



TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

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

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

ALTERNATES:
Larry Micari
Fred Sheriff
Steve Harrell

EXECUTIVE OFFICER:
Ben Giuliani

I. Call to Order

II. Approval of Minutes from September 7, 2022

(Pages 01 - 02)

III. Public Comment Period

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

IV. Consent Calendar

1. Biennial review of Policy D-1, Conflict of Interest

(Pages 03 - 10)

[No Public Hearing] Recommended Action: Reaffirm

Enclosed is the current Conflict of Interest Policy that was last amended in December 2018. According to the State Fair Political Practices Commission it is required that local governmental agencies review their conflict of interest codes at least every even-numbered year, and report to their code reviewing body if amendments are necessary. No amendments are necessary.

2. 2023 Proposal Deadline and Meeting Schedule

(Pages 11 - 12)

[No Public Hearing] Recommended Action: Approval

The Commission will consider a schedule of meeting dates and application deadlines for 2023. All dates are tentative and subject to change.

V. Action Items and Presentations

1. Annexation to the City of Dinuba and Detachment from County Service Area #1, (Montebella Homes) Case 1568-D-64

(Pages 13 - 26)

[Public Hearing] Recommended Action: Approval

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

The City of Dinuba has submitted a request for an annexation of approximately 38.8 acres of land located on the westside of Englehart Ave. and the northside of Saginaw Ave. The proposal is intended to facilitate 102-lot single family residential subdivision and neighborhood park. A Mitigated Negative Declaration has been prepared by the City of Dinuba.

VI. Executive Officer's Report

1. Legislative Update **(Pages 27 - 42)**
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.

VII. Correspondence

None

VII. Other Business

1. CALAFCO Annual Conference Update **(Pages 43 - 48)**
2. Commissioner Report **(No Page)**
3. Request from LAFCO for items to be set for future agendas **(No Page)**

VIII. Setting Time and Place of Next Meeting

1. December 7, 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 Avenue, Visalia, CA 93291
Tulare County Human Resources and Development
September 19, 2022 – Meeting Minutes**

Members Present: Townsend, Vander Poel, Feder
Members Absent: Mendoza, Wynn
Alternates Present: Micari, Harrell
Alternates Absent: Sheriff
Staff Present: Giuliani, Ingoldsby, Kane, and Gallo recording
Counsel Present: Jeff Kuhn

- I. **Call to Order:** Vice-Chair Townsend called the meeting to order at 2:00 p.m.
- II. **Approval of the August 15 , 2022 Meeting Minutes:**
Upon motion by Commissioner Harrel and seconded by Commissioner Feder, 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. **Annexation to the City of Visalia and Detachment from County Service Area #1, (Higgins Rach) Case 1567-V-457**
Staff Analyst Kane reported that the City of Visalia is requesting an annexation of approximately 32.35 acres of land located at the southwest corner of Cherry Avenue and Lovers Lane. The proposal is intended to facilitate the development of a 174-lot Higgins Ranch single family residential subdivision.

Vice-Chair Townsend opened the Public Hearing at 2:05 p.m.

Raphael Garcia, a planner with the City of Visalia and Darlene Mata, resident of the City of Visalia and representative of the landowner and developer, Quest Equity, LLC, spoke in favor of the proposed annexation and detachment.

Vice-Chair Townsend closed the Public Hearing at 2:07 p.m.

Upon motion by Commissioner Vander Poel and seconded by Commissioner Feder, the Commission unanimously approved the purposed annexation to the City of Visalia and detachment from County Service Area #1.
 2. **Extraterritorial Service Agreement 2022-06**
Staff Analyst Ingoldsby reported that the City of Lindsay is requesting an extraterritorial Service Agreement for one dwelling on approximately 0.21 acres of land to be provided with sewer service. The site is located one lot south of the southeast corner of E Sierra View St. and Sycamore Ave. The purpose for the extension is to serve the development of a single-family residence.

Upon motion by Commissioner Harrel and seconded by Commissioner Vander Poel, the Commission unanimously approved the purposed Extraterritorial Service Request 22-006 to the single-family dwelling in the City of Lindsay.

3. **Presentation from County RMA on MSR program**

Aaron Bock with the Tulare County Resource Management Agency gave a presentation regarding updating Municipal Services Reviews in FY 2022-2023, using Local Early Action Planning funding.

4. **Designation of Voting Delegate and Alternate for CALAFCO Conference**

During each CALAFCO Annual Conference, voting delegates appointed by each member LAFCO vote on various CALAFCO policy and procedural matters and vote to elect nominees to the CALAFCO Board of Directors.

Upon motion by Commissioner Vander Poel and seconded by Commissioner Harrel, the Commission unanimously approved the designation of Commissioner Feder as voting delegate and Micari as alternate for CALAFCO Conference.

5. **Cancellation of October 5, 2022 Meeting**

Upon motion by Commissioner Micari and seconded by Commissioner Vander Poel, the Commission unanimously approved the cancellation of the October 5, 2022 LAFCO meeting.

V. **Executive Officer's Report**

1. **Legislative Update**

EO Giuliani reviewed the legislative report, highlighting AB 2081 Municipal water districts: water service: Indian lands; and AB 2201: Groundwater sustainability agency: groundwater extraction permit: verification.

2. **Upcoming Projects**

EO Giuliani noted the following upcoming projects: a Dinuba annexation, and a number of future annexations from Porterville, Tulare, and Visalia.

VI. **Correspondence:**

1. **CALAFCO Quarterly Report**

EO Giuliani stated that the CALAFCO Quarterly Newsletter contained updates on upcoming events and other information.

VII. **Other Business:**

1. **Commissioner Report:**

None

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 **November 2, 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 2:25 p.m.

Policies and Procedures

Tulare County Local Agency Formation Commission

Policy Number: *D-1*

Effective Date: *October 19, 1977; Amended December 5, 2018*

Authority: *Government Code §81000 et seq., LAFCO Resolutions 77-94, 02-006, 10-030*

Title: **Conflict of Interest and Disclosure Requirements**

Policy: This Conflict of Interest Code (hereinafter referred to as the “Code”) is adopted pursuant to the provisions of the Political Reform Act of 1974, set forth in California Government Code §81000 et seq. (hereinafter referred to as the “Act”), for the purpose of requiring designated employees to file statements disclosing financial interests that may be materially affected by their official actions and for the purpose of providing that designated employees must disqualify themselves from acting in their official capacity in order to avoid a conflict of interest.

Purpose: The purpose of this policy is to outline the procedure by which designated employees of Tulare County LAFCO are to file statements disclosing their financial interests that may be materially affected by their official actions and for the purpose of providing that designated employees must disqualify themselves from acting in their official capacity in order to avoid a conflict of interest.

Scope: This policy applies to all designated employees of Tulare County LAFCO. For the purposes of this policy, designated employees shall be defined as “a member of the Commission.”

History: This was a pre-existing policy that was adopted into the original Manual on 2/6/02. Exhibits A and B were updated to match TCAG disclosure requirements on 12/8/10. Form 700 filing deadline updated 6/10/15.

Procedure:

1.1. Definitions

The Fair Political Practices Commission has adopted a regulation that contains the terms of a model conflict-of-interest code. Therefore, the terms of 2 Cal. Code of Regs., Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by this reference and, together with the attached APPENDIX A (DESIGNATED POSITIONS), and APPENDIX B (DISCLOSURE CATEGORIES), constitutes the conflict-of-interest code of this agency.

Unless otherwise provided, the definitions of words and phrases used in this Code shall be consistent with the definitions of the same words and phrases contained in the Act and contained in the Regulations of the Fair Political Practices Commission set forth in Title 2 of the California Administrative Code.

1.2. Application: Designated Employees

The provisions of this Code are applicable to the designated employees of this local government agency. Designated employees are those persons who are deemed to make or to participate in the making of decisions which may foreseeably have a material effect on a financial interest. Designated employees are those persons who hold the positions (referred to hereinafter as "designated position") that are enumerated in Exhibit "A" attached hereto.

1.3. Disclosure Statements: Designated Employees

Each designated employee shall file statements, in accordance with the provisions of this Code, disclosing such employee's interest in investments, real property and income. The types of financial interest subject to disclosure are set forth in Exhibit "B" attached hereto; and the specific types which are applicable to a designated employee are expressed by number opposite the designated positions enumerated in Exhibit "A."

1.4. Place of Filing

Each designated employee shall file one original statement disclosing financial interests with the Executive Officer of this agency. If the designated employee is the head of this agency, or a member of a board or commission not under a department of state government or not under the jurisdiction of a local legislative body, the agency shall make and retain a copy of such person's statement and forward the original to the code reviewing body. The originals of all other statements shall be retained by the agency.

1.5. Time of Filing

- A. All designated employees shall submit an initial statement within thirty (30) days after the effective date of this Code.
- B. Merit system employees appointed, promoted or transferred to designated employee positions shall file initial statements within thirty (30) days after the date of assuming such position.
- C. All other persons assuming designated employee positions shall file initial statements not less than ten (10) days before assuming such position or, if subject to confirmation, not less than ten (10) days before being confirmed, unless an earlier assumption of the position is required by emergency circumstances, in which case said statement shall be filed within thirty (30) days after the date of assuming such position.

- D. All designated employees shall file annual statements by the date determined by the California Fair Political Practices Commission. Such annual statements shall cover the period of the preceding calendar year.
- E. Each person who leaves a designated employee position shall file a leaving office statement within thirty (30) days after leaving such position.
- F. When a designated employee is required to file with another agency a statement disclosing financial interests, and such statement contains, at a minimum, all of the items required to be reported by this Code, and such other agency has at least the same territorial jurisdiction as this agency, then such designated employee may comply with the filing provisions of this Code by filing with this agency a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate statement.

1.6. Contents

- A. The initial statement required to be filed by a designated employee shall contain only such person's investments and interests in real property.
- B. Statements required to be filed by designated employees subsequent to the initial statement shall contain such person's investments, interest in real property, and income.
- C. Statements required to be filed by designated employees leaving office shall contain such person's investments, interests in real property, and income during the period since the closing date of the previous statement filed pursuant to this code.
- D. When an investment or an interest in real property is required to be reported under this Code, the statement shall contain:
 - I. A statement of the nature of the investment or interest;
 - II. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
 - III. The address or other precise location of the real property;
 - IV. A statement whether the fair market value of the investment or interest in real property exceeds \$10,000, and whether it exceeds \$100,000. This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer;
 - V. In the case of an investment which constitutes fifty (50) percent or more of the ownership interest in a business entity, disclosure of the investments and interests in real property of the business entity;

- VI. In the case of a statement filed under subsections (b) or (c) of this section, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.
- E. When income is required to be reported under this Code, the statement shall contain, except as provided in subsection (e) of this section:
 - I. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
 - II. A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1000), and whether it was greater than ten thousand dollars (\$10,000);
 - III. A description of the consideration, if any, for which the income was received;
 - IV. In the case of a gift, the amount and the date on which the gift was received.
- F. When income of a business entity, including income of a sole proprietorship, is required to be reported under this Code, the statement shall contain:
 - I. The name, address, and a general description of the business activity of the business entity;
 - II. In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000);
 - III. In the case of a business entity not covered by paragraph (2) the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

1.7. Disqualification

A designated employee must disqualify himself or herself from making or participating in the making of any governmental decision when it is reasonably foreseeable that such decision may have a material financial effect, distinguishable from its effect on the public generally, upon any business entity in which such designated employee holds a position of management or is a director, officer, partner, trustee or employee, or upon any financial interest required to be reported by such designated employee, except sources of gifts less than two hundred fifty dollars (\$250).

1.8. Disqualification Exception

No designated employee shall be required to disqualify himself or herself with respect to any matter which could not legally be acted upon or decided without his or her participation. The fact that such person's vote is needed to break a tie does not make the participation legally required for purposes of this section.

1.9. Manner of Disqualification

If a designated employee is to disqualify himself or herself from acting, the following is recommended:

- A. If a member of a board or commission, announce the existence of a conflict to such board or commission.
- B. If a consultant, report the existence of a conflict to the chief executive officer of this agency.
- C. Any other designated employee, report the existence of a conflict to such person's immediate supervisor.

1.10. Effective Date of Code

This code shall become effective thirty (30) days after the same has been approved by the Board of Supervisors of the County of Tulare.

1.11. Penalties

California GC §87300 provides, in part: "A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter." Your attention is directed to the civil and criminal penalties set forth in the Act that may be imposed for a violation of this Code.

1.12. Statute of Limitations

No action based on a disqualification provision of this Code shall be brought pursuant to Government Code Section 91009(b) to restrain the execution of or to set aside official action of the agency unless commenced within 90 days following the official action.

1.13. Opinions of the Commission and Counsel

- A. Opinion Requests: Any designated employee who is unsure of any right or obligation arising under this code may request a formal opinion or letter of advice from the FPPC or an opinion from the attorney of this agency.
- B. Evidence of Good Faith: If an opinion is rendered by the attorney of this agency stating in full the facts and the law upon which the opinion is based, compliance by the designated employee with such opinion may be

evidence of good faith in any civil or criminal proceeding brought pursuant to the Act or this Code. The designated employee’s good faith compliance with the opinion of this agency’s attorney shall also act as a complete defense to any disciplinary action that this agency may bring under Section 91003.5 of the Act or this Code.

Exhibit “A”

DESIGNATED EMPLOYEES

<u>Designated Positions</u>	<u>Types of Interests required To be disclosed</u>
Members of the Commission	1, 2, 3
Alternate Members of the Commission	1, 2, 3
Executive Officer	1, 2, 3
Consultants*	1

*Consultants are included as designated employees and shall disclose pursuant to the broadest disclosure category, subject to the following limitation:

The Executive Officer of this local agency may determine in writing whether a particular consultant is a “designated employee” or whether the consultant is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements required by this Code. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The determination of the Executive Officer is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Exhibit “B”

TYPES OF FINANCIAL INTERESTS

REQUIRED TO BE DISCLOSED

Disclosure Category: 1

All investments, business positions and sources of income located in or doing business in the jurisdiction of the local agency.

All interests in real property located in the jurisdiction, including property located within a two mile radius of any property owned or used by the local agency

(Intended for officials and employees whose duties are broad and indefinable.)

Disclosure Category: 2

All investments, business positions and sources of income of the type which provide services, supplies, materials, machinery or equipment utilized by the local agency.

(Intended for employees whose duties and decisions involve contracting and purchasing.)

Disclosure Category: 3

All investments, business positions and sources of income of the type which engage in land development, construction or the acquisition or sale of real property.

All interests in real property located in the jurisdiction, including property located within a two mile radius of any property owned or used by the local agency.

(Intended for employees whose duties and decisions may affect real property interests.)

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TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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To: LAFCO Members, Alternates and Executive Officer
From: Holly Gallo, LAFCO Clerk
Subject: Proposed 2023 LAFCO Meeting and Application Deadline Schedule

The following meeting dates and application deadlines are proposed for 2023. Complicated proposals or those which have not been "pre-noticed" by the initiating agency may require additional time to process. Staff will make every effort to place the proposal on the corresponding agenda, however, unforeseen circumstances (i.e. missed publication dates, need for further information, incomplete applications etc.) may require placement of the proposal on another agenda.

APPLICATION DEADLINE

TENTATIVE MEETING DATE

<i>Friday, December 2, 2022</i>	January 18, 2023 [^]
<i>Friday, January 13, 2023</i>	March 1, 2023
<i>Friday, February 17, 2023</i>	April 5, 2023
<i>Friday, March 17, 2023</i>	May 3, 2023
<i>Friday, April 21, 2023</i>	June 7, 2023
<i>Friday, May 26, 2023</i>	July 12, 2023 [^]
<i>Friday, June 16, 2023</i>	August 2, 2023
<i>Friday, July 21, 2023</i>	September 6, 2023
<i>Friday, August 18, 2023</i>	October 4, 2023
<i>Friday, September 15, 2023</i>	November 1, 2023
<i>Friday, October 20, 2023</i>	December 6, 2023
<i>Friday, December 8, 2023</i>	January 24, 2024 [^]

[^]Meetings have been moved from first Wednesday to accommodate Holidays

*All meetings held in the Tulare County Board of Supervisors Chambers
2023 CALAFCO Annual Conference: October 18-20, 2023; Hyatt Regency Monterey
2023 CALAFCO Staff Workshop: April 26-28, 2023; Ironstone Vineyards, Murphys
2023 California League of Cities Annual Conference: September 20-22; Sacramento
2023 CSAC Annual Meeting: November 13-17; Alameda County

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

November 2, 2022

LAFCO Case Number 1568-D-64

City of Dinuba Annexation No. 2021-02 (Montebella Project)

- PROPOSAL:** Reorganization, Annexation to the City of Dinuba and detachment from CSA #1 and Kings River Conservation District.
- PROPONENT:** The City of Dinuba by resolution of its City Council.
- SIZE:** Approximately 38.85 acres
- LOCATION:** Along the west side of Englehart Avenue (Road 72) north of the Saginaw Way alignment, on the northwest side of the City of Dinuba (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 102-lot (Montebella) single family residential subdivision and 4.5 acre neighborhood park.
- APN:** 012-272-011, 012-272-012, 012-272-013, 012-272-014

GENERAL ANALYSIS

1. Land Use:

A. Site Information

	Existing (County)	Proposed (City)
Zoning Designation	AE-20 (Tulare County)	R-1-6(PUD), RCO and R-1-7.5
General Plan Designation	“Medium Density Residential” and “Park/Ponding basin”	No Change
Uses	Agriculture and rural single family homes	102-lot single family residential subdivision along with 4.5-acre neighborhood park and stormwater ponding basin

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

	Zoning Designation	General Plan Designation	Existing Use
North	AE-20	“Urban Reserve”	Agriculture and rural residential
South	R-1-6	“Medium Density Residential”	Single family residential

			subdivision (Castro Estates) under construction
East	R-1-6 and R-1-10	“Medium-Low Density Residential” and “Medium Density Residential”	Single family residential subdivision (Vineyard Estates) under construction; Agriculture, rural residences and vacant land
West	AE-20	“Public/Semi Public” and “Medium-Low Density Residential”	Agriculture

C. Topography, Natural Features and Drainage

The site is level with a gradual slope to the west. There are no natural features like rivers, water bodies or mountains. The site is bounded on the east by Englehart Avenue, a two-lane roadway designated an “Collector” by the Circulation Element of the Dinuba General Plan. Along the south side is the future alignment of Saginaw Avenue, designated a Collector roadway. There is also an irrigation canal (Horsman Ditch) that runs along the east side of the site adjacent to Englehart Avenue.

D. Conformity with General Plans and Spheres of Influence:

The site is entirely inside of the City’s Sphere of Influence. It is also inside the City’s Tier 2 Urban Development Boundary (UDB).

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

The proposal site is not under Williamson Act contract.

3. Population:

There are 11 persons living on the subject property, based on a review of existing land uses on the site and the existing average number of persons per dwelling in the Dinuba area. 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	Dinuba Police Department	General Fund
Fire Protection	Tulare County Fire Department	Dinuba Fire Department	General Fund
Water Supply	Private agricultural	The proposed	Funded by the

	and residential wells	subdivision will connect to the City's water system. The existing developed and parcels will be allowed to continue using their private wells	developer of the Montebella Subdivision
Sewage Disposal	Private septic systems on the three existing developed lots	The subdivision will connect to the City's sewage collection and disposal system. The existing developed parcels will be allowed to continue using their onsite septic systems.	Funded by the developer of the Montebella Subdivision
Street Lighting	None	The new subdivision will be required to install streetlights along all streets within and adjacent to the subdivision.	Ongoing expenses for streetlights are financed through the City's transportation funds
Street Maintenance	County of Tulare	City of Dinuba	General Fund
Planning/Zoning	County of Tulare	City of Dinuba	General Fund
Garbage Disposal	Pena Disposal	Pena Disposal	Monthly usage bill
Other Services:	NA	NA	NA

The City of Dinuba will provide all necessary services to the site (both the proposed subdivision and existing developed lots). City police and fire units are typically already the first responders to the site for emergency calls, given the site's proximity to the City.

The Montebella project developer will be required to pay for and install improvements that are typically required for urban development, including but not limited to streets, curbs, gutters, sidewalks, street lights, water and sewer connections, storm drain facilities and other improvements. The City assesses impact fees to pay for services for new development, including water, sewer, storm drain, police, fire, transportation and general administration, among others. Ongoing operation of these systems (water, sewer, storm drain, street lighting) is financed through monthly user charges.

5. Boundaries and Lines of Assessment:

The boundaries of the proposal area are definite and certain and conform to the lines of assessment and ownership. A map sufficient for filing with the State Board of Equalization has not been received. The map and legal need to be

amended to include the title of the reorganization and list the detachment from CSA #1 and Kings River Conservation District.

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: \$1,087,447.00

Improvements: \$659,174.00

Estimated per capita assessed valuation: \$152,810.00

7. Environmental Impacts:

The City of Dinuba is the lead agency for this proposal. The city prepared an initial study/environmental checklist and on the basis of that study and other planning documents, a Mitigated Negative Declaration was approved for use with this proposal. A copy of the document is included in the application materials.

8. Landowner Consent:

One landowner has provided signed consent to annexation. Notice was mailed to all landowners within 300 feet of the reorganization area.

Because this reorganization is uninhabited, if no landowners within the annexation area file a protest prior to the conclusion of the public hearing the protest hearing may be waived pursuant to GC §56663.

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.

The proposal involves a proposed 102 single-family subdivision for moderate to above moderate households. The subsequent development of this property in accordance with City policies and standards will contribute towards the Regional Housing Needs Allocation, as determined by Tulare County Association of Governments.

2014-2023 City of Dinuba 5th Cycle RHNA

Very Low	Low	Moderate	Above Moderate	Total
211	163	121	470	965

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

Very Low	Low	Moderate	Above Moderate	Total
93	107	226	269	695

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

Very Low	Low	Moderate	Above Moderate	Total
118	56	-	201	375

If approved, this proposal would add an additional 102 units that are anticipated to serve the moderate and above moderate income groups.

10. Discussion:

Residential Land Supply and Development

The City currently has approximately a 11.1 year supply of residential land. This assumes the remaining 362.5 acres of undeveloped residential land within the City develops at the current City population density of 17.7 person per acre of developed residential land at a growth rate of 2.01% per year which is the growth rate for the City from 2000 to 2020.

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, water, etc., as well as planning and building services.

Services which would be extended to this area, including police and fire safety services and development permit services, will be funded primarily through the general fund. Water and sewage services will be funded through the developer of the Montebella project.

RECOMMENDED ACTIONS:

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

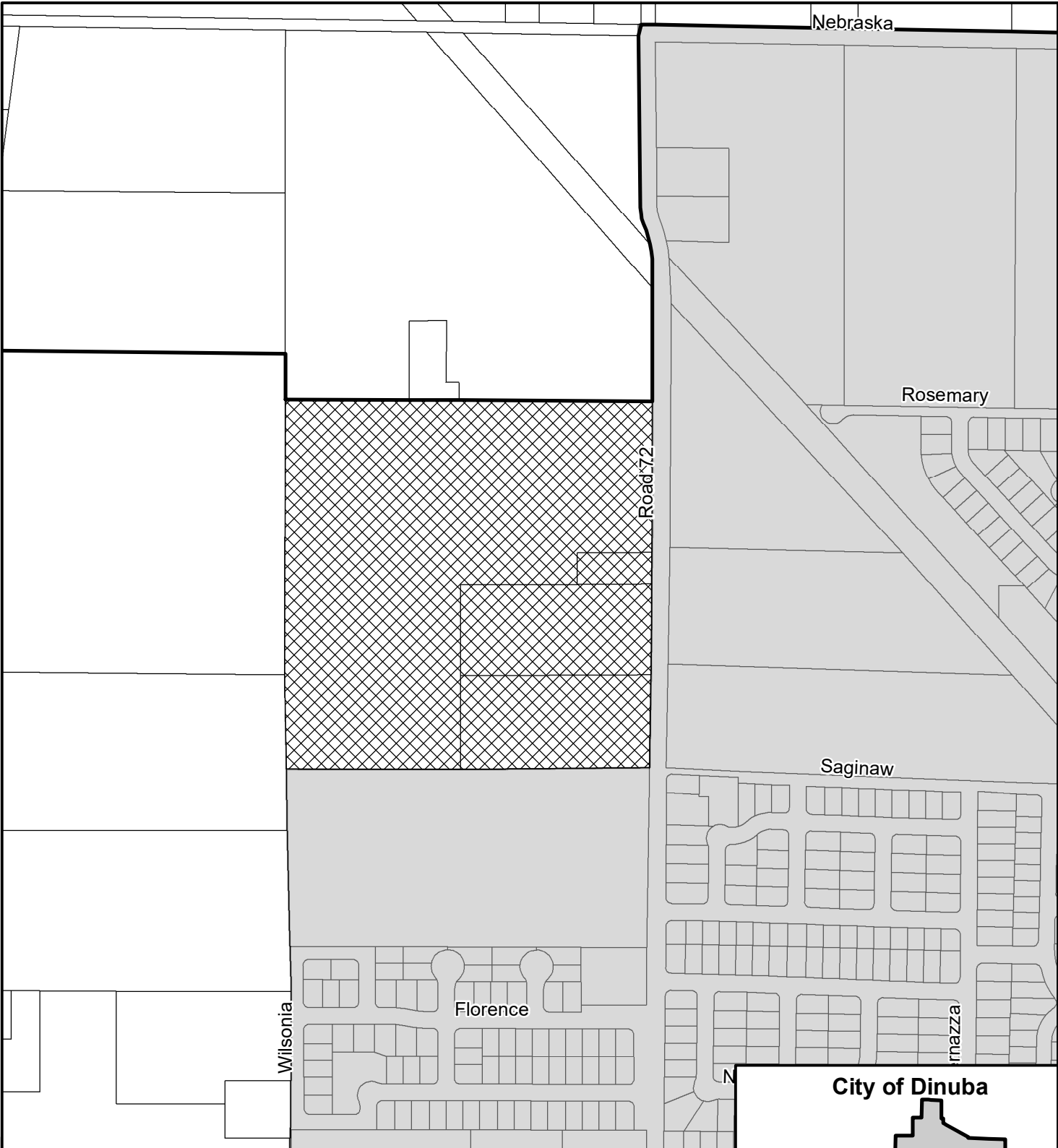
1. Certify that the Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Dinuba for this project and determine that the project will not have a significant effect on the environment.
2. Find that the proposed reorganization of the City of Dinuba complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, determine that:
 - a. The boundaries of the proposed reorganization are definite and certain.
 - b. The proposed annexation is compatible with the city's General Plan.
 - c. There is a demonstrated need for municipal services and controls and that the city has the capability of meeting this need.
 - d. There is a mutual social and economic interest between the residents of the city and the proposed annexation territory.


- e. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.
 - f. All urban services and infrastructure can be provided for by the city.
4. Find that the annexation does not contain any Williamson Act contract land.
 5. Find that the territory proposed for this reorganization is uninhabited.
 6. Approve the proposed reorganization, to be known as LAFCO Case Number 1568-D-64, City of Dinuba Annexation No. 2021-02 subject to the following conditions:
 - a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.
 - b. The applicant must update the map and legal to include the reorganization title and list the detachment from CSA #1 and KRCD prior to the recording of the Certificate of Completion.
 - 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.
 7. Waive the protest hearing for this proposal in accordance with GC §56663 and order the change of organization without an election *{if protests are not submitted by the close of the public hearing}* or Authorize the Executive Officer to conduct a protest hearing subsequent to these proceedings and to report to the Commission the results of that hearing for action in accordance with GC §§57000-57120 *{if protests are submitted by the close of the public hearing}*.
 8. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.


Figures:


- Figure 1 Site Location Map
- Figure 2 Aerial Map
- Figure 3 Tentative Subdivision Map
- Figure 4 Resolution


LAFCO Case 1568-D-64



 Site Location 1568-D-64

 Dinuba Sphere of Influence

 City of Dinuba

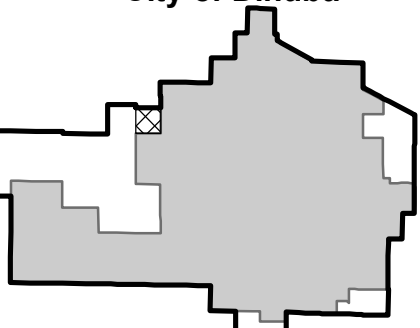
 Parcels

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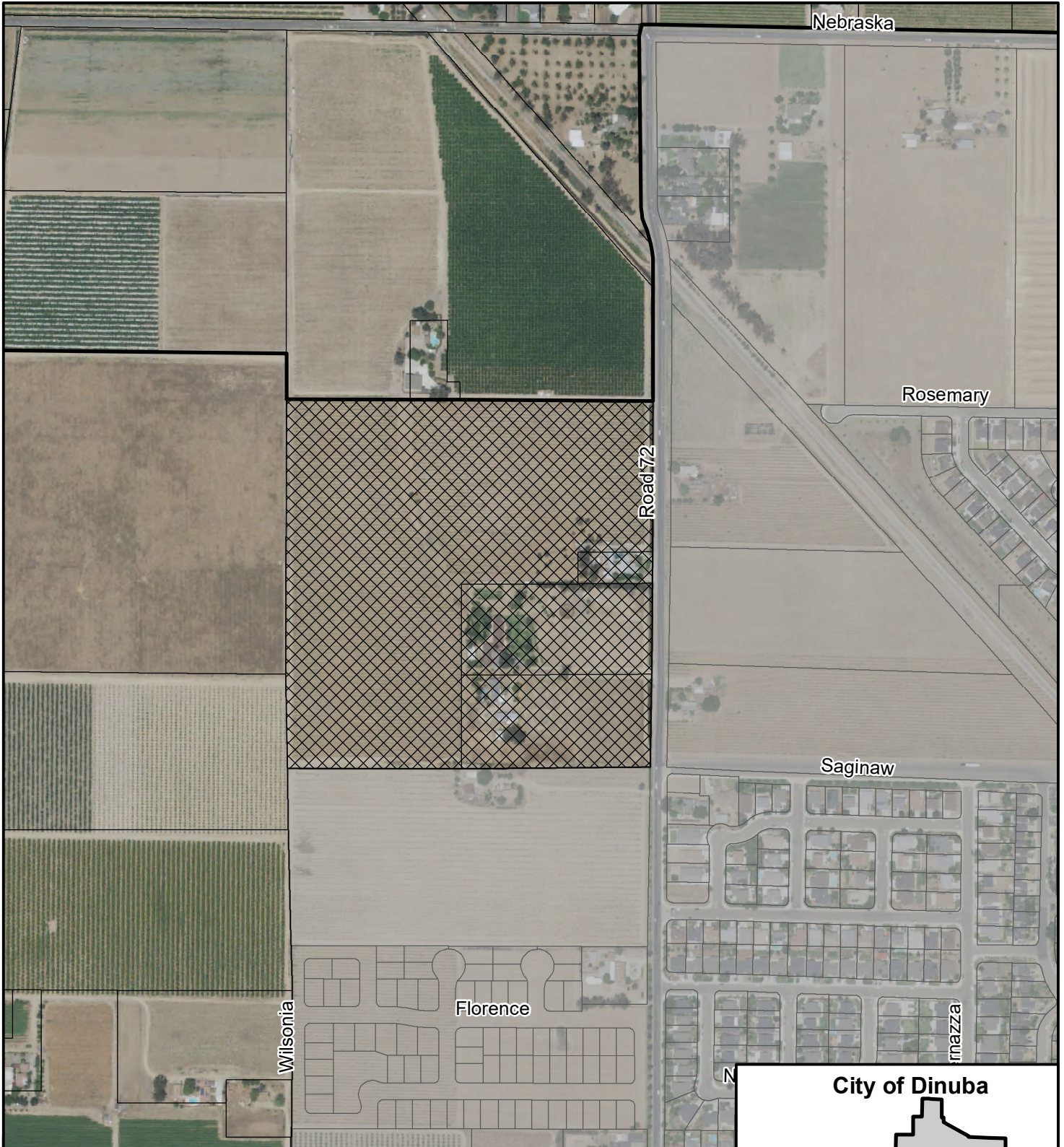
19
Boundaries as of 9/20/22





City of Dinuba

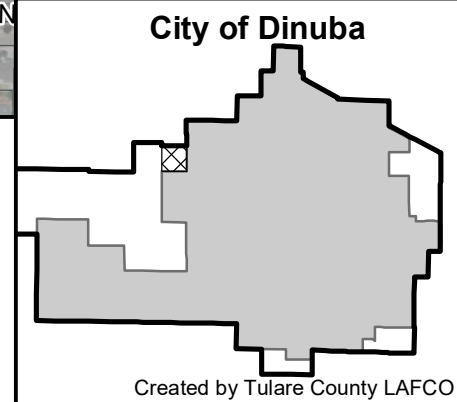
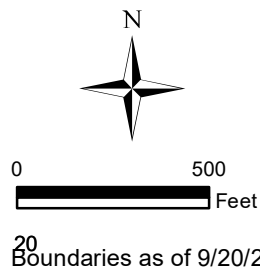


Created by Tulare County LAFCO

LAFCO Case 1568-D-64



-  Site Location 1568-D-64
-  Dinuba Sphere of Influence
-  City of Dinuba
-  Parcels



(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 Dinuba, as Lead Agency, filed a Mitigated Negative Declaration in compliance with the California Environmental Quality Act (CEQA). The Commission has reviewed and considered the Mitigated Negative Declaration prepared by the City of Dinuba for this project and determines that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation measures that have been made by or agreed to by the project proponent..

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

xxxxxxxx

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, and 100% landowner consent was not received.
- b. The subject territory is within the Sphere of Influence of the City of Dinuba.

- c. The proposed annexation does not contain any land subject to the Williamson Act.

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.

7. The Commission hereby waives the protest hearing for this proposal in accordance with GC §56663 and order the change of organization without an election *{if protests are not submitted by the close of the public hearing}* or Authorize the Executive Officer to conduct a protest hearing subsequent to these proceedings and to report to the Commission the results of that hearing for action in accordance with GC §§57000-57120 *{if protests are submitted by the close of the public hearing}*.

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 applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization.
- d. The applicant must provide an updated map and legal description sufficient for filing with the Board of Equalization prior to the recording of the reorganization.

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

LAFCO Case No. 1568-D-64, City of Dinuba Reorganization 2021-02 (Montebella)

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 Wynn, seconded by Commissioner Vander Poel, at a regular meeting held on this 2nd day of November, 2022, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- PRESENT:
- ABSENT:

Ben Giuliani, Executive Officer

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CALAFCO Daily Legislative Report as of Thursday, October 27, 2022

[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.

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: [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).

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: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was NAT. RES. on 6/20/2022)

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.

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

Current Text: Chaptered: 7/1/2022 [html](#) [pdf](#)

Introduced: 2/8/2022

Last Amended: 6/9/2022

Status: 7/1/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 89, Statutes of 2022.

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under existing 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.

Attachments:

[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: Chaptered: 7/1/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 7/1/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 94, Statutes of 2022.

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: Chaptered: 7/1/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 7/1/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 95, Statutes of 2022.

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: Chaptered: 7/1/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Status: 7/1/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 96, Statutes of 2022.

Summary:

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

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

Position: Support

Subject: LAFCo Administration

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

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

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

Introduced: 1/12/2022

Last Amended: 5/19/2022

Status: 8/12/2022-Failed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/2/2022)

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.

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: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was APPR. SUSPENSE FILE on 5/4/2022)

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.

[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: 7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. GOV. & F. on 6/8/2022)

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. 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. 7/5/2022: Bill failed deadline and is now DEAD.

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

Current Text: Chaptered: 9/23/2022 [html](#) [pdf](#)

Introduced: 2/14/2022

Last Amended: 5/12/2022

Status: 9/23/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 480, Statutes of 2022.

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.

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

Current Text: Chaptered: 9/13/2022 [html](#) [pdf](#)

Introduced: 2/17/2022

Last Amended: 8/8/2022

Status: 9/13/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 285, Statutes of 2022.

Summary:

Current law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda. 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.

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.

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

Current Text: Chaptered: 9/30/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Last Amended: 8/4/2022

Status: 9/30/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 971, Statutes of 2022.

Summary:

Current law, the California Public Records Act, requires state agencies and local agencies to make public records available for inspection, subject to specified criteria, and with specified exceptions. Current law, the Ralph M. Brown Act, requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. 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.

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

Current Text: Chaptered: 9/9/2022 [html](#) [pdf](#)

Introduced: 1/18/2022

Last Amended: 8/8/2022

Status: 9/9/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 266, Statutes of 2022.

Summary:

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

Attachments: [SB 852 Author Fact Sheet](#)

Position: Watch

Subject: Special District Principle Acts

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

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

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

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: Chaptered: 8/22/2022 [html](#) [pdf](#)

Introduced: 2/16/2022

Last Amended: 6/6/2022

Status: 8/22/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 171, Statutes of 2022.

Summary: 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 or their designee to remove, or cause the removal of, an individual for disrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning to the individual by the presiding member of the legislative body or their designee that the individual's behavior is disrupting the meeting and that the individual's failure to cease their behavior may result in their removal. The bill would authorize the presiding member or their designee to then remove the individual if the individual does not promptly cease their disruptive behavior. The bill would define "disrupting" for this purpose.

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.

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

Current Text: Vetoed: 9/28/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Last Amended: 4/19/2022

Status: 9/28/2022-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

Summary:

Current law requires the Office of Planning and Research to, among other things, accept and allocate or expend grants and gifts from any source, public or private, for the purpose of state planning and undertake other planning and coordinating activities, as specified, and encourage the formation and proper functioning of, and provide planning assistance to, city, county, district, and regional planning agencies. This bill would require the office 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 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.

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.)

[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: 8/12/2022-Failed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/16/2021)

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. 8/12/2022. Bill failed deadline and is now DEAD.

[AB 1757](#) ([Garcia, Cristina D](#)) California Global Warming Solutions Act of 2006: climate goal: natural and working lands.

Current Text: Chaptered: 9/16/2022 [html](#) [pdf](#)

Introduced: 2/2/2022

Last Amended: 8/28/2022

Status: 9/16/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 341, Statutes of 2022.

Summary:

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level no later than December 31, 2030. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. Current law requires, no later than July 1, 2023, the Natural Resources Agency, in coordination with the state board, the California Environmental Protection Agency, the Department of Food and Agriculture, and other relevant state agencies, to establish the Natural and Working Lands Climate Smart Strategy and, in developing the strategy, to create a framework to advance the state's climate goals. Current law requires the state board, as part of its scoping plan, to establish specified carbon dioxide removal targets for 2030 and beyond. This bill would require the Natural Resources Agency, in collaboration with specified entities including the state board and the expert advisory committee as specified, to determine on or before January 1, 2024, an ambitious range of targets for natural carbon sequestration, and for nature-based climate solutions, that reduce greenhouse gas emissions for 2030, 2038, and 2045 to support state goals to achieve carbon neutrality and foster climate adaptation and resilience. The bill would require these targets to be integrated into the above-described scoping plan and other state policies.

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)

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.

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

Current Text: Amended: 8/11/2022 [html](#) [pdf](#)

Introduced: 2/15/2022

Last Amended: 8/11/2022

Status: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was CONCURRENCE on 8/30/2022)

Summary:

Current law authorizes a groundwater sustainability agency to request of the county, and requires a county to consider, that the county forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the agency before permit approval. Current law also authorizes the State Water Resources Control Board to designate a high- or medium-priority basin as a probationary basin under certain conditions for specified purposes. This bill would instead require a county to forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the groundwater sustainability agency before permit approval. The bill 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.

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) California Disaster Assistance Act: climate change.

Current Text: Amended: 8/11/2022 [html](#) [pdf](#)

Introduced: 2/17/2022

Last Amended: 8/11/2022

Status: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was INACTIVE FILE on 8/30/2022)

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 natural and working lands, as described, 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: 7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was A. H. & C.D. on 5/24/2022)

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. This bill failed to make deadlines and is DEAD as of 7/5/2022.

[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.

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: Chaptered: 7/1/2022 [html](#) [pdf](#)

Introduced: 2/10/2022

Last Amended: 3/2/2022

Status: 7/1/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 90, Statutes of 2022.

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. Existing 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: Chaptered: 9/13/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Last Amended: 4/18/2022

Status: 9/13/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 309, Statutes of 2022.

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.

Position: Watch

Subject: Other

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

Current Text: Chaptered: 9/30/2022 [html](#) [pdf](#)

Introduced: 2/18/2022

Last Amended: 4/18/2022

Status: 9/30/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 997, Statutes of 2022.

Summary:

Existing law requires cities and counties to prepare, adopt, and amend general plans and elements of those plans, as specified. Existing law requires the general plan to include a housing element and an open-space element, which is also called an open-space plan. Existing law sets forth various deadlines for updates to the housing

element. This bill 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. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Other

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

Current Text: Chaptered: 9/19/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Last Amended: 6/20/2022

Status: 9/18/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 427, Statutes of 2022.

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.

Governor Newsom's veto message for SB 1449 (Caballero):

To the Members of the California State Senate: I am returning Senate Bill 1449 without my signature.

This bill would require the Office of Planning and Research to establish a grant program, upon appropriation of the Legislature, for the purpose of funding infrastructure projects related to the annexation of unincorporated areas matched on a dollar-for-dollar basis.

I commend the author for attempting to address the needs of residents living in unincorporated areas that lack city services and infrastructure. However, this bill seeks to remedy this issue by establishing a new grant program with significant cost pressures likely to be tens of millions of dollars annually that were not funded in the budget.

With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.

The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process. GOVERNOR GAVIN NEWSOM • SACRAMENTO, CA 95814 • (916) 445-2841 ~ For these reasons, I cannot sign this bill.

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2022 ANNUAL CONFERENCE

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CALIFORNIA

OCTOBER 19-21, 2022



Schedule At-a-Glance

WEDNESDAY - OCTOBER 19TH

7:00 a.m.	Registration Opens
7:30 a.m.	Mobile Workshop
10:00 a.m.	Building on the Basics of LAFCo
1:00 p.m.	Conference Opening
1:30 p.m.	General Session: Municipal Service Reviews: It's a Brand New Ballgame
3:00 p.m.	Refreshment Break with Sponsors
3:30 p.m.	General Session: How I Learned to Stop Worrying and Love Fire District Consolidations
5:30 p.m.	CALAFCO Reception Dinner on Your Own

THURSDAY - OCTOBER 20TH

7:00 a.m.	Continental Breakfast Buffet
8:00 a.m.	Regional Caucus Meetings and Elections
9:15 a.m.	CALAFCO Annual Business Meeting
9:15 a.m.	Attorney Roundtable
10:30 a.m.	Refreshment Break with Sponsors
10:45 a.m.	Regional Roundtables
12:00 p.m.	Luncheon Keynote
1:45 p.m.	BREAKOUT SESSIONS

1) Recruitment and Succession Planning: Preparing for Future LAFCo Leaders, TODAY

2) Dangerous Currents! Recognizing and Avoiding Conflicts of Interest

3:00 p.m. Refreshment Break

3:15 p.m. **BREAKOUT SESSIONS**

1) Grand Juries & LAFCo: Why Can't We Be Friends

2) The Definitive Session on Pensions: LAFCo's Two-fold Responsibility to Take Care of Its Own and Review Agencies

5:30 p.m. Pre-dinner Reception with Sponsors

6:15 p.m. Dinner and Awards

FRIDAY - OCTOBER 21ST

7:00 a.m.	Breakfast Buffet
7:30 a.m.	CALAFCO Board of Directors Meeting
9:00 a.m.	General Session: Over the Hill LAFCo Commission Hearing on the Proposal to Dissolve the Over the Hill Fire District
10:30 a.m.	Refreshment Break
10:45 a.m.	General Session: CALAFCO Legislative Update
12:00 p.m.	Conference Adjourns



WELCOME TO THE 2022 CALAFCO CONFERENCE!



Welcome from the Chair of the Board

On behalf of the CALAFCO Board of Directors, I want to welcome you to our Annual Conference in Newport Beach. This is a critical time in our state and the role of LAFCos has evolved into something more imperative than ever before. As we gather to discuss issues of importance to LAFCos, I encourage you to meet new people and take advantage of the resources available. Thank you for your leadership in shaping the future of California through local governance. I hope you enjoy the conference.

Anita Paque, Chair, Calaveras LAFCo
Chair, CALAFCO Board of Directors



Welcome from the Conference Chair

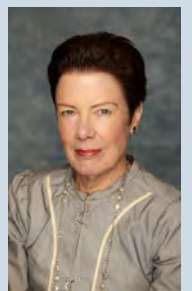
Welcome to the 2022 CALAFCO Annual Conference! The entire CALAFCO Conference Committee thanks you for making the time and commitment to attend, and for your engagement in the many sessions offered. The program is filled with topics essential to LAFCos and fabulous speakers and consultants who are experts in their fields. We hope that you leave with fresh ideas to tackle the many challenges we are facing, new resources, a more robust network, and a renewed desire to effect positive change in the communities we serve.

Gay Jones, Conference Chair, Sacramento LAFCo
Member, CALAFCO Board of Directors

Keynote Speaker: Billie C. Greer, Advocate & Community Leader

Billie has 30 years of experience as a public affairs advocate and community leader. She served as Director of Governor Arnold Schwarzenegger's Los Angeles regional office and a member of his senior staff from 2004 to 2010, and served on the Exposition Park & California Science Board under Schwarzenegger and Governor Jerry Brown.

Billie also served as President of the non-profit, non-partisan Southern California Leadership Council from 2011-2015, working closely with three former California governors – George Deukmejian, Pete Wilson and Gray Davis – and Southern California business and community leaders to address public policy issues critical to the region's economic vitality. Billie is a trustee of the Lowe Institute of Political Economy at Claremont-McKenna College.



WEDNESDAY, OCTOBER 19TH

7:00 a.m.

Registration Opens

7:30 a.m. – 12:00 p.m.

MOBILE WORKSHOP: It's a Shore Thing: Navigating Municipal Service Delivery Within Coastal Areas

Ahoy, mateys! Join us for a special nautical workshop that includes a two hour harbor cruise, and will highlight the history, features, and jurisdiction of the Harbor – as well as showcase several projects that involve multi-agency collaboration and processes. This is one not to miss!

10:00 a.m. – 12:00 p.m.

Building on the Basics of LAFCo (LAFCo 101) LOCATION: Newport Bay

Government Codes? Statutory Requirements? Legal Ramifications? If any of these have you scratching your head sometimes, fear not because this “LAFCo 101” session will not only give you an inside scope on becoming a LAFCo expert in these areas but will also be entertaining beyond belief. Don't take our word for it and check this session out – you won't be disappointed.

Panelists: SR Jones, Executive Officer, Nevada LAFCo, Joe Serrano, Executive Officer, Santa Cruz LAFCo, Paula C. P. de Sousa, Partner, Best Best & Krieger LLP's Special District Practice Group

2.0 AICP CM credits

1:00 p.m. – 1:30 p.m.

Conference Opening: Welcoming Remarks LOCATION: Pacific Ballroom

Welcome to the 2022 CALAFCO Annual Conference in Newport Beach!

1:30 p.m. – 3:00 p.m.

GENERAL SESSION: Municipal Service Reviews: It's a Brand New Ballgame

LOCATION: Pacific Ballroom

Frank (and perhaps provocative) discussion between Commissioners and Executive Officers about the ever-important role of Municipal Service Reviews, especially in light of SB 938.

Panelists: Gay Jones, Special District Member, Sacramento LAFCo, Derek J. McGregor, Public Member, Orange LAFCo, Bill Connelly, County Member, Butte LAFCo, Steve Lucas, Executive Officer, Butte LAFCo, Kai Luoma, Executive Officer, Ventura LAFCo, John Benoit, Executive Officer, Lake, Colusa, Calaveras, Modoc, and Yuba LAFCOs, Paula C. P. de Sousa, Partner, Best Best & Krieger LLP's Special District Practice Group

1.5 AICP CM credits

3:00 p.m. – 3:30 p.m.

Refreshment Break with Sponsors LOCATION: Monarch Pavilion

3:30 p.m. – 5:00 p.m.

GENERAL SESSION: How I Learned to Stop Worrying and Love Fire District Consolidations LOCATION: Pacific Ballroom

A discussion of the financial, political and cultural challenges in fire district consolidations.

Delve into real life, on the ground experiences with the pros and cons to achieve efficiencies for better fire service delivery. What are the factors that drive this service? Examining what is at your disposal. Explaining the “why” for merging, such as response capabilities and equipment resources. The goal is to give commissioners and staff a firm foundation for fire district consolidation discussions. LAFCo's can be the lead on informative talks to improve and enhance emergency response within their jurisdictions.

Panelists: Kris Berry, Executive Officer, Amador LAFCo, Gay Jones, Special District, Sacramento LAFCo, Walt W. White, Fire Chief, Amador Fire Protection District, Rick Martinez, Executive Director, California Fire Foundation

1.5 AICP CM credits

5:30 p.m. – 7:00 p.m.

CALAFCO Reception LOCATION: Monarch Pavilion

— Dinner on Your Own —



7:00 a.m. – 9:00 a.m.	Continental Breakfast Buffet LOCATION: Monarch Pavilion
8:00 a.m. – 9:00 a.m.	Regional Caucus Meetings and Elections CENTRAL REGION: Newport • COASTAL REGION: Crescent Bay • NORTHERN REGION: Emerald Bay • SOUTHERN REGION: Balboa
9:15 a.m. – 10:30 a.m.	CALAFCO Annual Business Meeting All members are invited to attend. LOCATION: Pacific Ballroom
9:15 a.m. – 10:30 a.m.	Attorney Roundtable LOCATION: Avalon Boardroom
10:30 a.m. – 10:45 a.m.	Refreshment Break with Sponsors LOCATION: Monarch Pavilion
10:45 a.m. – 11:45 a.m.	Regional Roundtables CENTRAL REGION: Newport • COASTAL REGION: Crescent Bay • NORTHERN REGION: Emerald Bay • SOUTHERN REGION: Balboa
12:00 p.m. – 1:30 p.m.	Luncheon Keynote LOCATION: Monarch Pavilion
1:45 p.m. – 3:00 p.m.	BREAKOUT SESSIONS

Recruitment and Succession Planning: Preparing for Future LAFCo Leaders, TODAY LOCATION: Crescent Bay

A LAFCo career is such a lucrative profession if you think about it – once you discover or stumble upon it, of course. In fact, most employees end their careers with LAFCo after 10, 20, 30+ years under their belts. But how do you replace someone with that much experience? How do you find the right candidate to pass the torch? This session goes over succession planning and how to gain/retain LAFCo talent.

Panelists: Brendon Freeman, Executive Officer, Napa LAFCo, Joe Serrano, Executive Officer, Santa Cruz LAFCo, Rich Seithel, Executive Officer, Solano LAFCo, Luis Tapia, Assistant Executive Officer, Orange LAFCo, Rachel Jones, Executive Officer, Alameda LAFCo

1.25 AICP CM credits

Dangerous Currents! Recognizing and Avoiding Conflicts of Interest LOCATION: Newport Bay

Have you ever been told that being a LAFCo Commissioner means taking off the hat of your home agency (city, district, community)? As a LAFCo Commissioner, have you ever questioned yourself or sought legal counsel's opinion on participating in the review of a project involving your home agency or community? Unclear on what independent judgement means? Well, this is the session for you! Being a LAFCo Commissioner is often not as clear-cut or easy as the words of the Cortese-Know-Hertzberg Act. Join us to learn more about potential conflicts of interest (COI), why having a COI policy is important, and hear about Commissioners' experiences in this area.

Panelists: Derek McGregor, Public Member, Orange LAFCo, Bill Kelly, President & CEO, Kelly Associates Management Group LLC (KAMG), John Withers, Partner, California Strategies, Scott Smith, Partner, Best Best & Krieger LLP

1.25 AICP CM credits

3:00 p.m. – 3:15 p.m. Refreshment Break LOCATION: Monarch Pavilion

3:15 p.m. – 5:00 p.m. BREAKOUT SESSIONS

Grand Juries & LAFCo: Why Can't We Be Friends LOCATION: Newport Bay

This session will provide an overview of the Grand Jury and will consider how and why the Grand Jury can prove helpful to LAFCos, and vice versa. You will get a unique perspective from a former Grand Jury Foreman, now LAFCo Commissioner. We will discuss working with Grand Juries, including responding to inquiries and recommendations from a Grand Jury. We will also cover how to respond when LAFCo is being investigated. You'll leave with a sense of the mission and structure of the Grand Jury and how its role fits into the broader picture of local government accountability.

Panelists: SR Jones, Executive Officer, Nevada LAFCo, Matthew Summers, Shareholder, Colantuono, Highsmith & Whatley, Luis Tapia, Assistant Executive Officer, Orange LAFCo, Gordon Mangel, Special District Member, Nevada LAFCo

1.75 AICP CM credits

The Definitive Session on Pensions: LAFCo's Two-fold Responsibility to Take Care of Its Own and Review Agencies

LOCATION: Crescent Bay

LAFCos have a two-fold responsibility regarding pensions and OPEBs. First, LAFCos are responsible for their own liabilities and payments. As a government agency, commissioners and staff need to understand the impacts of, and how to address, pension and OPEB liabilities. Second, as we perform service reviews, LAFCos should be reviewing pensions and OPEBs -- not just identifying liabilities, but also the benefits and consequences of funding or not funding its pension and OPEB obligations. In some cases, this financial liability leads to service insolvency. Importantly, a proper review of an agency's liabilities cannot occur if LAFCos do not understand their own pension and OPEB obligations.

Panelists: Isabel Safie, Partner, Employee Benefits Practice Group of Best Best & Krieger LLP., Jim Bagley, Chair, San Bernardino LAFCo, Samuel Martinez, Executive Officer, San Bernardino LAFCo, Michael Tuerpe, Sr. Analyst San Bernardino LAFCo

1.75 AICP CM credits

5:30 p.m. – 6:15 p.m. Pre-dinner Reception with Sponsors LOCATION: Monarch Pavilion

6:15 p.m. – 8:30 p.m. Dinner and Awards LOCATION: Pacific Ballroom

FRIDAY, OCTOBER 21ST

7:00 a.m. – 9:00 a.m.	Breakfast Buffet <i>LOCATION: Monarch Pavilion</i>
7:30 a.m. – 8:45 a.m.	CALAFCO Board of Directors Meeting <i>LOCATION: Newport Bay</i>
9:00 a.m. – 10:30 a.m.	GENERAL SESSION: Over the Hill LAFCo Commission Hearing on the Proposal to Dissolve the Over the Hill Fire District <i>LOCATION: Pacific Ballroom</i>

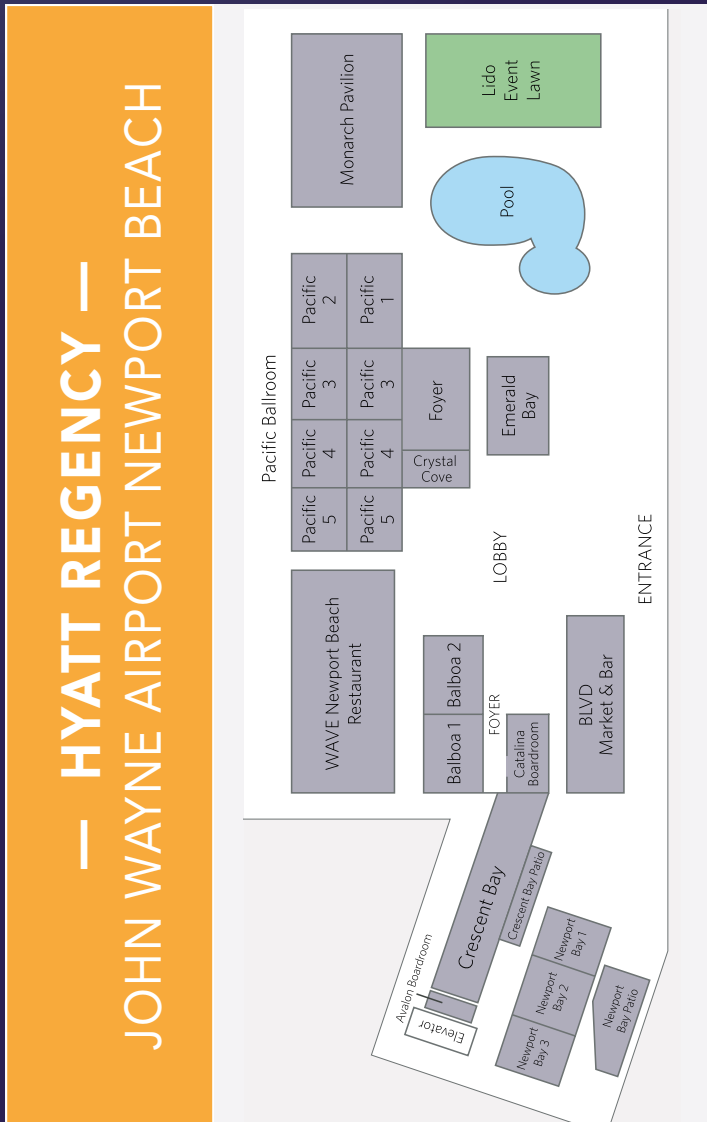
Join us for this “mock-commission hearing,” where we consider the not so simple dissolution of a rural fire district. The Commissioners and staff, as well as specific public instigators for this hearing are all experienced LAFCo people who will portray an actual local LAFCo hearing process. The intent is to evoke audience participation in the form of questions, comments on dos and “don’ts”, and constructive feedback on the hearing process.

Panelists: Jurg Heuberger, Executive Officer, Imperial LAFCo, Paula Graf, Sr. Analyst, Imperial LAFCo, Holly Whatley, Shareholder, Colantuono, Highsmith & Whatley, PC., Andy Vanderlaan, Public Member, San Diego LAFCo, Gary Thompson, Executive Officer, Riverside LAFCo, Derek McGregor, Public Member, Orange LAFCo, Priscilla Mumpower, Local Government Analyst II, San Diego LAFCo, Carolyn Emery, Executive Officer, Orange LAFCo

10:30 a.m. – 10:45 a.m.	Refreshment Break with Sponsors <i>LOCATION: Monarch Pavilion</i>
10:45 a.m. – 12:00 p.m.	GENERAL SESSION: CALAFCO Legislative Update <i>LOCATION: Pacific Ballroom</i>
12:00 p.m.	Conference Adjourns



ROTATE PAGE TO VIEW MAP



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