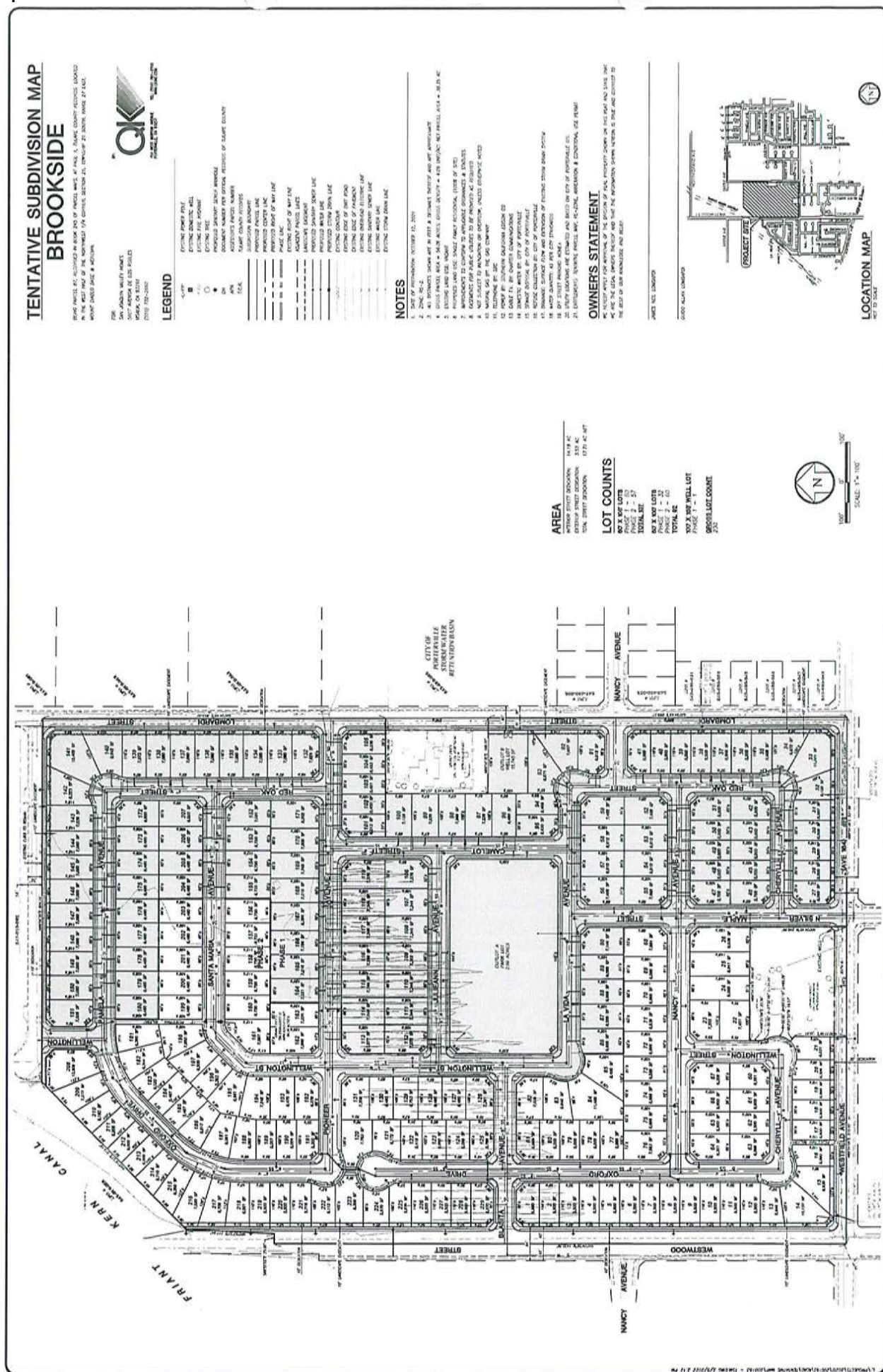
23 On February 16, 1971, before me, the under-
24 signed, a Notary Public in and for said County and State, personally
25 appeared Raymond J. Muller and Judy Iacono
26 _____, known to me to be the Chairman and Deputy
27 County Clerk, respectively, of the Board of Supervisors of the County
28 of Tulare, the political subdivision described in and that executed
29 the within instrument, and also known to me to be the persons who
30 executed it on behalf of the County of Tulare and they acknowledged
31 to me that such political subdivision executed the same.

32 WITNESS my hand and official seal.



33 Erwin A. Schara
34 Notary Public in and for said
35 County and State

Figure 4



**Local Agency Formation Agency
210 North Church Street
Suite B
Visalia, CA 93277**

TCAG/LAFCO
210 N. Church Street, Ste. B
Visalia, CA 93291

JUN 23 2022

MAIL RECEIVED

Regarding Annexation #487 and Detachment from CSA #1, Case 1565-P-324

Dear Members,

The residents of northwest Porterville have had issues with the City with

regards to traffic issues on the streets adjacent to this proposed annexation for a number of years.

This started back in 2006 when Burton School proposed a school site on Lombardi

Street on a one way in and one way out street. I spoke at that meeting and warned

the Council of the issues and they agreed that the school was not in conformance with

the General Plan and voted to inform the School District of their determination. The minutes regarding this issue at the City Council meeting are below;

17. GENERAL PLAN REFERRAL - BURTON SCHOOL Recommendation: That the City Council determine that the proposed elementary school to be located generally on the southwest corner of Lombardi Street and the prolongation of Castle Avenue is consistent with the General Plan of the City of Porterville. Council Member Irish noted a potential conflict of interest, recused himself from the discussion and left the Council Chambers. The City Manager presented the item, and Community Development Director Brad Dunlap presented the staff report. Mayor Martinez invited Mr. Ben Ennis to come forward and offer his opinion of the matter. • Ben Ennis, 643 North Westwood Street, spoke against the proposed site, noting the difficulties in extending Castle Avenue, and indicated that his concerns were not due to the proximity of his residence to the subject site. He then commented on the traffic congestion on Westfield Avenue due to Buckley Elementary, and stated that locating a school on a dead-end street would further exacerbate that congestion and add even more traffic circulation problems. Mayor Pro Tem Hamilton agreed with the commentary made by Mr. Ennis, noting traffic circulation issues. He then questioned why the school district had decided to purchase that particular property. Mayor Pro Tem Hamilton then spoke of the problematic circumstances surrounding the construction of the school on Mathew Street, and suggested that the proposed site would likely create even a worse situation. Council Member West commented that he believed that the Friant-Kern Canal's close proximity to the proposed school site would pose a safety risk. Mr. Dunlap indicated that staff too had concerns with accessibility and traffic circulation issues, and cited the accessibility challenges caused by Buckley Elementary and Jim Maples Academy. He added that the

northerly most portion of the subject parcel, as was proposed for the school site, would pose the greatest accessibility and circulation issues. Mayor Pro Tem Hamilton commented that he did not believe the proposed site to be in conformance with the General Plan and proposed that the Council take no action. After some discussion on whether the Council would need to affirmatively vote to take no action, City Manager John Longley suggested that action be taken. City Attorney Julia Lew agreed, noting that if the Council chose to take no action, such inaction could be perceived as an affirmation. Page 13 of 16 Mayor Pro Tem Hamilton moved that the Council determine that the proposed site is not consistent with the City's General Plan. Council Member Stadtherr seconded the motion. Mayor Martinez confirmed with staff that such determination was acceptable under the circumstances. COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council determine that the proposed elementary school M.O. 10-021106 to be located generally on the southwest corner of Lombardi Street and the prolongation of Castle Avenue is not consistent with the General Plan of the City; and direct staff to advise the School District of said determination. AYES: West, Hamilton, Stadtherr, Martinez NOES: None ABSTAIN: Irish ABSENT: None

Burton School then brought the item back before the Council on March 28th, 2006 for reconsideration and again the Council informed the School that the site as is was not in conformance with the General Plan but they would give reconsideration and support if the School District would work out the details to extend Castle Street as a necessary secondary access. The minutes of this meeting are below;

2. CONSIDERATION OF BURTON DEVELOPMENT STRATEGY AND RECONSIDERATION OF ZONING CONSISTENCY FOR SCHOOL SITE Recommendation: That the City reconsider its decision of February 21, 2006 and determine that the proposed elementary school to be located generally on the southwest corner of Lombardi Street and the prolongation of Castle Avenue is consistent with the General Plan of the City of Porterville. Council Member Irish noted a potential conflict of interest, recused himself from the discussion, and left the Council Chambers for the remainder of the meeting. City Manager John Longley presented the item and a summarized staff report. Dr. Don Brown of Burton School District came forward and advocated for the Council's reconsideration of its previous decision with regard to the Lombardi property. Dr. Brown proceeded to review the history of the District's interest in the subject property, which he indicated began approximately 2 years prior, with the City's knowledge. Dr. Brown spoke of the District's growth, which he estimated was increasing at a rate of 8 to 10 percent per year in student population. He then proceeded to demonstrate graphically the District's need for expansion, and indicated that every two years, the District would need another new school. He emphasized the need to continue to build new schools to maintain the quality of education that Burton School District was known to provide to its students. A historical review of Burton's quest for securing a future school site on the west side of Porterville was provided next. Dr. Brown indicated that in 1990, the City and the School District Page 6 of 9 had worked together to reserve a parcel of land as a potential elementary school site. However, Dr. Brown indicated, the residential subdivision Orchard Ridge was subsequently developed at the site. He stated the proposed school site then shifted to another location in close proximity to the first. Following that relocation, Dr. Brown stated that the District received a letter from the City in which the City referred to the proposed school site as a "floating designation" and indicated that the District would need to consider selecting another site due to another residential development, Meadow Breeze. Dr. Brown stated that in 2004, the former Superintendent of Burton School District noticed the City of the District's interest in the Lombardi property. He stated that an agreement had been reached with the Lombardis and that the District had been working with the State. Dr. Brown emphasized that the Lombardi property was the third location which the District had selected for its elementary school. Dr. Brown then proceeded to discuss a recent Project Review Committee Meeting which representatives from the District had attended. He indicated that the concerns raised by staff at that meeting had been worked out to the satisfaction of City staff. Dr. Brown noted the action of the Council on February 21, 2006 which determined the proposed site to be inconsistent with the City's General Plan, and commented that because of the City's past actions, the District would now have to look for yet another action. He spoke of increased development and emphasized the need for an elementary school in the proposed vicinity. Dr. Brown next spoke of a recent meeting with Patricia Penn, a representative of the California Department of Education, and of the necessity of the School District to receive the State's approval of any proposed site. He elaborated on the criteria

used by the State in its determination as to whether or not a particular site would be suitable, and reviewed comments made for various alternative sites. He pointed out the lack of negative comments by Ms. Penn as to the proposed Lombardi site, yet the presence of comments with regard to proposed alternative sites. Said comments primarily pertained to traffic issues and close proximity to other schools. Dr. Brown then emphasized the expense incurred by the District to date in terms of legal and consulting fees for the Lombardi site, which he estimated to be approximately \$65,000 to date. He discussed the General Plan Update Committee's discussions and Plans for the subject area, and suggested that ample access to the site would be available. He commented that all three of the proposed plans under consideration by the General Plan Update Committee recognized the need for a school in the proposed area. Dr. Brown concluded by requesting that the Council reconsider its decision of February 21, 2006 and determine that the project was consistent with the City's General Plan. Dr. Brown noted the presence of the other representatives of the School District, as well as from the Lombardi family, and invited any of them to come forward and address the Council. John Demingus, Vice President of School Site Solutions, came forward and addressed the Council. He spoke of State timelines and potential consequences if said timelines were missed. He elaborated on State guidelines to which School Districts were required to adhere, and stressed the importance of meeting those in order to receive financial hardship funding for which the District was eligible. Page 7 of 9 Chris McClain, an architect with Mangini Associates, spoke of the need for the City's support in the planning of circulation issues relative to the site selected, regardless of which site that was. He invited the Council to take action or provide documentation which would allow the District the ability to pursue additional funding from the State to improve Castle Avenue, if the subject site was developed. He stated that he did not believe that any of the parties involved, nor the community, wanted a land-locked campus, and commented that the proposed site was consistent with the General Plan. He requested the Council's support and spoke of the benefits in working together in seeing the project through. Council Member Stadtherr referred everyone to an overhead display of a proposed General Plan map and noted the possibility of extending the Rails to Trails project to create a green belt surrounding the City. He spoke of the benefits to the citizens of Porterville in creating such a recreational element in the City. It was suggested that children could utilize the bike paths to get to and from school. Community Development Director Brad Dunlap indicated that such a green designation could be found on the proposed plans, yet there were still circulation issues to be investigated. Mayor Pro Tem Hamilton requested that Mr. Lombardi come forward and discuss potential impacts to his farming operation. Allen Lombardi came forward and spoke of his family's farming operation. He stated that his family recognized the fact that Porterville was growing and would one day encompass the area. He provided a brief history of his family's ownership of the property, the contributions made by his family's farm to the community, and the challenges of operating a farm in such close proximity to residential neighborhoods. Mr. Lombardi commented that dissecting the farm land, as would be the case if a more southerly location on the parcel was selected for the school site, would hasten the demise of the farm. He spoke against moving the site to a more southerly location, and voiced support for the Council's reconsideration for the more northerly site. He then noted the general support for farming by the local residents, and the likelihood of successful coexistence. In response to a question posed by Mayor Pro Tem Hamilton as to extending Castle Avenue, City Engineer Mike Reed came forward and informed the Council that currently no public access existed through to Lombardi Street. He indicated that in the typical scenario, the City would generally attempt to acquire the entire right-of-way, which he estimated to be approximately 60 feet. He commented that he was aware of several structures in the alignment, as well as power poles and possibly a well, that would need to be addressed to make that connection. He then stated that the burden would be placed on the School District. Mayor Pro Tem Hamilton pointed to the situation on Mathew Street and the consequences to the City when the State denied funding to the District. He questioned what would happen if the State denied funding for road improvements for the subject site. He then commented that while he recognized the need to move forward with the project, he was concerned with the access issues, especially noting the State's track record. He pointed out that access would again then fall to the City, as was the case for Mathew Street. Dr. Brown commented that the School District was able to work out an agreement with the City and finance the project on Mathew. He then stated that he was unaware of how to prevent a Page 8 of 9 similar situation from occurring at the subject site, but voiced confidence in obtaining the right-of-way to extend Castle Avenue. He noted that the Castle extension and the extra 26 feet would be acceptable to provide access for daily drop-offs and for emergency vehicles. Dr. Brown then assured the Council that the project would not move forward unless the State confirmed the funding, at least for the 26 feet. With regard to the widening, he voiced interest in continuing to work with the City. He indicated that the District did not have the funding necessary to acquire the land to develop a full road with curbs, gutters and sidewalks. He stated, that if the District had such funds, it would not be eligible for the hardship program. Mayor Pro Tem Hamilton stated that if the District could work out the easement issue,

he would recommend that the Council bring the item back for reconsideration. He then confirmed with the City Manager that the Council could vote to reconsider the item, and then take action on that item that evening, without the need to bring it back. COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council reconsider its decision of February 21, 2006 in which it determined that the proposed elementary school to M.O. 02-042806 be located on the southwest corner of Lombardi Street and the prolongation of Castle Avenue was not consistent with the General Plan of the City of Porterville. AYES: West, Hamilton, Stadtherr, Martinez NOES: None ABSTAIN: Irish ABSENT: None Council Member Stadtherr moved that the Council direct staff to bring the item back to the Council for consideration at the meeting of April 4, 2006. Council Member West seconded the motion. Mayor Pro Tem Hamilton voiced support for voting on the item that evening. Staff clarified that a consistency finding could be conditioned on the District securing the easement. COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council direct staff to bring the item back for consideration on April 4, 2006. M.O. 03-042806 AYES: Stadtherr NOES: West, Hamilton, Martinez ABSTAIN: Irish ABSENT: None COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the Council determine that the proposed elementary school – to be located generally on the southwest corner of Lombardi Page 9 of 9 M.O. 04-042806 Street and the prolongation of Castle Avenue – is consistent with the General Plan of the City of Porterville, conditioned upon Burton School District obtaining an easement for the prolongation of Castle Avenue. AYES: West, Hamilton, Martinez NOES: Stadtherr ABSTAIN: Irish ABSENT: None Mr. Longley clarified with Mayor Pro Tem Hamilton that the condition pertained to obtaining the easement, and not constructing the road. Mayor Martinez voiced appreciation and agreement for the comments made with regard to the City and the District working together. Community Development Director Brad Dunlap informed everyone that prior to the District constructing the school, the Fire Department would require the second access. Dr. Brown thanked the Council for their support. Council Member Stadtherr clarified that he supported the site, and had voted no simply to continue the item until April 4, 2006 so as to allow him time to review. Disposition: Approved, as amended.

Burton School never brought it back to the Council and continued on. The conditions for funding from the California Department of Education were clear in that the funding was dependent on either the secondary access road or the city amending it's General Plan. Neither of these took place prior to the School completing the construction and occupancy taking place. The conditions from the State are below.

Dear Mr. Ennis:

Thank you for contacting the California Department of Education (CDE).

The school site was approved by CDE in 2006. CDE approved the architectural plans (school design) in 2009. As designed, the plans met Title 5 Regulations. CDE's review is limited to the school property in question. As a condition of receiving CDE approval for the site, the district must consult with the city or county planning commission to ensure the site is consistent with the local General Plan (per Public Resources Code Section 21151.2 and Government Code Sections 53094, 65402((c))). The City of Porterville's Community Development Department Planning Commission provided a written response regarding the site on March 29, 2006. In that response, Bradley Dunlap, Community Development Director, wrote the following comments:

"Upon receiving a presentation by Burton School District representatives, the Council made the determination that the proposed school is consistent with the General Plan provided certain conditions are complied with.

Primarily, the conditions require the School District to acquire, improve and dedicate a minimum of a 26-foot wide road (Castle Avenue) between Lombardi Street on the west, and the current westerly termination of Castle Avenue on the east. The distance is approximately 1,300 feet in length. This second means of ingress and egress to the site is a mandatory requirement for public safety vehicles and must be provided prior to opening of the school. General comments on project requirements are

summarized in a letter from the City to you dated February 16, 2006 and continue to be relevant. Detailed comments on construction requirements will be made based upon submittal of plans to the Project Review Committee."

Additionally, the district submitted the project for public review under the California Environmental Quality Act. This process allows stakeholders to provide feedback/concerns about the school site. This process was completed on November 19, 2007. Within Project Background of that document (page 5), there was consideration given to extending Castle Avenue to address the flow of traffic:

"While the extension of Castle Avenue is practical as a secondary means of Ingress and egress for emergency vehicles and for providing safe and direct pedestrian access (students) to the new elementary school. Its construction is not required by Tulare County or the California Department of Education, nor is it warranted as a result of the Traffic Impact Study performed for the proposed project. The approval of the Tentative Map for the Ennis Estate subdivision would result in a significant burden to the District and Interferes with its ability to comply with the conditions established by the City in its consistency determination. Such an approval would require the Burton School District to formally request that the City of Porterville modify the conditions it has established for approving the proposed project. Alternatively, the School District would need to exercise its rights under Government Code section 65402(c) to override the City's General Plan consistency findings in order to proceed with development of its project without the requirement for access via Castle Avenue."

It's important to note that CDE does not have jurisdiction to require the city to extend Castle Avenue. Peters Engineering Group conducted a traffic impact study in 2007. Here are the statements in the conclusion of that study:

"Generally accepted engineering principles and methods were employed to estimate the number of student pedestrians expected to be generated by the residential development in the vicinity of the proposed school project and in the discussion of a school route. The information provided herein is intended for purposes of initiating the discussion of the school route for the project. The California Manual on Uniform Traffic Control Devices (CMUTCD) indicates that the school route plan is to be developed in a systematic manner by the school, law enforcement, and traffic officials. The CMUTCD also indicates that parents, school administrators, traffic officials, civic leaders, and vehicle drivers share the responsibility of educating school pedestrians on the use of traffic control devices. Therefore, the establishment of the school routes may benefit from a public hearing or other means of obtaining public and agency input prior to establishing the route to school."

The CDE cannot verify whether a public hearing, as the Traffic Impact Study indicated, took place prior to the construction of the school.

If you have any further questions the CDE can address, please contact the School Facilities and Transportation Services Division at 916-322-2470.

Sincerely,

Superintendent's Correspondence Unit

This brings us to the subject at hand and the Environmental Impact Report that was done. It was done so poorly that it never even considered the fact that the school existed or that it was a Charter School Kindergarten through 6th grade where 95% of the students are driven to school. Also, the traffic study was done

in May of 2021 when teaching was done remotely because of the pandemic. When this was pointed out in opposition to the EIR, they changed it to 70% of the school was being taught remotely instead of 100%. This was never corrected but the intersection of Westfield and Lombardi was changed to an "F" rating from a "B" rating. We have traffic backed up from the school to Westfield twice a day up to an hour at a time with several hundred cars and at times the traffic goes all the way to Westwood and that intersection is backed up the same way due to the Lombardi Campus and the Buckley School impacting the traffic at drop off times and pick up times. My house is across the street from the Lombardi campus and both myself, the residents on Lombardi Street, and the 5 neighbors of mine are prisoners in our homes due to traffic gridlock from the school.

The City of Porterville's staff does not seem interested in addressing even the mistakes on the EIR, let alone long term planning to resolve these traffic issues. Any intersection with a rating of "F" should be addressed prior to adding more vehicles. The proposed project does not have any through streets and adding traffic utilizing minimum capacity residential streets as an answer to getting students to and from school is going to create traffic hazards and unbelievable anger from the homeowners that purchase houses in the proposed project. I am not against the project itself but against the density and the street configuration that will only add to the misery of the traffic issues for surrounding neighborhoods. Out of my 40 years of taking projects before the staff and Council, I have never seen it so out of control as it is now without their having a clue as to how to fix the issues. They are willing to chase State money for rooftops at the expense of the homeowners in the affected area. This is an extreme safety issue that is being ignored. First, address the Circulation Traffic Element of the General Plan that would ensure traffic flow without several hundred cars idling in line for up to an hour twice a day. The city has been presented with a solution of extending Castle Street all the way to Westwood and making it a collector street without houses or garages facing on it. I would ask that the annexation be put on hold until the City has adequately addressed traffic circulation and adequate streets to support the traffic to both the Lombardi Campus and the Buckley School, but especially to one

way street to the Lombardi Campus which has over 600 students and where the situation is compounded due to age of students and it being a Charter School. Also, address the traffic from the additional houses to be built. Most of the improvements suggested by the EIR will not happen in my lifetime. The issues are now, even without the new project, not 10 years from now.

At almost 81 years of age with my wife having advanced Alzheimer's plus a large number of other issues, I am concerned everyday as to what would happen if I needed an ambulance, or even the police or fire department as the one way street that I live on across from the school is completely blocked with traffic twice a day for up to an hour. I thought that I was building my dream and retirement home 33 years ago but it now is a nightmare and will be far worse if you approve the annexation prior to the City addressing the existing issues. Being the sole caregiver for my wife and with her medical issues, I can only go day to day knowing what my priorities are, so I wanted to address the issues in writing in case I cannot make it to the meeting on the 6th.

Thank You

Ben Ennis

1540 North Lombardi Street

Porterville, CA 93257

559 804-8350

A handwritten signature in black ink that reads "Ben Ennis". The signature is written in a cursive, flowing style.

Figure 6

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 1565-P-324,)
City of Porterville Annexation 487)

RESOLUTION NO. **22-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 6, 2022 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 an Environmental Impact Report 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 Environmental Impact Report 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 with the implementation of mitigation measures as identified in the Mitigation Monitoring and Reporting Program.

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. APNs 245-010-087, -037, and -041 are in Agricultural Preserve No. 2034, Contract No. 5126. As set forth in the Executive Officer's Report and exhibits thereto, the contract was properly protested in accordance with GC §51243.5(d) at the time of its approval, the protest identified the affected contract and parcels in accordance with GC §51243.5(f), the entire contracted area was within one mile of the City's boundary when the contract was executed in accordance with GC §51243.5(g) and the City wishes to exercise its right to not succeed to the contract upon annexation.
- c. The subject territory is within the Sphere of Influence of the City of Porterville.

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.
- 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.
- g. Based on substantial evidence in record, including the Executive Officer's Report, the Commission hereby determines that the City of Porterville may exercise its option not to succeed to the rights, duties, and powers of Williamson Act Contract Number 5126.
- h. The City has several near-term transportation projects that will improve both existing traffic and emergency response access conditions and future growth in the area.

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

8. 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 City of Porterville shall record a Certificate of Contract Termination pursuant to GC §51243.5(h) with the County Recorder at the same time as the Executive Officer of LAFCO files a Certificate of Completion pursuant to GC §57203. The Certificate of Contract Termination shall include a legal description of the land for which the City terminates the contract.
- c. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
- d. (If the Commission includes the City owned parcel in the reorganization) The applicant must provide an updated map and legal description sufficient for filing with the Board of Equalization that includes APN 240-040-024.

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

LAFCO Case No. 1565-P-324, City of Porterville Annexation 487

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

11. 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 6th day of July,
2022, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

Ben Giuliani, Executive Officer

si

CALAFCO Daily Legislative Report as of Wednesday, June 29, 2022

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

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

Introduced: 2/18/2021

Last Amended: 5/18/2022

Status: 5/25/2022-Re-referred to Com. on L., P.E. & R.

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

Calendar:

6/29/2022 9 a.m. - State Capitol, Room 112 SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, Chair

Summary:

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

Attachments:

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

[AB 1195 Fact Sheet](#)

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

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

As amended on 5-24-21, the bill changes the water rights provision now requiring approval by the water Board; uses the definitions of "at risk system" and "at risk domestic well" found in SB 403 (Gonzalez) as well as the 3,300 connect cap; requires the commissioner appointed by the board to be from the local area; requires the commissioner to do certain things prior to completing the regional plan; and requires the commissioner to apply to LA LAFCo for extension

of service, consolidation or dissolution as appropriate. The bill also creates a pilot program for LA LAFCo giving them the authority to take action rather than the water board, providing it is within 120 days of receipt of a completed application. If the LAFCo fails to take action within that time, the matter goes to the water board for their action.

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

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

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

THIS IS NOW A 2-YEAR BILL.

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

GUTTED AND AMENDED on 5/18/2022 to remove previous verbiage regarding water. The bill now addresses the State Department of Human Resources and the Limited Eligibility and Appointment Program (LEAP), which the Department of Human Resources administers, to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Downgraded to Watch, from Watch with Concerns. Changed priority to "None."

1

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

Current Text: Chaptered: 6/21/2022 [html](#) [pdf](#)

Introduced: 3/2/2022

Last Amended: 4/18/2022

Status: 6/21/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 37, Statutes of 2022.

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

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 an applicant seeking a change of organization or reorganization to submit a plan for providing services within the affected territory. Current law requires a petitioner or legislative body desiring to initiate proceedings to submit an application to the executive officer of the local agency formation commission, and requires the local agency formation commission, with regard to an application that includes an incorporation, to immediately notify all affected local agencies and any applicable state agency, as specified. This bill would define the term "successor agency," for these purposes to mean the local agency a commission designates to wind up the affairs of a dissolved district.

Attachments:

[LAFCo Support letter template](#)

[CALAFCO Support letter](#)

Position: Sponsor

Subject: CKH General Procedures

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

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

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

SB 739 (Cortese D) Private golf courses: conversion to housing.

Current Text: Amended: 6/13/2022 [html](#) [pdf](#)

Introduced: 2/19/2021

Last Amended: 6/13/2022

Status: 6/20/2022-Re-referred to Coms. on NAT. RES. and H. & C.D. pursuant to Assembly Rule 96.

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

Summary:

Would authorize a development proponent to submit an application to convert land that was previously used as a golf course to market-rate and affordable housing and would provide that the application is subject to a streamlined, ministerial approval process, and not subject to a conditional use permit, if the development satisfies specified objective planning standards. In this regard, the bill would require a development subject to the provisions to be located on a site that was used as a golf course, but has been closed for at least 5 years before the effective date of these provisions and would require that the development include at least 600 housing units. The bill would require the development to dedicate at least 30% of the new housing units to lower income households and persons and families of moderate income, as specified. By requiring local governments to approve development applications submitted under these provisions, the bill would impose a state-mandated local program.

Attachments:

[SB 738 - Author's Fact Sheet](#)

Position: Oppose unless amended

Subject: Ag/Open Space Protection, Annexation Proceedings, Growth Management, Housing, LAFCo Administration, Municipal Services, Planning, Sustainable Community Plans

CALAFCO Comments: SB 739 was gutted and amended on June 13th and now seeks to add provisions to the Government Code to allow for a rapid, and ministerial, conversion of golf courses that have been closed for at least 5 years to housing developments of at least 600 units. As proposed, the bill is to be in effect until January 1, 2030, authorizes a development proponent to submit an application and receive streamlined, ministerial approvals of both county CUPs and the LAFCo process to speed development. Additionally, while not expressly called out in the bill, it contains provisions that address contracting requirements which discuss high rise developments; the implication being that high rise developments of at least 600 housing units would have to be ministerially approved on all levels. CALAFCO is currently in discussions with the author's office.

The Fact Sheet can be found in the attachments section.

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

Current Text: Enrolled: 6/27/2022 [html](#) [pdf](#)

Introduced: 2/8/2022

Last Amended: 6/9/2022

Status: 6/23/2022-Assembly amendments concurred in. (Ayes 38. Noes 0.) Ordered to engrossing and enrolling.

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

Summary:

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under current law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization. Current law authorizes a commission to dissolve an inactive district if specified conditions are satisfied. This bill would also authorize a commission to initiate a proposal for the dissolution of a district, as described, if the commission approves, adopts, or accepts a specified study that includes a finding, based on a preponderance of the evidence, that, among other things, the district has one or more documented chronic service provision deficiencies, the district spent public funds in an unlawful or reckless manner, or the district has shown willful neglect by failing to consistently adhere to the California Public Records Act. The bill would require the commission to adopt a resolution of intent to initiate a dissolution based on these provisions and to provide a remediation period of at least 12 months, during which the district may take steps to remedy the stated deficiencies. The bill would authorize the commission, at the conclusion of the remediation period, to find that the district has failed to remedy the deficiencies and adopt a resolution to dissolve the district.

Attachments:

[SB 938 Senate Floor Alert](#)
[SB 938 CALAFCO Support Letter dated 5-25-2022](#)
[SB 938 LAFCo support letter template](#)
[SB 938 CALAFCO Support letter](#)
[SB 938 CALAFCO Fact Sheet](#)
[SB 938 Author Fact Sheet](#)

Position: Sponsor

Subject: CKH General Procedures, Other

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

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

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

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

The proposed process is:

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

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

SB 1490 (Committee on Governance and Finance) Validations.

Current Text: Enrollment: 6/24/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 6/24/2022-Enrolled and presented to the Governor at 10:30 a.m.

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

Summary:

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

Attachments:

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

Position: Support

Subject: LAFCo Administration

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

SB 1491 (Committee on Governance and Finance) Validations.

Current Text: Enrollment: 6/24/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 6/24/2022-Enrolled and presented to the Governor at 10:30 a.m.

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

Summary:

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

Attachments:

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

Position: Support

Subject: LAFCo Administration

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

SB 1492 (Committee on Governance and Finance) Validations.

Current Text: Enrollment: 6/24/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 6/24/2022-Enrolled and presented to the Governor at 10:30 a.m.

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

Summary:

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

Attachments:

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

Position: Support

Subject: LAFCo Administration

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

2

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

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

Introduced: 1/12/2022

Last Amended: 5/19/2022

Status: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (June 28). Re-referred to Com. on APPR.

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

Summary:

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

Attachments:

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

[AB 1640 Author Fact](#)

Position: Support

Subject: Climate Change

CALAFCO Comments: This bill is a follow up and very similar to AB 897 (2021). The bill would authorize eligible entities, as defined (including LAFCo), to establish and participate in a regional climate network, as defined. The bill would authorize a regional climate network to engage in activities to address climate change, as specified. Further, it requires a regional climate network to develop a regional climate adaptation and resilience action plan and to submit the plan to OPR for review, comments, and certification. The bill would require OPR to: (1) encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks; (2) develop and publish guidelines on how eligible entities may establish regional climate networks and how governing boards may be established within regional climate networks by 7-1-23; and (3) provide technical assistance to regions seeking to establish a regional climate network, facilitate coordination between regions, and encourage regions to incorporate as many eligible entities into one network as feasible.

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

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

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

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

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

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

Introduced: 2/3/2022

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

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

Summary:

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

Attachments:

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

[AB 1773 Author Fact Sheet](#)

Position: Support

Subject: Ag Preservation - Williamson

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

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

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

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

Introduced: 2/10/2022

Last Amended: 5/25/2022

Status: 6/22/2022-In committee: Set, first hearing. Hearing canceled at the request of author.

In committee: Hearing postponed by committee.

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

Summary:

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each

teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely.

Attachments:

[AB 1944 Author Fact Sheet](#)

Position: Watch

Subject: Brown Act

CALAFCO Comments: This bill would delete the requirement that an individual participating in a Brown Act meeting remotely from a non-public location must disclose the address of the location. If the governing body chooses to allow for remote participation, it must also provide video streaming and offer public comment via video or phone.

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

Amended 5/25/2022 to add that for this provision to apply, no less than a quorum of members of the legislative body must participate from a single physical location that is identified on the agenda, open to the public, and situated within the boundaries of the legislative body.

[AB 2081](#) (Garcia, Eduardo D) Municipal water districts: water service: Indian lands.

Current Text: Amended: 5/12/2022 [html](#) [pdf](#)

Introduced: 2/14/2022

Last Amended: 5/12/2022

Status: 6/21/2022-Read second time. Ordered to third reading.

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

Calendar:

6/29/2022 #88 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary:

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

Attachments:

[AB 2081 CALAFCO Oppose Letter, dated 5-26-2022](#)

[AB 2081 CALAFCO Oppose 03-16-2022](#)

[AB 2081 Author Fact Sheet](#)

Position: Oppose

Subject: Water

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

CALAFCO opposed AB 1361 in 2017 as the process requires LAFCo to approve the extension of

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

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

AB 2449 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 6/23/2022 [html](#) [pdf](#)

Introduced: 2/17/2022

Last Amended: 6/23/2022

Status: 6/23/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD.

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

Summary:

The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under this exception, the bill would authorize a member to participate remotely under specified circumstances, including participating remotely for just cause or due to emergency circumstances. The emergency circumstances basis for remote participation would be contingent on a request to, and action by, the legislative body. The bill would define terms for purposes of these teleconferencing provisions.

Position: Watch

Subject: Brown Act

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

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

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

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

Introduced: 2/18/2022

Last Amended: 4/19/2022

Status: 6/20/2022-In committee: Set, first hearing. Hearing canceled at the request of author.

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

Calendar:

6/29/2022 9 a.m. - 1021 O Street, Room 2100 SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

Summary:

Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board less than 72 hours before a meeting available for public inspection, as specified, at a public office or location that the agency designates. Current law also requires the local agency to list the address of the office or location on the agenda for all meetings of the legislative body of the agency. Current law authorizes a local agency to post the writings on the local agency's

internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

Position: Watch

Subject: Brown Act

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

Amended on April 19, 2022, to add a provision that agendas will note the physical location from which hard copies of such post-agenda documents can be retrieved.

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

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

Current Text: Amended: 6/6/2022 [html](#) [pdf](#)

Introduced: 1/18/2022

Last Amended: 6/6/2022

Status: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 1.) (June 27). Re-referred to Com. on APPR.

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

Summary:

Would authorize a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district, as defined, for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill would deem each district to be an enhanced infrastructure financing district and would require each district to comply with existing law concerning enhanced infrastructure financing districts, unless the district is specified as otherwise. The bill would require a district to finance only specified projects that meet the definition of an eligible project. The bill would define "eligible project" to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified. The bill would establish project priorities and would authorize districts to establish additional priorities.

Attachments:

[SB 852 Author Fact Sheet](#)

Position: Watch

Subject: Special District Principle Acts

CALAFCO Comments: This bill creates the Climate Resilience Districts Act. The bill completely bypasses LAFCo in the formation and oversight of these new districts because the districts are primarily being created as a funding mechanism for local climate resilience projects (as a TIF or tax increment finance district - for which LAFCOs also have no involvement).

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

fund eligible projects, and 5% for district administration. The bill would require each district to prepare an annual expenditure plan and an operating budget and capital improvement budget, which must be adopted by the governing body of the district and subject to review and revision at least annually.

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

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

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

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

Current Text: Amended: 6/6/2022 [html](#) [pdf](#)

Introduced: 2/16/2022

Last Amended: 6/6/2022

Status: 6/22/2022-Read second time. Ordered to third reading.

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

Calendar:

6/29/2022 #86 ASSEMBLY THIRD READING FILE - SENATE BILLS

Summary:

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

Attachments:

[SB 1100 - CALAFCO Letter of Support](#)

[SB 1100 Author Fact Sheet](#)

Position: Support

Subject: Brown Act

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

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

The CALAFCO support letter is in the attachments section.

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

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

Introduced: 2/18/2022

Last Amended: 4/19/2022**Status:** 6/2/2022-Referred to Com. on L. GOV.

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

Calendar:

6/29/2022 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

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

Attachments:

[SB 1449 - CALAFCO Letter of Support](#)

Position: Support**Subject:** Annexation Proceedings

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

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

LAFcos added in to assist OPR develop the program guidelines.

The CALAFCO letter of support can be found in the attachments section.

3

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

Current Text: Amended: 7/14/2021 [html](#) [pdf](#)**Introduced:** 2/17/2021**Last Amended:** 7/14/2021

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

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

Summary:

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

program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

Attachments:

[CALAFCO Support July 2021](#)
[AB 897 Fact Sheet](#)

Position: Support

Subject: Climate Change

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

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

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

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

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

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

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

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

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

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

Introduced: 2/17/2021

Last Amended: 4/19/2021

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

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

Summary:

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

Position: Watch

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

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

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

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

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

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

Current Text: Amended: 6/16/2022 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 6/16/2022

Status: 6/28/2022-Read second time. Ordered to third reading.

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

Calendar:

6/29/2022 #114 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary:

The Political Reform Act of 1974 generally requires elected officials, candidates for elective offices, and committees formed primarily to support or oppose a candidate for public office or a ballot measure, along with other persons and entities, to file periodic campaign statements and certain reports concerning campaign finances and related matters. Current law permits a report or statement that has been on file for at least two years to be retained by a filing officer as a copy on microfilm or other space-saving materials and, after the Secretary of State certifies an online filing and disclosure system, as an electronic copy. This bill would permit a filing officer to retain a report or statement filed in a paper format as a copy on microfilm or other space-saving materials or as an electronic copy, as specified, without a two-year waiting period. The bill would also permit a filing officer to retain a report or statement as an electronic copy before the Secretary of State certifies an online filing and disclosure system.

Position: Watch

Subject: FPPC

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

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

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

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

AB 1757 (Haney, D) Groundwater sustainability agency.

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

Introduced: 2/2/2022

Last Amended: 5/10/2022

Status: 6/1/2022-Referred to Com. on N.R. & W.

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

Summary:

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

Position: Watch

Subject: Water

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

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

Introduced: 2/14/2022

Last Amended: 4/18/2022

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

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

Summary:

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

compliance period, to take into consideration whether or not the public water system implemented the compliance plan.

Attachments:

[AB 2041 Author Fact Sheet](#)

Position: Watch

Subject: Water

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

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

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

Current Text: Amended: 6/22/2022 [html](#) [pdf](#)

Introduced: 2/15/2022

Last Amended: 6/22/2022

Status: 6/22/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on GOV. & F.

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

Calendar:

6/29/2022 9 a.m. - 1021 O Street, Room 2100 SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

Summary:

Would prohibit a county, city, or any other water well permitting agency from approving a permit for a new groundwater well or for an alteration to an existing well in a basin subject to the act and classified as medium- or high-priority unless specified conditions are met, including that it obtains a written verification, from the groundwater sustainability agency that manages the basin or area of the basin where the well is proposed to be located, determining that, among other things, the extraction by the proposed well is consistent with any sustainable groundwater management program established in any applicable groundwater sustainability plan adopted by that groundwater sustainability agency or an alternate plan approved or under review by the Department of Water Resources.

Position: Watch

Subject: Water

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

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

establishes their own process, in accordance with this section, for the issuance of groundwater extraction permits, and allows imposition of fees as long as they do not exceed reasonable agency costs. DWR shall provide technical assistance to assist GSA implement this section. This bill would further amend Water Code Section 10728 to require annual reports by GSA to include information regarding the number, location, and volume of water encompassed by permits issued under this section.

Unfunded mandate, now reimbursements provided. Keyed: fiscal.

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

AB 2442 (Rivas, Robert D) Climate change.

Current Text: Amended: 6/22/2022 [html](#) [pdf](#)

Introduced: 2/17/2022

Last Amended: 6/22/2022

Status: 6/22/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on GOV. & F.

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

Calendar:

6/29/2022 9 a.m. - 1021 O Street, Room 2100 SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

Summary:

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

Position: Watch

Subject: Ag/Open Space Protection

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

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

Current Text: Amended: 6/6/2022 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 6/6/2022

Status: 6/15/2022-June 15 set for first hearing canceled at the request of author.

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

Summary:

The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among

others, a housing element and a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic and seismic hazards, flooding, and wildland and urban fires. Current law requires the housing element to be revised according to a specific schedule. Current law requires the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element. 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

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

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

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

Introduced: 2/12/2021

Last Amended: 1/24/2022

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

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

Summary:

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

Position: Watch

Subject: Special District Principle Acts

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

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

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

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

LAFCo conducting a special study on the district after 3 years, and representation from both counties on the governing board.

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

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

Current Text: Enrollment: 6/24/2022 [html](#) [pdf](#)

Introduced: 2/10/2022

Last Amended: 3/2/2022

Status: 6/24/2022-Enrolled and presented to the Governor at 10:30 a.m.

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

Summary:

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

Position: Watch

Subject: Other

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

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

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

Introduced: 2/18/2022

Last Amended: 4/18/2022

Status: 6/20/2022-From consent calendar on motion of Assembly Member Seyarto. Ordered to third reading.

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

Calendar:

6/29/2022 #80 ASSEMBLY THIRD READING FILE - SENATE BILLS

Summary:

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

Position: Watch

Subject: Other

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

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

Introduced: 2/18/2022**Last Amended:** 4/18/2022**Status:** 6/16/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1.) (June 15). Re-referred to Com. on APPR.

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

Calendar:

6/29/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary:

Would require every city and county to review and update its local open-space plan by January 1, 2026. The bill would require the local open-space plan update to include plans and an action program that address specified issues, including climate resilience and other cobenefits of open space, correlated with the safety element. By imposing additional duties on local officials, the bill would create a state-mandated local program.

Position: Watch**Subject:** Other**SB 1489 (Committee on Governance and Finance) Local Government Omnibus Act of 2022.****Current Text:** Amended: 6/20/2022 [html](#) [pdf](#)**Introduced:** 2/28/2022**Last Amended:** 6/20/2022**Status:** 6/20/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on L. GOV.

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

Calendar:

6/29/2022 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

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

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

Total Measures: 29

Total Tracking Forms: 29

6/29/2022 1:02:26 PM