



# TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

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

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

## LAFCO MEETING AGENDA

**May 5, 2021 @ 2:00 P.M.**

ALTERNATES  
Eddie Valero  
Fred Sheriff  
Steve Harrell

EXECUTIVE OFFICER  
Ben Giuliani

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

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

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

BOARD OF SUPERVISORS CHAMBERS | COUNTY ADMINISTRATIVE BUILDING  
2800 West Burrell Avenue  
Visalia, CA 93291

### **I. Call to Order**

### **II. Approval of Minutes from April 7, 2021**

**(Pages 01-02)**

### **III. Public Comment Period**

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

### **IV. New Action Items**

1. Annexation to the City of Visalia and Detachment from County Service Area #1, Case 1558-V-455 **(Pages 03-18)**  
[Public Hearing] .....Recommended Action: Approval

The City of Visalia has submitted a request for an annexation to the City of Visalia and detachment from County Service Area #1 for approximately 38.5 acres of land located approximately 200 feet east of the southeast corner of the intersection of Mooney Boulevard and Visalia Parkway.

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

2. 2021/2022 Final Budget and Work Program **(Pages 19-36)**  
[Public Hearing].....Recommended Action: Approval

Pursuant to GC 56381, the Commission must adopt a final budget and work program, for the following fiscal year, by June 15. At the April 7, 2021 meeting, the Commission decided to apply 80,000 to offset the contribution from the County's eight cities and Tulare County. All expenditures and revenues are itemized on a single spreadsheet and the work program provides further detail on how these expenditures and revenues will be allotted during the fiscal year.

3. Support Letter for AB 1581 **(Pages 37-40)**  
[No Public Hearing] ..... Recommended Action: Approval

CALAFCO has requested that individual LAFCOs provide support letters for the annual Committee on Local Government Omnibus Bill. This bill contains technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

4. Cancellation of the June 2, 2021 meeting **(No Page)**  
[No Public Hearing] ..... Recommended Action: Cancel Meeting

There are no action items scheduled for the June 2, 2021 meeting. If the Commission elects to cancel the June 2, 2021 meeting, the next regularly scheduled meeting is July 7, 2021.

## **V. Executive Officer's Report**

1. Legislative Update **(Pages 41-55)**  
Enclosed is the CALAFCO legislative report.
2. Upcoming Projects **(No Page)**  
The Executive Officer will provide a summary and tentative schedule of upcoming LAFCO projects.

## **VI. Correspondence**

1. None

## **VII. Other Business**

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

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

1. June 2, 2021 or July 7, 2021 @ 2:00 P.M in the Board of Supervisors Chambers in the County Administration Building.

## **IX. Adjournment**

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

**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION**

**2800 W. Burrel Ave., Visalia, CA 93291 – Tulare County Administrative Building  
April 07, 2021 – Meeting Minutes**

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

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- I. **Call to Order:** Chair Allen called the meeting to order at 2:00 p.m.
- II. **Approval of the March 3, 2021 Meeting Minutes:**  
Upon motion by Commissioner Vander Poel and seconded by Commissioner Townsend, the Commission unanimously approved the LAFCO minutes.
- III. **Public Comment Period:**  
Chair Allen opened/closed the Public Comment Period at 2:05 p.m. No public comments received.
- IV. **New Action Items:**
  1. **Annexation to the City of Dinuba and Detachment from Kings River Conservation District and from County Service Area #1, Case 1555-D-62**  
Staff Analyst Ingoldsby presented the proposed annexation of approximately 7 acres to the City of Dinuba. Staff Analyst Ingoldsby stated that the annexation area is intended to facilitate commercial and economic development along the corridor as strategized in the City of Dinuba's East El Monte Economic Vitality and Community Sustainability Plan.  
Chair Allen opened the Public Hearing at 2:10 p.m.  
Karl Schoettler, Planning Consultant with the City of Dinuba spoke in support of the project.  
Chair Allen closed the Public Hearing at 2:13 p.m.  
  
Upon motion by Commissioner Townsend and seconded by Commissioner Vander Poel, the Commission unanimously approved the annexation to the City of Dinuba and the Detachments as presented.
  2. **Detachment from Porterville Irrigation District (PID), Case 1556**  
Staff Analyst Ingoldsby stated that this would be a single parcel (approximately 15 acres) detachment from the PID that was applied for by the property owner, Cristobal Chavez. The detachment is intended to eliminate assessments that the property owner pays to Porterville Irrigation District.  
Chair Allen opened the Public Hearing at 2:18 p.m.  
Michael Claiborne, Attorney with the Leadership Counsel for Justice and Accountability spoke in favor of the detachment.  
Cristobal Chavez, the property owner spoke in favor of the detachment.  
Brett Stroud, with the Porterville Irrigation District stated that the PID does not oppose the detachment.  
Chair Allen closed the Public Hearing at 2:22 p.m.

Upon motion by Commissioner Townsend and seconded by Commissioner Vander Poel, the Commission unanimously approved the detachment from the PID as presented.

3. **Annexation to the City of Visalia and Detachment from County Service Area #1, Case 1557-V-454**

Staff Analyst Ingoldsby presented the proposed annexation of approximately 20 acres, near the intersection of Akers St. and Sedona Ave., to the City of Visalia. The annexation area is intended to facilitate a 63-lot single family residential subdivision and is within the Visalia sphere of influence.

Chair Allen opened the Public Hearing at 2:27 p.m.

Paul Bernal, with City of Visalia spoke in support of the project.

Chair Allen closed the Public Hearing at 2:31 p.m.

Upon motion by Commissioner Vander Poel and seconded by Commissioner Townsend, the Commission unanimously approved the annexation to the City of Visalia as presented.

4. **2021/2022 Preliminary Budget and Work Program**

Staff Analyst Ingoldsby provided a detailed overview of the proposed budget and work program. After discussion the Commission decided to use \$80,000 in reserve funding to offset City/County contributions in the coming 2021/2022 fiscal year.

Chair Allen opened/closed the public hearing at 2:39 p.m. No public comments were received.

Upon motion by Commissioner Townsend and seconded by Commissioner Vander Poel, the Commission unanimously approved the proposed preliminary budget with the carryover of \$80,000 in reserve funding.

V. **Executive Officer's Report**

1. **Legislative Update:**

EO Giuliani reviewed the legislative report and highlighted AB 1295, and AB 55 both pertaining to development in fire hazard areas. EO Giuliani shared details on SB 403 that would expand authority to the State Water Resources Control Board and stated that currently CALAFCO opposes the bill as currently written.

2. **Upcoming Projects:**

EO Giuliani stated the for the May LAFCO meeting would be presenting a commercial annexation for the City Visalia near South Mooney and Visalia Parkway.

VI. **Correspondence:**

1. None

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 **May 5, 2021 at 2:00 p.m.** in the Board of Supervisors Chambers in the County Administration Building

IX. **Adjournment:** The Tulare County LAFCO meeting adjourned at 2:49 p.m.

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

*May 5, 2021*

**LAFCO Case Number 1558-V-455  
City of Visalia Annexation 2020-02 (TMT Annexation)**

**PROPOSAL:** Annexation to the City of Visalia and detachment from CSA #1.

**PROPONENT:** The City of Visalia by resolution of its City Council.

**SIZE:** Approximately 38.5 acres

**LOCATION:** Approximately 200 feet east of the southeast corner of the intersection of Mooney Boulevard and Visalia Parkway. **(Figure 1)**

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

**SUMMARY:** The annexation area is intended to facilitate commercial development of the site. The proposed development would include an Aldi supermarket, six drive-thru restaurants, two gas station/convenience stores, a car wash facility, two sit-down restaurants and 23 retail pads. A tentative parcel map (No. 2020-08) has been filed by the applicant.

**APNs:** There is one parcel within the subject area, 126-080-025.

**GENERAL ANALYSIS**

**1. Land Use:**

*A. Site Information*

	<b>Existing (County)</b>	<b>Proposed (City)</b>
<b>Zoning Designation</b>	AE-20	C-R, Regional Commercial
<b>General Plan Designation</b>	Commercial Regional	Commercial Regional
<b>Uses</b>	Agriculture, wheat and corn	Commercial shopping center

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

	<b>Zoning Designation</b>	<b>General Plan Designation</b>	<b>Existing Use</b>
<b>North</b>	C-R (Regional Commercial, R-M-2 (MF Res), R-1-5 (SF Res)	Regional Commercial, Residential High Density, Residential Low Density	Commercial shopping centers, Residential subdivision, Vacant land
<b>South</b>	C-R, AE-20	Regional Commercial, Residential Low Density	Agriculture, Single Family Residential
<b>East</b>	AE-20	Residential Low Density	Agriculture, Single Family Residential
<b>West</b>	C-R, C-N, R-1-5	Regional Commercial, Neighborhood Commercial, Residential Low Density	Commercial, Mobile home park, Vacant land

*C. Topography, Natural Features and Drainage*

The site is generally flat with no major natural features.

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

The site is within the City's Sphere of Influence and inside the City's Tier 1 Urban Development Boundary. The proposal area is part of a larger 99.27 acre parcel which lies in Tier 1 and Tier II of the City's Urban Development Boundary. The Tier 2 portion of the parcel lies outside of the proposal area.

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

The parcels within the site are not under a Williamson Act or Farmland Security Zone contract. The site is in active agriculture production and regularly planted for wheat and corn.

**3. Population:**

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

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

**Agency providing service**

Service	Now	After	Method of finance
Police Protection	Tulare County Sheriff	City of Visalia	General Fund
Fire Protection	City of Visalia (contract with County)	City of Visalia	General Fund

Water Supply	Private wells	Cal Water	User Financed
Sewage Disposal	None	City of Visalia	Impact / User Fee
Street Lighting	None	City of Visalia	General Fund
Street Maintenance	Tulare County	City of Visalia	General Fund
Planning/Zoning	Tulare County	City of Visalia	General Fund
Garbage Disposal	None	City of Visalia	Impact / User Fee

Cal-Water has provided a will-serve letter (**Figure 3**). The City can provide all other urban services and infrastructure for development such as sewer service, fire, police, street lighting, etc., as well as planning and building services. According to the City, it has more than adequate wastewater treatment capacity. The City's wastewater treatment plant has a capacity of 22 million gallons per day (mgd). Current estimated average daily flow is about 13 mgd. Other undeveloped areas within the city limits add the potential for .0.5 to 1.0 mgd. The annexation would add an estimated 0.0385 mgd.

The City currently maintains Visalia Parkway which provides access to the annexation area. The annexation would allow Visalia Parkway to be fully developed and maintained by the City.

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

The boundaries of the proposal area are definite and certain and conform with lines of ownership but do not presently conform to the lines of assessment. The proposed boundary would bisect a parcel. A tentative parcel map (No. 2020-08) has been filed by the applicant which when completed would resolve this issue. Following annexation, the city will complete the parcel map process for the subject parcel, aligning the parcel boundary with the city limit boundary. A map sufficient for filing with the State Board of Equalization has not been received. Staff is working with the applicant to finalize the map and legal description.

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

The 2020/21 tax rate for the area is 1.104774. 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 \$2,350,000 but this is for the entire 94-acre parcel. Only 38.5 acres of APN 126-080-025 are proposed for annexation:

#### **7. Environmental Impacts:**

The City of Visalia 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, determined that the proposal has no new effects that could occur, or new mitigation measures would be required in association with the current project that have not yet been addressed within the scope of the Program Environmental Impact Report (SCH No. 2010041078) that was prepared for the

City's General Plan Update and Climate Action Plan. A copy of the document is included in the application materials.

**8. Landowner Consent:**

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

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

Pursuant to GC §56668 (I), LAFCO shall consider the extent to which the proposal will assist the receiving city and the County in achieving its fair share of regional housing needs as determined by the appropriate council of governments. The proposal would have no effect on the City of Visalia meeting its fair share of regional housing.

**10. Discussion:**

*Government Services*

The annexation area is intended to facilitate commercial development of the site. The proposed development would include an Aldi supermarket, six drive-thru restaurants, two gas station/convenience stores, a car wash facility, two sit-down restaurants and 23 retail pads.

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

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

**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 initial study and Program Environmental Impact Report affiliated with the City of Visalia General Plan Update and Climate Action Plan (SCH No. 2010041078) prepared by the City of Visalia for this project and determine that no new effects could occur, or

new mitigation measures would be required in association with the current project that have not been addressed within the scope of the Program EIR.

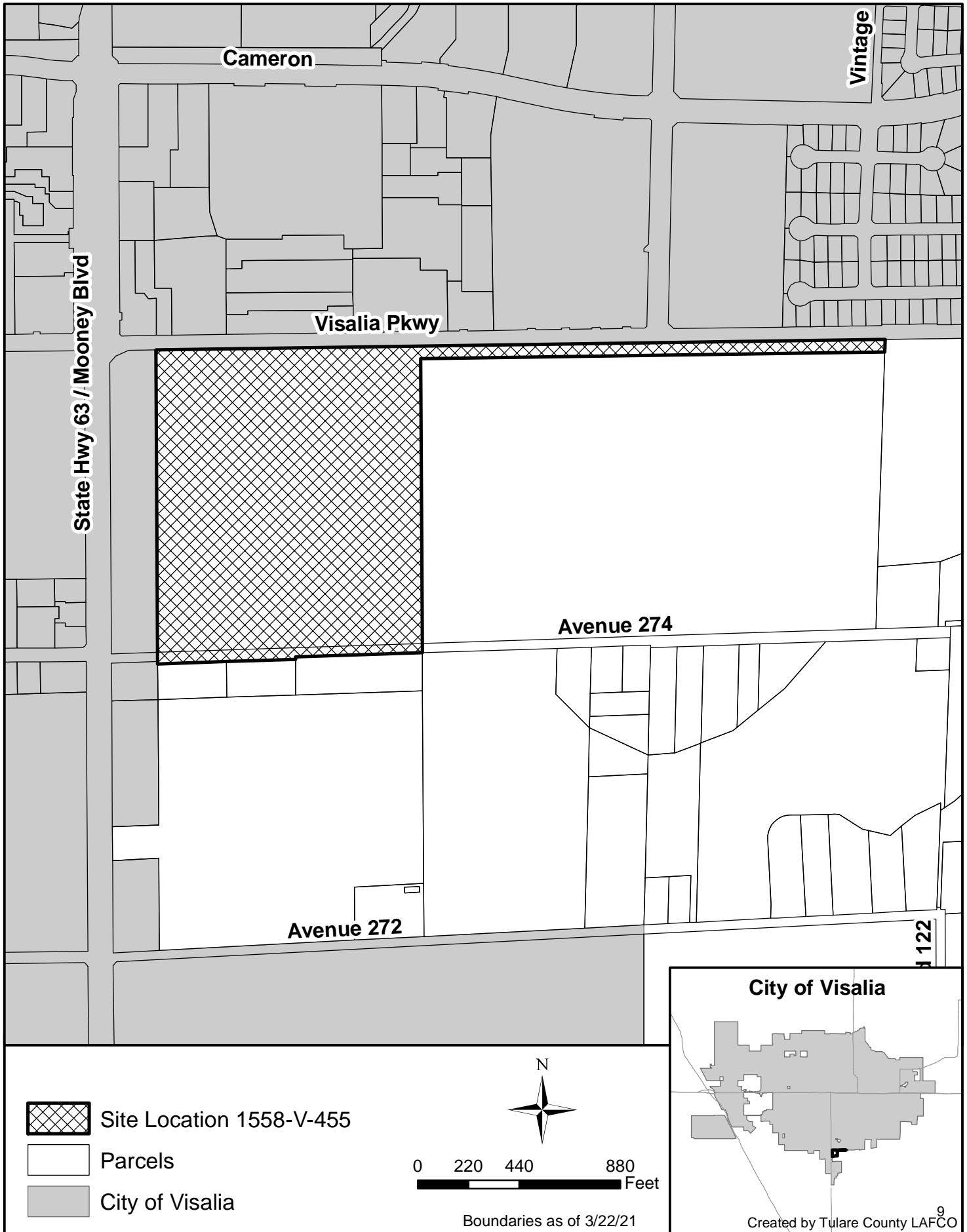
2. Find that the proposed reorganization of the City of Visalia complies with the policies and priorities of the Cortese-Knox-Hertzberg Act, Section 56377.
3. Pursuant to LAFCO Policy and Procedure Section C-1, find that:
  - a. The boundaries of the proposed reorganization are definite and certain.
  - 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 1558-V-455, City of Visalia Annexation 2020-02 (TMT Annexation) subject to the following conditions:
  - a. No change be made to land use designations or zoning for a period of two years after the completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the designation or zoning.
  - b. The City will complete the parcel map and provide an updated map to be submitted to the Board of Equalization
  - c. The Certificate of Completion shall not be recorded until corrections are made to the map and legal description which make it sufficient for filing with the Board of Equalization
  - d. 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 subsection (c) of Government Code §56663 and order the reorganization without an election or if written protests are received prior to the conclusion of the public hearing, conduct the protest hearing pursuant to GC §57000.
8. Authorize the Executive Officer to sign and file a Notice of Determination with the Tulare County Clerk.

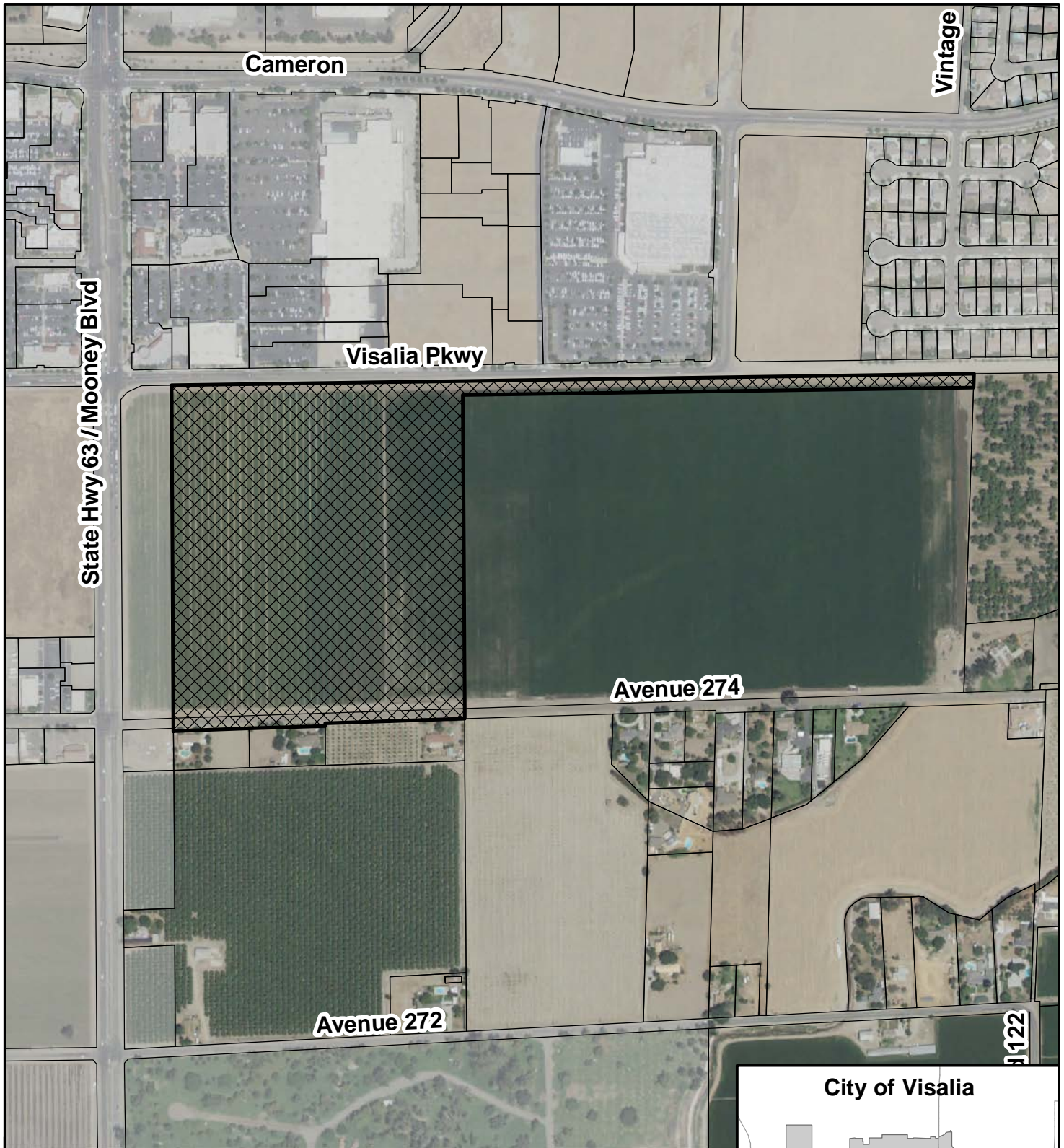
**Figures:**

- |          |                             |
|----------|-----------------------------|
| Figure 1 | Site Location Map           |
| Figure 2 | Aerial                      |
| Figure 3 | Cal Water Will Serve Letter |
| Figure 4 | Tentative Parcel Map        |
| Figure 5 | Resolution                  |

# LAFCO Case 1558-V-455



# LAFCO Case 1558-V-455



Site Location 1558-V-455



Parcels



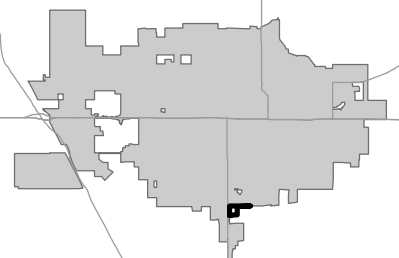
City of Visalia



0 220 440 880 Feet

Boundaries as of 3/22/21

City of Visalia



Created by Tulare County LAFCO 10



## CALIFORNIA WATER SERVICE

**Visalia District** 216 North Valley Oaks Drive  
Visalia, CA 93292 **Tel:** (559) 624-1600

December 3, 2020

Cristobal Carrillo, Associate Planner  
City of Visalia  
Community Development Department  
315 E Acequia Ave  
Visalia, CA 93291

### Will Serve Letter

**Annexation No:** 2020-02

**Developer:** Tulare County Local Agency Formation Commission

Dear Mr. Carrillo:

As a regulated utility, California Water Service Company Visalia district ("Cal Water") has an obligation to provide water service in accordance with the rules and regulations of the California Public Utility Commission (CPUC). Assuming you receive all required permits from City of Visalia, Cal Water will provide water service to the above referenced project. Cal Water agrees to operate the water system and provide service in accordance with the rules and regulations of the California Public Utilities Commission (CPUC) and the company's approved tariffs on file with the CPUC. This will serve letter shall remain valid for **two years** from the date of this letter. If construction of the project has not commenced within this **two year** time frame, Cal Water will be under no further obligation to serve the project unless the developer receives an updated letter from Cal Water reconfirming our commitment to serve the above mentioned project. Additionally, Cal Water reserves the right to rescind this letter at any time in the event its water supply is severely reduced by legislative, regulatory or environmental actions.

Cal Water will provide such potable<sup>1</sup> water at such pressure as may be available from time to time as a result of its normal operations per the company's tariffs on file with the CPUC. Installation of facilities through developer funding shall be made in accordance with the current rules and regulations of the CPUC including, among others, Tariff Rules 15 and 16 and General Order 103-A. In order for us to provide adequate water for domestic use as well as fire service protection, it may be necessary for the developer to fund the cost of special facilities, such as, but not limited to, booster pumps, storage tanks and/or water wells,<sup>2</sup> in addition to the cost of mains and services. Cal Water will provide more specific information regarding special facilities and fees after you provide us with your improvement plans, fire department requirements, and engineering fees for this project.

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<sup>1</sup> This portion of the letter to be modified accordingly in the event the development for which this letter is being generated is to be served with potable and non potable water.

<sup>2</sup> For the districts that collect facility fees on a per lot basis, delete the reference to wells as a special facility here and add in the following sentence, "Developer will also be required to contribute towards Cal Water's water supply by paying facilities fees on a per lot basis as described in Rule 15"



## CALIFORNIA WATER SERVICE

This letter shall at all times be subject to such changes or modifications by the CPUC as said Commission may, from time to time, require in the exercise of its jurisdiction.

If you have any questions regarding the above, please call me at (559) 624-1600.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen Johnson", is written over a light blue circular background.

Stephen Johnson  
Interim District Manager

cc: Rashmi Kashyap— Cal Water Engineering Dept.  
File

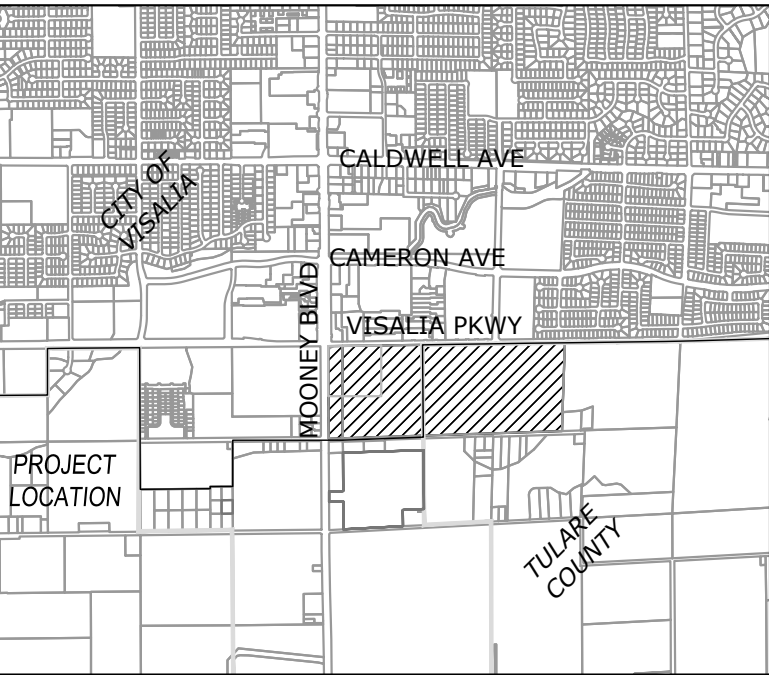
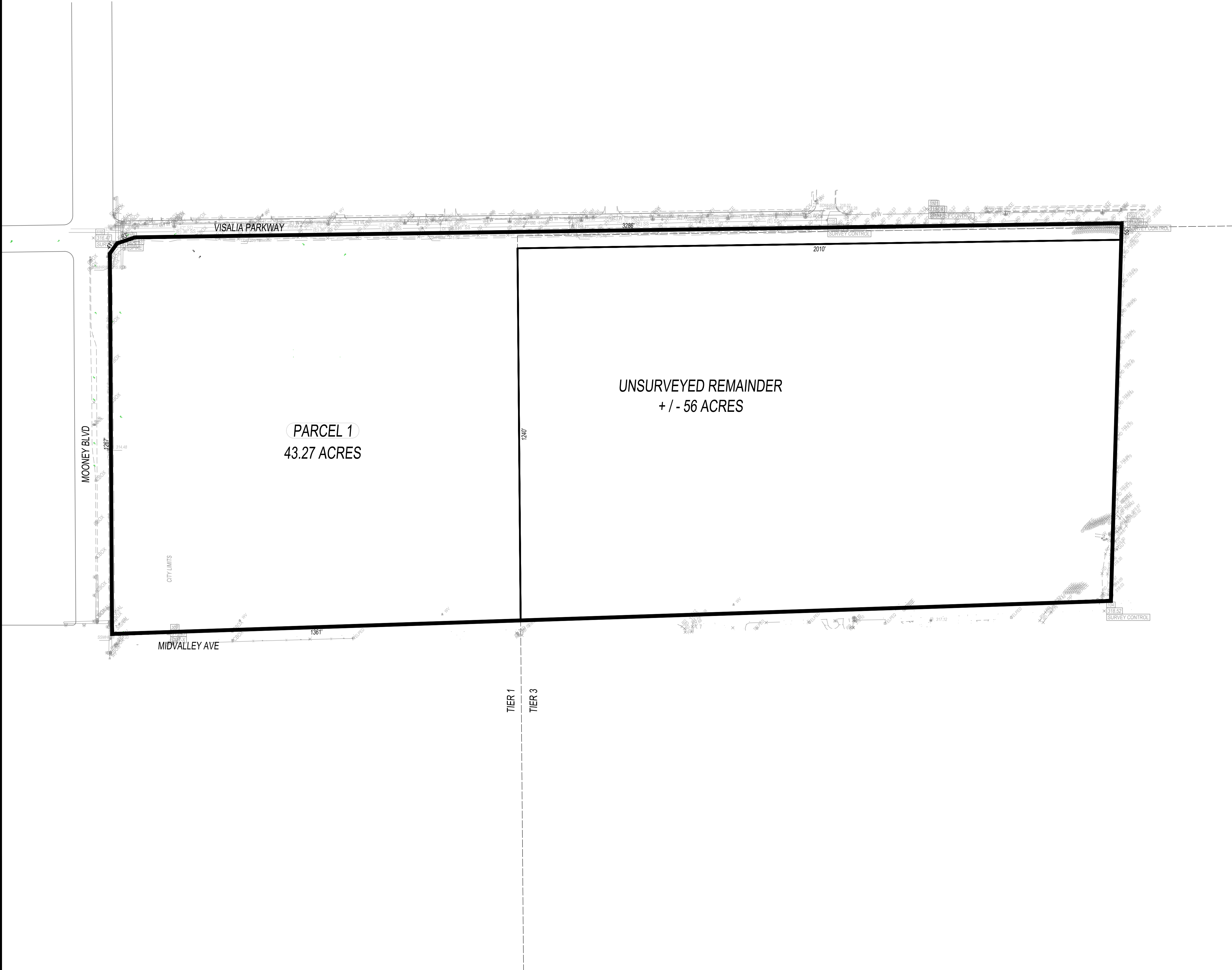


VISALIA PARKWAY &  
MOONEY BLVD  
TENTATIVE PARCEL MAP

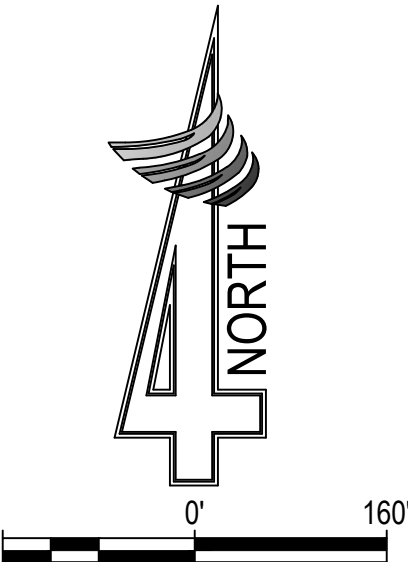
A PORTION OF LOT 2 OF SHANNON RANCH CENTRAL SUBDIVISION, RECORDED IN VOL. 40  
OF MAPS, AT PAGE 99, TCR, LOCATED IN THE SE 1/4 OF SECTION 13, TOWNSHIP 18  
SOUTH, 24 EAST, MDB&M, IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF  
CALIFORNIA

SITE DATA:

APN:	126-080-025, 056
PARCEL 1 (TO BE ANNEXED):	43.27 AC
UNSURVEYED REMAINDER:	+/- 56 AC
ZONING (EXISTING):	COUNTY
ZONING (PROPOSED):	C-R REGIONAL COMMERCIAL
GENERAL PLAN (EXISTING):	REGIONAL COMMERCIAL
GENERAL PLAN (PROPOSED):	REGIONAL COMMERCIAL



VICINITY MAP



PREPARED BY:

  
**4CREEKS**

324 S. SANTA FE ST., STE. A  
P.O. BOX 7593  
VISALIA, CA 93292  
TEL: 559.802.3052  
FAX: 559.802.3215

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

In the Matter of the Proposed Annexation        )  
to the City of Visalia and Detachment from        )  
CSA #1. LAFCO Case 1558-V-455,                        )  
City of Visalia Annexation 2020-02                        )  
(TMT Annexation)    )

**RESOLUTION NO. 21-XXX**

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

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

**WHEREAS**, on May 5, 2021 this Commission heard, received, and considered testimony, comments, recommendations and reports from all persons present and desiring to be heard concerning this matter.

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

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

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

2. The City of Visalia, as Lead Agency, prepared an initial study and a Program Environment Impact Report affiliated with the City of Visalia General Plan Update and Climate Action Plan (SCH No. 2010041078) in compliance with the California Environmental Quality Act (CEQA). And finds that the Commission has reviewed and considered the initial study prepared for this project and the Program Environmental Impact Report (SCH No. 2010041078) prepared by the City of Visalia and determine that no new effects could occur, or new mitigation measures would be required in association with the current project that have not been addressed within the scope of the Program EIR.

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

XXXXXXX  
XXXXXXX

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

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

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

- b. The subject territory is within the Sphere of Influence of the City of Visalia.
- c. The proposed reorganization does not contain any Williamson Act contract land.

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 proceedings in accordance with GC §56663 and orders the annexation without an election.

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

- a. No change shall be made to land-use designations or zoning for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing that a substantial change has occurred in circumstance that necessitate a departure from the designation or zoning.
- b. The City will complete the parcel map and provide an updated map to be submitted to the Board of Equalization

- c. The Certificate of Completion shall not be recorded until corrections are made to the map and legal description which make it sufficient for filing with the Board of Equalization.
- d. The applicant must provide the required filing fee for the Statement of Boundary Change that is to be submitted to the Board of Equalization

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

LAFCO Case No. 1558-V-455, City of Visalia Annexation 2020-02 (TMT Annexation)

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

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

The foregoing resolution was adopted upon motion of Commissioner\_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, at a regular meeting held on this 5th day of May, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

---

Ben Giuliani, Executive Officer

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**TULARE COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

210 N. Church St., Suite B, Visalia, CA 93291 Phone: (559) 623-0450 FAX: (559) 737-4246

**COMMISSIONERS:**Julie Allen, Chair  
Rudy Mendoza, V-Chair  
Pete Vander Poel  
Dennis Townsend  
Phil Cox**ALTERNATES:**Eddie Valero  
Fred Sheriff  
Steve Harrell**EXECUTIVE OFFICER:**

Ben Giuliani

May 5, 2021

TO: LAFCO Commissioners, Alternates, Counsel,  
FROM: Steven Ingoldsby, Staff Analyst  
SUBJECT: FY 2021/22 Final Budget and Work Program

Enclosed for your review are the Fiscal Year 2021/22 Final Budget and Work Program. LAFCO is required to adopt its final budget by June 15<sup>th</sup> of each year. At the April 7<sup>th</sup> meeting, LAFCO elected to use \$80,000 of reserve funds to help offset city and county contributions to the budget. Besides the \$80,000 offset, all other budget allocations are the same from the preliminary budget and work program to the final budget and work program. Listed below are the contributions amounts for FY 2021/22.

<i>Using \$80,000 offset</i>	POPULATION (DOF 1/1/2020)	PERCENT OF POPULATION	PROPOSED 21/22 CONTRIBUTION
CITY OF DINUBA	25,994	5.42%	\$9,700
CITY OF EXETER	11,030	2.30%	\$4,116
CITY OF FAMERSVILLE	11,339	2.37%	\$4,254
CITY OF LINDSAY	13,154	2.74%	\$4,909
CITY OF PORTERVILLE	59,655	12.43%	\$22,262
CITY OF TULARE	67,834	14.13%	\$25,314
CITY OF VISALIA	138,649	28.89%	\$51,741
CITY OF WOODLAKE	7,773	1.62%	\$2,901
COUNTY OF TULARE	144,489	30.10%	\$53,920

TOTAL 479,977 100.00% \$179,118 (+\$200 billing fee to  
County Auditor)

AttachmentsFY 2021/2022 Work Program  
FY 2021/2022 Final Budget (Org 794)  
Resolution

**TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION**  
**BUDGET ORG 794**

	<b>Object No.</b>	<b>Adopted Budget FY20/21</b>	<b>As of 4/27/2021</b>	<b>Projected Expenses FY 20/21</b>	<b>Proposed Budget FY 21/22</b>
<b>EXPENDITURES</b>					
<b>Services and Supplies</b>					
Board Director's Fees	6008	\$1,000	\$0	\$1,000	\$1,000
Memberships	7027	\$7,732	\$7,732	\$7,732	\$7,704
Office Expenses	7036	\$800	\$272	\$514	\$816
Professional and Specialized	7043	\$200	\$200	\$200	\$200
Publication - Public Hearing Notices	7059	\$1,750	\$1,609	\$1,609	\$1,785
Training	7073	\$3,355	\$0	\$0	\$3,355
Transportation and Travel	7074	\$5,865	\$0	\$0	\$5,865
<b>Total Services and Supplies</b>		<b>\$20,702</b>	<b>\$9,813</b>	<b>\$11,055</b>	<b>\$20,725</b>
<b>Other Charges</b>					
I/F Workers Compensation	7043	\$0	\$0	\$0	\$0
I/F Expenses - Property	7043	\$0	\$0	\$0	\$0
I/F Expenses - Special Liability Insurance	7043	\$2,614	\$2,461	\$2,461	\$2,819
I/F ADP Payroll	7036	\$228	\$158	\$271	\$271
Rent	7036	\$12,871	\$11,782	\$12,871	\$13,257
Alarm Services	7036	\$100	\$21	\$21	\$100
Telecom	7036	\$1,000	\$829	\$950	\$1,000
Utilities	7036	\$1,850	\$1,530	\$1,954	\$1,950
Custodial Services	7043	\$800	\$257	\$513	\$800
Printing	7036	\$250	\$77	\$88	\$250
Mail	7036	\$900	\$118	\$163	\$900
<b>Total Other Charges</b>		<b>\$20,613</b>	<b>\$17,232</b>	<b>\$19,292</b>	<b>\$21,347</b>
<b>Agency Charges</b>					
County Counsel Charges	7043	\$4,000	\$1,007	\$1,200	\$4,000
Services from Other Dpts.	7066	\$8,514	\$3,659	\$7,306	\$8,684
COWCAP Charges	7066	\$10,000	\$29,757	\$29,757	\$10,000
GIS Services	7043	\$0	\$0	\$0	\$6,000
Salaries	7066	\$190,062	\$55,383	\$125,000	\$199,566
<b>Total Agency Charges</b>		<b>\$212,576</b>	<b>\$89,807</b>	<b>\$163,263</b>	<b>\$228,250</b>
<b>Contingencies</b>					
	7432	\$25,389	\$0	\$0	\$27,032
<b>TOTAL EXPENDITURES</b>					
		<b>\$279,280</b>	<b>\$116,852</b>	<b>\$193,610</b>	<b>\$297,354</b>
<b>REVENUES</b>					
Other - Government Agency Contributions	5801	\$181,244	\$181,244	\$181,244	\$179,118
Planning and Engineering Services	5421	\$38,236	\$19,897	\$26,849	\$38,236
Prior Year Revenue Accruals Adjustment	5999				
<b>TOTAL REVENUES</b>		<b>\$219,480</b>	<b>\$201,141</b>	<b>\$208,093</b>	<b>\$217,354</b>
<b>NET COST</b>					
		<b>\$60,000</b>	<b>-\$84,289</b>	<b>-\$14,484</b>	<b>\$80,000</b>

# 2021/22 LAFCO WORK PROGRAM

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Prepared by: Steven Ingoldsby  
Tulare County LAFCO  
210 N. Church St., Suite B  
Visalia, CA 93277  
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## **Introduction**

### **Overview of LAFCO**

The Tulare County Local Agency Formation Commission (LAFCO) is responsible for coordinating logical and timely changes in local government boundaries, for conducting special studies which review ways to reorganize, simplify and streamline governmental structure, and for preparing Municipal Service Reviews and Spheres of Influence for each city and special district within Tulare County. The Commission's efforts are directed to seeing that services are provided efficiently and economically while agricultural and open-space lands are protected. LAFCO is independent of the government of Tulare County or any of the cities; however, funding to operate the agency is required to be provided by the county and the cities.

State law first established LAFCOs in each county in 1963. LAFCOs were given regulatory authority over local boundary changes. The agencies currently function under the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Government Code Section 56375 sets forth the powers and duties of the commission. It gives LAFCO the authority to "review and approve or disapprove with or without amendment, wholly, partially, or conditionally" proposals concerning the formation of cities and special districts, annexation or detachment of territory to cities and special districts, and other changes in jurisdiction or organization of local governmental agencies. In reviewing proposals, LAFCO is required to consider certain factors such as the conformity with city or county plans, current levels and need for future services, the social, physical and economic effects on the community, the effect on existing agricultural lands and open space, the timely availability of adequate water supplies, and the extent to which each proposal will assist the receiving city and the County in achieving its fair share of the regional housing needs.

LAFCO must consider the effect that any proposal will produce on existing agricultural lands. By guiding development towards vacant urban land and away from agricultural preserves, LAFCO assists with the preservation of Tulare County's valuable agricultural resources. LAFCO also works to discourage urban sprawl, a pattern of development characterized by inefficient delivery of important urban services and unnecessary loss of agricultural land. By discouraging sprawl, LAFCO discourages the misuse of land resources and promotes a more efficient system of local government agencies.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires each LAFCO to adopt an annual budget. The 2021/22 Work Program for the Tulare County LAFCO outlines the anticipated work to be accomplished by LAFCO during the fiscal year and is prepared to accompany the annual budget.

### **Description of Region**

Tulare County, comprised of 12,595 km<sup>2</sup>, is located in the southern portion of the San Joaquin Valley. The Valley is bounded on the west by the Coast Range and on the east by the Sierra Nevada Mountains. The Valley extends from Sacramento on the north, to the Tehachapi Mountains on the south. The San Joaquin Valley is the richest farmland in the world.

Tulare County has approximately one third of its land area in the Valley. The remaining portion is in the Sierra Nevada Mountains. This offers an abundance of scenic and recreational opportunities for residents and visitors. The land in the Valley produces a wide variety of agricultural products. Tulare County ranks as one of the largest agricultural producing counties in the nation. The population of Tulare County is concentrated in the Valley area. There are eight incorporated cities, which account for 70% of the total county approximate population of 479,977 (DOF – 1/1/20). The eight cities are: Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia and Woodlake. There are also numerous special districts in the county, including various Community

Service Districts, Irrigation Districts, Hospital Districts, Cemetery Districts, Public Utility Districts, and Resource Conservation Districts.

## Organization of LAFCO

The Tulare County Local Agency Formation Commission is composed of two county supervisors selected by the Board of Supervisors, two city council representatives selected by the mayors in the county, and one public member selected by the other four members. Commission members serve four-year terms. There is an alternate member for each category – city, county, and public. Tulare County LAFCO does not have special district members; however, the law does provide for the addition of two special district members and one alternate if the Commission so orders or the special districts petition for such representation.

### LAFCO Commissioners

Julie Allen, Chair	Public representative
Rudy Mendoza, V-Chair	City representative
Pete Vander Poel	County representative
Dennis Townsend	County representative
Phil Cox	City representative
Eddie Valero	Alternate, County representative
Steve Harrell	Alternate, City representative
Fred Sheriff	Alternate, Public representative

### LAFCO Staff

Ben Giuliani, Executive Officer  
Steven Ingoldsby, Staff Analyst  
Aime Kane, LAFCO Clerk  
Marit Erickson, LAFCO Counsel

## LAFCO Abbreviations and Acronyms

<b>CALAFCO</b>	<i>California Association of Local Agency Formation Commissions</i>
<b>C-K-H</b>	<i>Cortese-Knox-Hertzberg Local Government Reorganization Act Of 2000</i>
<b>CSD</b>	<i>Community Services District</i>
<b>GC</b>	<i>Government Code</i>
<b>LAFCO</b>	<i>Local Agency Formation Commission</i>
<b>MSR</b>	<i>Municipal Service Review</i>
<b>PUD</b>	<i>Public Utility District</i>
<b>SOI</b>	<i>Sphere of Influence</i>

## **LAFCO Work Program Elements**

SUBCATEGORY: 100 ADMINISTRATION

WORK ELEMENT: **100.01 LAFCO Administration**

PURPOSE: To manage and coordinate LAFCO staff work in Tulare County, including development and implementation of the budget, work program, and Policies and Procedures Manual.

PREVIOUS WORK: This is an ongoing function of LAFCO.

PRODUCTS:

1. Administration and support of LAFCO work functions.
2. Representation at statewide and local planning meetings.
3. Development of LAFCO Policies and Procedures Manual.
4. Maintain LAFCO files and records.
5. Prepare LAFCO meeting agendas, schedules and minutes.
6. Prepare annual budget and work program.
7. Maintain membership in CALAFCO.

DISCUSSION:

The administration program provides direction and management of the various routine functions that comprise the LAFCO Work Program. This includes: project scheduling, budget preparation and monitoring, personnel recruitment and training, records maintenance, review of legislation affecting LAFCOs and development of LAFCO Policies and Procedures consistent with C-K-H requirements and Commission directives.

LAFCO staff also maintains membership in the California Association of Local Agency Formation Commissions (CALAFCO), which provides statewide coordination of LAFCO activities, representation before the State Legislature and other bodies, training opportunities for member LAFCOs, and a structure for sharing information among LAFCOs and other governmental agencies throughout the State.

BUDGET:

Estimated staff costs:	\$55,435	(5.0 Staff Person Months)
Memberships:	\$7,704	
Publications and Notices	\$1,785	
County Counsel:	\$4,000	
COWCAP Charged:	\$10,000	
Board Directors fees:	\$1,000	
Rent	\$13,257	
Insurance	\$2,819	
Prof. & Specialized:	\$200	
Service from Other Dept.	\$8,684	
Total:	\$104,884	
Revenue (source):	80,000	(Reserve Funds)
Revenue (source):	\$24,884	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 100 ADMINISTRATION

WORK ELEMENT: **100.02 Office Expenses/Fixed Assets**

PURPOSE: To procure and manage the assets of LAFCO.

PREVIOUS WORK: Purchase supplies and equipment.  
Purchase Liability Insurance.  
Maintenance of LAFCO website.  
Publish public notices.

PRODUCTS:

1. Procurement of supplies and equipment.
2. Maintenance of existing equipment.
3. Inventory of LAFCO assets.
4. Continuation of Internet service.
5. Payment of rent, telephone, mail, printing, data processing and other overhead services.
6. Ongoing maintenance of LAFCO website.

DISCUSSION:

LAFCO is required by GC Section 56300(f)(1) to establish and maintain, or otherwise provide access to notices and other commission information for the public through an internet website.

The address for the Tulare County LAFCO website is [www.co.tulare.ca.us/lafco/](http://www.co.tulare.ca.us/lafco/). The site provides general information regarding LAFCO, Tulare County LAFCO commissioners and staff, meeting and application deadline schedules, and allows access to agendas and minutes. The site will also be used to post notices, agendas, minutes, and disclosures as required by Sections 56100.1, 56150, 56300, and 56661.

Because LAFCO is an independent agency, LAFCO maintains a general liability insurance policy. LAFCO reimburses the County for office space and other operational expenses as part of the work program.

BUDGET:

Office Expense:	\$816
Telecomm	\$1000
ADP Payroll/Personnel:	\$271
Utilities:	\$1,950
Custodial Services:	\$800
Property	\$0
Mail	\$900
Printing	\$250
Alarm	\$100
GIS	\$6,000
Worker's Compensation	\$0
Total	\$12,087

(Reserve Funds)  
\$12,087 (County & Cities Contribution)

(Planning & Engineering Fees)

SUBCATEGORY: 100 ADMINISTRATION

WORK ELEMENT: **100.03 Training and Travel**

PURPOSE: Travel to various local, regional and statewide meetings as required.  
Training for staff related to the operations of LAFCO and legislative activity affecting LAFCOs.

PREVIOUS WORK: This is an ongoing work element.

PRODUCTS:

1. Representation at statewide and local LAFCO meetings.
2. Staff training and educational seminars.
3. Commissioner training and education seminars.

BUDGET:

Training (Commissioners & Staff):	\$3,355
Transportation/Travel (Commissioners & Staff)	\$5,865
Total:	\$9,220

Revenue (source):		(Reserve Funds)
Revenue (source):	\$9,220	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.02 Municipal Service Reviews**

PURPOSE: To prepare Municipal Service Reviews (MSR's) pursuant to GC §56430.

PREVIOUS WORK: Group 1 MSRs adopted March 2006  
Group 2 MSRs adopted May 2006  
Group 3 MSRs adopted March 2007  
Group 4 MSRs adopted October 2011  
City of Dinuba MSR updated June 2012  
City of Visalia MSR updated February 2013  
City of Tulare MSR updated October 2013  
City of Porterville MSR updated October 2014  
City of Exeter MSR update April 2016  
City of Woodlake MSR update August 2016  
Goshen CSD MSR update December 2018  
Lindsay LHD MSR update December 2020  
Alta HD MSR update January 2021

PRODUCTS: MSRs for Alpaugh CSD, Pixley PUD, Earlimart PUD, Tipton CSD, Strathmore PUD, Teviston CSD, Allensworth CSD and other districts as needed

#### DISCUSSION:

In accordance with GC §56430, in order to prepare and update spheres of influence, LAFCOs are required to conduct a review of the municipal services provided in the county or other appropriate area designated by the Commission. To address this requirement, a program for conducting municipal service reviews (MSR's) was initiated by LAFCO during the 2003/04 fiscal year.

Through a contract with Omni-Means consultants, Tulare County's eight cities and 19 of the special districts were reviewed and MSRs were adopted in 3 groups. Group 1, consisting of Visalia, Farmersville, Tulare and surrounding districts were approved by the Commission in March 2006. Group 2, consisting of Dinuba, Woodlake and surrounding districts were approved by the Commission in May 2006. Group 3, consisting of Exeter, Lindsay and Porterville and surrounding districts were approved by the Commission in March 2007. Group 4, consisting of 21 special districts was approved in October 2011. The scope of MSRs has since been expanded to include service needs of disadvantaged unincorporated communities within and adjacent to the subject agency's current SOI. MSR updates have been completed for the cities of Dinuba, Visalia, Tulare, Porterville, Exeter and Woodlake. Due to a reduced level of casework LAFCO Staff has and will continue to complete the MSR updates without the use of a consultant. Thus, no funds will be allocated for consultant services for FY 21/22. By policy, future MSR updates will be completed on an as needed basis following County Community Plan and City General Plan Updates.

#### BUDGET:

Estimated staff costs:	\$66,522	(6.0 Staff Person Month)
Total:	\$66,522	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$66,522	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.03 Cities and Special District Inventory Update**

PURPOSE: To maintain the LAFCO Cities and Special District Inventory.

PREVIOUS WORK: LAFCO Cities and Special District Inventory (October 1975)  
 LAFCO Cities and Special District Inventory (Revised January 1981)  
 LAFCO Cities and Special District Inventory (Revised June 1998)  
 LAFCO Cities and Special District Inventory (Revised April 2007)  
 LAFCO Cities and Special District Inventory (Revised April 2013)

PRODUCTS: Continuous update of the LAFCO Cities and Special District Inventory.

DISCUSSION: The Tulare County LAFCO Cities and Special District Inventory is a listing of the various agencies in Tulare County and provides information about each agency, including: date formed, address, phone number, contact person, functions performed, and method of financing. The Inventory also includes a brief description of each type of agency and a map depicting the agency's sphere of influence. For Community Service Districts and County Service Areas the inventory also describes the latent powers each district was authorized to perform, but had not performed as of January 1, 2006 and January 1, 2009 (respectively). The full-published revision has been completed. The last major revision took place in FY 13/14. However, this Work Program allocation is intended for the continual updating of contact and map information in the Inventory.

BUDGET:

Estimated staff costs:	\$11,087	(1.0 Staff Person Months)
Total:	\$11,087	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$11,087	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.04 Sphere of Influence Updates & Amendments**

PURPOSE: To prepare updates to agencies' Spheres of Influence and provide an efficient method to review and amend the Spheres of Influence for all agencies within Tulare County LAFCO's jurisdiction.

PREVIOUS WORK: In 2011; Alpine Village-Sequoia Crest CSD, Ducor CSD, East Orosi CSD, Patterson Tract CSD, Ponderosa CSD, Three Rivers CSD, Tract 92 CSD, Porter Vista PUD, CSA #1, Strathmore FPD and Woodlake FPD. Lindmore ID (2011) Lindsay-Strathmore ID (2011) Sultana (2011) Ivanhoe (2011) City of Dinuba (2012) Lindmore Irrigation District (2012) Lindsay-Strathmore Irrigation (2012) Allensworth CSD (2012) Sultana CSD (2012) Three Rivers CSD (2012) City of Lindsay (2014) City of Porterville (2014) City of Exeter (2016) City of Woodlake (2016) City of Tulare (2017) City of Visalia (2018), Goshen CSD (2018)

PRODUCTS:

1. SOI Reviews (and updates as needed) for Tulare County principal districts and cities

DISCUSSION:

Pursuant to GC Section 56425(g), all Spheres of Influence must be reviewed and updated, as necessary, on or before January 1, 2008 and every five years thereafter, as needed.

Tulare County LAFCO Resolution 96-02 provides that, whenever possible, the Sphere of Influence of each city and those Special Districts that provide urban services to unincorporated communities within the County should reflect a twenty-year growth area with additional areas for communities of interest (Section 56425 (a) (4)). This boundary shall be reviewed and, if necessary, updated no more than once every five years. The updates should be sufficient to accommodate projected growth for twenty years from the date of adoption.

The MSR schedule in Work Element 101.02 will guide the update of agencies' spheres of influence.

BUDGET:

Estimated staff costs:	\$22,174	(2 Staff Person Months)
Total:	\$22,174	

Revenue (source):	\$	(Reserve Funds)
Revenue (source):	\$17,199	(County & Cities Contribution)
Revenue (source):	\$4,975	(Planning & Engineering Fees)

SUBCATEGORY: 101 SPECIAL PLANNING PROJECTS

WORK ELEMENT: **101.06 Special Projects**

PURPOSE: To fulfill LAFCO's obligation to perform special governmental organization studies pursuant to GC 56375.

PREVIOUS WORK: Agricultural Land Updates  
Public Cemetery District Report  
Memorial District Report

PRODUCTS: This is an on-going work element. Products could include district consolidation and formation studies.

DISCUSSION:

In accordance with GC §56375, LAFCO has the authority to conduct a variety of studies related to effective and efficient provision of public services. This includes special district formation and consolidation studies. As a result of LAFCO Policy Amendments, a Financial Impact Study is now required to be prepared for the activation of latent powers, in certain instances.

The work element accounts for staff and consultant resources required to respond to the need for such special studies as may be authorized by LAFCO during the fiscal year. There is no anticipated need for consultant services in FY 21/22.

BUDGET:

Estimated staff costs:	\$11,087	(1.0 Staff Person Month)
Total:	\$11,087	
Revenue (source):		(Reserve Funds)
Revenue (source):	\$11,087	(County & Cities Contribution)
Revenue (source):		(Planning & Engineering Fees)

SUBCATEGORY: 102 CASE PROCESSING

WORK ELEMENT: **102.01 LAFCO Case Processing**

PURPOSE: To process applications submitted by LAFCO.

PREVIOUS WORK: In FY 2020/21 as of this date, staff has processed 10 cases (annexations, detachments, sphere of influence amendments, activation of latent powers and extension of services agreements). In prior years, a separate work element (101.05 Island Annexation Program) was dedicated to the island annexation program which is now incorporated in this element

PRODUCTS: This is an ongoing work element. Staff will continue to process case applications as they are submitted. For fiscal year 2021/22, based on feedback from local agencies, staff is estimating processing 12 cases.

**BUDGET:**

Estimated staff costs:	\$33,261	(3 Staff Person Months)
Total:	\$33,261	
		(Reserve Funds)
Revenue (source):	\$	(County & Cities Contribution)
Revenue (source):	\$33,261	(Planning & Engineering Fees)

## LAFCO Work Program Summary

Activity Description	Work Element Number	Revenue Source and Amount				Expenditures
		Reserve Funds	Income from Other Agencies	Planning & Engineering Services	Fees Paid by County for Incorporation	
LAFCO Administration	100.01	\$80,000	\$24,884	\$0	\$0	\$104,884
Office Expenses / Fixed Assets	100.02	\$0	\$12,087	\$0	\$0	\$12,087
Training and Travel	100.03	\$0	\$9,220	\$0	\$0	\$9,220
Municipal Service Reviews	101.02	\$0	\$66,522	\$0	\$0	\$66,522
Cities & Special District Inventory Update	101.03	\$0	\$11,087	\$0	\$0	\$11,087
Sphere of Influence Updates & Amendments	101.04	\$0	\$17,199	\$4,975	\$0	\$22,174
Special Projects	101.06	\$0	\$11,087	\$0	\$0	\$11,087
LAFCO Case Processing	102.01	\$0	\$0	\$33,261	\$0	\$33,261
Subtotals	NA	\$0	\$232,086	\$38,236	\$0	\$270,322
Contingency	NA	\$0	\$27,032	\$0	\$0	\$27,032
TOTALS		\$80,000	\$179,118	\$38,236	\$0	\$297,354

*Total Staff Person Months = 18.0*

*(Executive Director – 6.0; Staff Analyst – 9; Clerk - 3)*

## TULARE CO. LAFCO- 6-YEAR STRATEGIC WORK PROGRAM

<i>FY</i>	<i>MSR</i>	<i>SOI UPDATE</i>	<i>SPECIAL PROJECTS</i>	<i>Pending Proposals, Possible Future Projects, Annual Work Elements</i>
2021/22	Alpaugh CSD, Pixley PUD, Earlimart PUD, Tipton CSD, Strathmore PUD, Teviston CSD, Allensworth CSD and other districts as needed	As needed based on MSR results		<i>Possible Future Projects</i> <ul style="list-style-type: none"> <li>• District dissolutions</li> <li>• District formations</li> <li>• Incorporation studies</li> <li>• Policy updates</li> <li>• Implementation of MSRs</li> </ul> <i>Annual Work Elements</i> <ul style="list-style-type: none"> <li>• Case Processing</li> <li>• SOI Amendments</li> <li>• City-Special Districts Inventory</li> <li>• Special Projects</li> </ul>
2022/23	Future MSRs and SOI updates will be completed based on County Community Plan Updates and City General Plan Updates.			
2023/24				
2024/25				
2025/26				
2026/27				

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

In the Matter of the 2021/22 Final Budget	)	
And Work Program for the Tulare County	)	RESOLUTION NO. <b>21-XX</b>
Local Agency Formation Commission	)	

**WHEREAS**, Government Code Section 56381 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires that on or before the 15<sup>th</sup> day of June, the Local Agency Formation Commission must prepare and transmit to the Board of Supervisors; to each city; and to the clerk and chair of the city selection committee, if any, its final budget for the following fiscal year; and

**WHEREAS**, LAFCO Policy D-3.4 (Staff Services Agreement), requires the preparation of a work program for each fiscal year indicating the services to be provided in that fiscal year; and

**WHEREAS**, this Local Agency Formation Commission on April 7, 2021 elected to apply \$80,000 in reserve funds to help offset city and county contributions; and

**WHEREAS**, this Local Agency Formation Commission on May 5, 2021 considered the fiscal year 2021/22 final budget and work program as recommended by the Executive Officer

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

1. The final budget for fiscal year 2021/22 attached hereto as Exhibit "A", is hereby adopted.

RESOLUTION NO. **21-XX**  
PAGE 2

2. The work program for fiscal year 2021/22 attached hereto as Exhibit “B”, is hereby adopted.

3. The Executive Officer is hereby authorized and directed to forward said final budget to the County Auditor, to the Board of Supervisors; to each city; and to the clerk and chair of the city selection committee, if any, in accordance with the requirements of Government Code Section 56381 of the Corteses-Knox-Herzberg Local Government Reorganization Act of 2000.

The foregoing resolution was adopted upon the motion by Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, at a regular meeting held on this 5th day of May 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

ABSENT:

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Ben Giuliani, Executive Officer

si



***TULARE COUNTY  
LOCAL AGENCY FORMATION COMMISSION***

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210 N. Church St., Suite B, Visalia, CA 93291 Phone: (559) 623-0450 FAX: (559) 737-4246

May 5, 2021

Honorable Cecilia Aguiar-Curry, Chair  
Assembly Local Government Committee  
California State Assembly  
State Capitol, Room 5144  
Sacramento, CA 95814

**COMMISSIONERS:**

*Julie Allen, Chair  
Rudy Mendoza, V-Chair  
Pete Vander Poel  
Dennis Townsend  
Phil Cox*

**ALTERNATES:**

*Eddie Valero  
Fred Sheriff  
Steve Harrell*

**EXECUTIVE OFFICER:**

*Ben Giuliani*

**RE: SUPPORT of AB 1581: Local Government Committee Omnibus Bill**

Dear Chair Aguiar-Curry:

The Tulare County Local Agency Formation Commission (LAFCo) is pleased to support the Assembly Local Government Committee Bill AB 1581, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO), which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of LAFCos. These changes are necessary as Commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. AB 1581 currently makes minor technical corrections to language used in the Act. The Tulare County LAFCo is grateful to your Committee, staff and CALAFCO, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

This legislation helps insure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state. We appreciate your Committee's authorship and support of this bill, and your support of the mission of LAFCos.

Yours sincerely,

Julie Allen  
Chair, Tulare County LAFCO

cc: Members, Assembly Local Government Committee  
Jimmy MacDonald, Consultant, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus  
Pamela Miller, Executive Director, CALAFCO

AB 1581, as amended, Committee on Local Government. Local government: omnibus.

(1) Existing law, 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. Existing law requires a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere.

Existing law requires, when a proposed change of organization or reorganization applies to 2 or more affected counties, that exclusive jurisdiction vest in the commission of the principal county, unless certain things occur.

*This bill would add the determination of a sphere of influence to the types of proposed changes for which exclusive jurisdiction may or may not vest in a principal county.*

(2) Existing law gives the commission the power to approve the annexation of unincorporated territory consistent with the planned and probable use of the property based upon the review of general plan and rezoning designations. Existing law provides that no subsequent change may be made to the general plan for the annexed territory or zoning that is not in conformance to the rezoning designations for a period of 2 years after the completion of the annexation, unless the legislative body for the city makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the rezoning in the application to the commission.

*This bill would require the legislative body for the city provide written notice to the commission at least 21 days before the hearing.*

(3) Existing law authorizes the Marin Local Agency Formation Commission to initiate and approve a reorganization or consolidation of the Sewerage Agency of Southern Marin and its member districts, without protest hearings, as specified.

*This bill would repeal that authorization.*

(4) Existing law provides, with exceptions, that the commission of the principal county has exclusive jurisdiction when a district is or would be located in more than one county as the result of a proposed change of organization or reorganization.

*This bill would repeal both that provision and the exceptions.*

(5) Existing law requires the commission, in order to prepare and update spheres of influence, to conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission, as specified. Existing law requires the commission to adopt, amend, or revise spheres of influence after a public hearing called and held for that purpose.

*This bill would revise and recast that provision to provide that the commission is required to adopt, amend, or update spheres of influence after a public hearing called and held for that purpose.*

(6) Existing law authorizes a commission in the county which an extension of service is proposed to approve (1) a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundary in writing, (2) a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a

later change of organization, and (3) a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory if specified conditions are met.

*This bill would revise and recast those provisions to remove the general requirement the commission must be in the county which an extension of service is proposed and provide that a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission of the county in which the affected territory is located.*

(7) Existing law authorizes the City of Cupertino to annex unincorporated territory consisting of property abutting on a street, highway, or road, and the street, highway, or road, to the extent that it abuts that property, subject to specified conditions.

*This bill would repeal that provision.*

(8) Existing law requires the proponents of a change of organization for a city with a population of more than 100,000 that is located within a county with a population of more than 4,000,000 to publish a notice of intention that sets forth the reasons for the proposal before circulating any petition for a change of organization.

*This bill would repeal that provision.*

(9) Existing law requires the commission to dissolve inactive districts and provides that dissolved districts are not subject to specified provisions.

*This bill would add that dissolved districts are not subject to specified taxation provisions related to jurisdictional changes.*

(10) Existing law provides that if a certificate of completion for a change of organization or reorganization has not been filed within one year after the commission approves a proposal for that proceeding, the proceeding shall be deemed terminated unless prior to the expiration of that year the commission authorizes an extension of time for that completion. Existing law exempts from this requirement a reorganization requested by a city in the County of Santa Cruz that has adopted a voter approved urban limit line, if the commission's resolution making determinations includes terms and conditions that allow for the completion of the reorganization in 2 or more segments.

*This bill would repeal the provision establishing the above-described exemption applicable to a reorganization requested by a city in the County of Santa Cruz.*

Existing law provides that a change of organization or reorganization is complete from the date of execution of the certificate of completion and effective from the dates specified in the terms and conditions of the commission resolution. Existing law prohibits the effective date from being fixed earlier than the date of execution of the certificate of completion or later than 9 months after the date of the election in which a majority voted in favor of the change of organization or reorganization. Existing law, notwithstanding these provisions, in the case of a reorganization requested by a city in the County of Santa Cruz that has adopted a voter approved urban limit line, provides that the effective date of that reorganization shall be fixed in the terms and conditions of the commission resolution.

*This bill would repeal this provision applicable to the effective date of a reorganization requested by a city in the County of Santa Cruz.*

(11) Existing law, in the case of registered voter districts or cities, for specified proposals, requires the commission within 30 days after the conclusion of the hearing to order the change of organization or reorganization subject to confirmation by registered voters if at least 25% but less than 50% of the registered voters file written protests and do not withdraw those protest, as specified. Existing law, notwithstanding this requirement, requires the commission to order the change of organization or reorganization subject to confirmation by registered voters if 15% of the registered voters residing within the affected territory file written protests and do not withdraw those protest, if the territory proposed to be annexed is to a city with more than 100,000 residents and is located in a county with a population of over 4,000,000.

*This bill would repeal the latter requirement imposed on a city with more than 100,000 residents and located in a county with a population of over 4,000,000.*

(12) Existing law authorizes the board of supervisors of the County of Los Angeles to, by a  $\frac{2}{3}$  vote, convey any parking lot owned by the county and situated within the boundaries of an incorporated city to the city for public parking purposes, without consideration other than the agreement by the city to continue to use and maintain the property as a public parking lot.

*This bill would repeal that provision.*

## CALAFCO Daily Legislative Report as of Wednesday, April 28, 2021

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

**Current Text:** Amended: 4/15/2021 [html](#) [pdf](#)

**Introduced:** 1/28/2021

**Last Amended:** 4/15/2021

**Status:** 4/19/2021-Re-referred to Com. on L. GOV.

**Calendar:** 4/28/2021 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY LOCAL GOVT, AGUIAR-CURRY, Chair

#### **Summary:**

The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require all meetings to include an opportunity for members of the public to attend via a telephonic option and an internet-based service option. The bill would require all meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic and an internet-based service option, as provided, and would specify requirements for public comment registration.

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

**Position:** Watch

**Subject:** Other

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

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

UPDATE AS OF 4/20/21 - The bill was significantly amended on 4-15-21. These amendments removed all state requirements as noted above. Further, they require public participation by phone or internet (with video/audio), and allow agencies to create a registration process for public comments so long as people can register to speak via phone and in person.

The amendments remove the blanket requirement to translate the agenda and meeting access information and makes those an on-request requirements. The amendments also remove the blanket requirement for agencies to have sufficient qualified bilingual translators during meetings and changes that requirement to on-request, and requires agencies to make public the process to make such a request. All requirements remain unfunded mandates.

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

**Current Text:** Amended: 4/6/2021 [html](#) [pdf](#)

**Introduced:** 2/1/2021

**Last Amended:** 4/6/2021

**Status:** 4/7/2021-Re-referred to Com. on L. GOV.

**Calendar:** 5/5/2021 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY LOCAL GOVT, AGUIAR-CURRY, Chair

#### **Summary:**

Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state of emergency or local emergency, as those terms

are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote. The bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment.

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

**Position:** Watch

**Subject:** Brown Act

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

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

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

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

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

**Current Text:** Introduced: 2/16/2021 [html](#) [pdf](#)

**Introduced:** 2/16/2021

**Status:** 2/25/2021-Referred to Com. on L. GOV.

**Summary:**

Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the requirements of the act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. The bill would require that, in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided.

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** As introduced, the bill removes the requirement to post agendas at all teleconference meeting locations and having to identify all telecon locations in the notice and agenda for the meeting. The bill explicitly requires a local agency to give notice to the public how they can observe the meeting and offer public comment. It further required the local agency to respond to requests for reasonable ADA accommodation requests. The bill also removes certain provisions relating to the telecon meeting of a health authority.

It is CALAFCO's understanding that the author is working with Assm. Rivas (AB 361) and the Assembly Local Government Committee on amendments and possibly joining the two bills. Amendments are not yet available so CALAFCO will keep a watch on the bill until those are available. The bill is sponsored by Three Valleys Municipal Water Agency.

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

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

**Introduced:** 3/9/2021

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

**Status:** 4/20/2021-Re-referred to Com. on L. GOV.

**Calendar:** 5/5/2021 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY LOCAL GOVT, AGUIAR-CURRY, Chair

**Summary:** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires, when a proposed change of organization or reorganization applies to 2 or more affected counties, that exclusive jurisdiction vest in the commission of the principal county, unless certain things occur. This bill would add the determination of a sphere of influence to the types of proposed changes for which exclusive jurisdiction may or may not vest in a principal county.

**Attachments:** [CALAFCO Support letter](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

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

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

**Current Text:** Introduced: 2/23/2021 [html](#) [pdf](#)

**Introduced:** 2/23/2021

**Status:** 3/22/2021-Read third time. Urgency clause adopted. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**Summary:** This bill would enact the 1<sup>st</sup> Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Position:** Support

**Subject:** Other

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

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

**Current Text:** Introduced: 2/23/2021 [html](#) [pdf](#)

**Introduced:** 2/23/2021

**Status:** 3/22/2021-Read third time. Urgency clause adopted. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**Summary:** This bill would enact the 2nd Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Position:** Support

**Subject:** Other

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

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

**Current Text:** Introduced: 2/23/2021 [html](#) [pdf](#)

**Introduced:** 2/23/2021

**Status:** 3/22/2021-Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk

**Summary:** This bill would enact the 3rd Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Position:** Support

**Subject:** Other

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

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

**Current Text:** Amended: 4/6/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 4/6/2021

**Status:** 4/21/2021-From committee: Do pass and re-refer to Com. on L. GOV. (Ayes 6. Noes 0.) (April 21). Re-referred to Com. on L. GOV.

**Calendar:**

4/28/2021 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:**

Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would prohibit, once an operator of a public water system exercises water rights for the benefit of the public water system, those surface water rights or groundwater rights from being severed or otherwise separated from the public water system.

**Attachments:**

[AB 1195 Fact Sheet](#)

**Position:** Watch With Concerns

**Subject:** Water

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

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

CALAFCO will continue to work with LA LAFCo, the author's office and other stakeholders on the bill. The bill is author-sponsored and we understand there is currently no funding source. A fact sheet is posted in the tracking section of the bill. CALAFCO's letter of concern is also posted there.

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

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

**Introduced:** 2/19/2021

**Status:** 4/22/2021-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (April 21). Re-referred to Com. on APPR.

**Summary:**

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

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

**Position:** Watch

**Subject:** Municipal Services, Water

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

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

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

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

**Introduced:** 2/19/2021

**Status:** 3/4/2021-Referred to Coms. on L. GOV. and H. & C.D.

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

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

**Position:** Watch

**Subject:** Growth Management, Planning

**CALAFCO Comments:** This bill prohibits a city or county from entering into a residential development agreement for property located within a very high fire risk area as of 1-1-2022.

This bill appears similar to SB 55 (Stern) except: (1) This bill explicitly calls out residential development, whereas SB 55 addresses new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone; and (2) SB 55 adds a state responsibility area. The bill is not marked fiscal. This is an author-sponsored bill and a fact sheet is posted in the tracking section of the bill.

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

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

**Introduced:** 12/7/2020

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

**Status:** 4/15/2021-April 15 set for first hearing. Testimony taken. Further hearing to be set.

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

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

**Position:** Watch

**Subject:** Growth Management, Planning

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

As amended on 4/5/21, the bill removes the "blanket approach" to prohibiting development as noted above by adding specificity. The bill prohibits development in either of the areas noted above unless there is substantial evidence that the local agency has adopted a comprehensive, necessary and appropriate wildfire prevention and community hardening strategy to mitigate significant risks of loss, injury or death as specified in the bill. Additionally, the bill provides a qualifying developer a supplemental height bonus and a supplemental density bonus, as specified, if the development is located on a site that meets certain criteria, including, among others, not being located in a moderate, high, or very high fire hazard severity zone, as specified. These requirements are unfunded mandates.

This bill appears similar to AB 1295 (Muratsuchi) except this bill appears to be broader in scope in terms of the type of development prohibited and includes a state responsibility area, whereas AB 1295 only addresses residential development in a very high fire risk area.

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

**Current Text:** Amended: 4/27/2021 [html](#) [pdf](#)

**Introduced:** 2/12/2021

**Last Amended:** 4/27/2021

**Status:** 4/27/2021-Read second time and amended. Re-referred to Com. on APPR.

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

**Attachments:**

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

[SB 403 Fact Sheet 2021](#)

**Position:** Oppose unless amended

**Subject:** Disadvantaged Communities, Water

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

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

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

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

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

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

**Introduced:** 12/7/2020

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

**Status:** 1/25/2021-Re-referred to Com. on NAT. RES.

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

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

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** As amended on 1/21/21, this bill authorizes/requires the Strategic Growth Council (SGC) to establish up to 12 regional climate change authorities by January 1, 2023, to include local agencies and regional stakeholders. The SGC is required to adopt guidelines that: (1) Define the authority; (2) Include guidelines for establishing an authority via a stakeholder-driven process; (3) Consult with OPR (and other state authorities) in development of the guidelines and award annual grants to authorities.

The bill outlines the regional climate change authorities in summary as: coordination, capacity-building, and technical assistance activities within their boundaries, promote regional alignment and assist local agencies in creating and implementing plans developed pursuant to Section 65302 of the Government Code, other federal or state mandates, and programs designed address climate change impacts and risks. The bill also requires the authority to submit annual reports to the SGC, with the scope of the report outlined in the bill. This is an author-sponsored bill. There is no appropriation to fund the cost of the program. A fact sheet is posted in the tracking section of the bill.

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

**AB 473 (Chau D) California Public Records Act.**

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

**Introduced:** 2/8/2021

**Status:** 4/21/2021-In committee: Set, first hearing. Referred to suspense file.

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

**Position:** Watch

**Subject:** Public Records Act

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

**AB 474 (Chau D) California Public Records Act: conforming revisions.**

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

**Introduced:** 2/8/2021

**Status:** 4/21/2021-In committee: Set, first hearing. Referred to suspense file

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

**Position:** Watch

**Subject:** Public Records Act

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

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

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

**Introduced:** 2/17/2021

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

**Status:** 4/20/2021-Re-referred to Com. on APPR.

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

**Attachments:** [AB 897 Fact Sheet](#)

**Position:** Watch

**Subject:** Climate Change

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

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

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

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

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

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

**Introduced:** 2/17/2021

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

**Status:** 4/20/2021-Re-referred to Com. on APPR.

**Calendar:** 4/28/2021 9 a.m. - State Capitol, Assembly Chamber ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

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

**Position:** Watch

**CALAFCO Comments:** This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is

suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election. The amendment on 4/5/21 was just to correct a typo in the bill.

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

**AB 959 (Mullin D) Park districts: regulations: nuisances: abatement.**

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

**Introduced:** 2/17/2021

**Status:** 3/4/2021-Referred to Com. on L. GOV.

**Calendar:** 5/5/2021 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY LOCAL GOVT, AGUIAR-CURRY, Chair

**Summary:** Current law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes 3 or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, to organize and incorporate, but requires that all the territory in the proposed district be contiguous. Current law requires the board of directors to superintend, control, and make available to all the inhabitants of the district all public recreation lands and facilities, as provided. Existing law authorizes the board to adopt regulations. Current law provides that a violation of an ordinance, rule, or regulation adopted by the board is a misdemeanor punishable by a fine or imprisonment in the county jail, as provided. This bill would authorize the board of directors to adopt regulations relating to nuisances and establish a procedure for the abatement of the nuisances, including administrative abatement.

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

**Position:** Watch

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

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

**Current Text:** Amended: 4/21/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 4/21/2021

**Status:** 4/22/2021-Re-referred to Com. on APPR.

**Summary:**

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

**Position:** Watch

**Subject:** FPPC

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

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

**AB 1021 (Maves I) Imperial Irrigation District.**

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

**Introduced:** 2/18/2021

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

**Status:** 4/20/2021-Re-referred to Com. on APPR.

**Summary:**

Would require the commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet websites a joint study of voting rights in the Imperial Irrigation District, options for providing electricity in the Imperial Irrigation District, and options for alternative governance structures for the Imperial Irrigation District board of directors, as specified. The bill would make the joint study contingent upon funding by the Legislature and would require the study to be published no later than 18 months after receipt of funds from the Legislature.

**Position:** Watch

**Subject:** Special Districts Governance

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

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

This bill is similar to AB 854 (2019), which died in Appropriations. CALAFCO had a Watch position on that bill as the two member LAFCOs had opposing positions, and this is a local matter. However, there is concern about requiring a study without funding (the last time the Legislature mandated a special study on a district it required the study be funded by the district). The bill is author-sponsored and as of now there is no budget appropriation to cover cost.

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

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

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

**Introduced:** 2/18/2021

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

**Status:** 4/21/2021-Re-referred to Com. on L. GOV

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

**Attachments:**

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

[CALAFCO Oppose Unless Amended April 2021](#)

**Position:** Watch

**Subject:** Other

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

The bill is sponsored by the Las Virgenes-Malibu Council of Governments. CALAFCO's letter of Oppose Unless Amended is posted in the bill detail area.

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

**AB 1246 (Nguyen R) Community services districts.**

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

**Introduced:** 2/19/2021

**Status:** 2/22/2021-Read first time.

**Summary:** Current law, the Community Services District Law, authorizes the formation of community services districts for various specified purposes, including supplying water, treating sewage, disposing of solid waste, and providing fire protection. The law specifies its relation and effect on certain districts organized pursuant to former laws and to actions taken by them, among other things. This bill would make nonsubstantive changes to those provisions.

**Position:** Watch

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

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

**Current Text:** Amended: 4/27/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 4/27/2021

**Status:** 4/27/2021-Read second time and amended. Re-referred to Com. on APPR.

**Summary:** Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act.

**Position:** Watch

**Subject:** Housing

**CALAFCO Comments:** While not directly affecting LAFCOs, the requirements in the bill are of interest. As amended on 4/13/21, the bill authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined in the bill. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution adopted to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is exempt from CEQA. The bill imposes specified requirements on a zoning ordinance adopted under these provisions. The bill would prohibit a legislative body that adopts a zoning ordinance pursuant to these provisions from subsequently reducing the density of any parcel subject to the ordinance and makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts a use or density authorized by an ordinance adopted pursuant to the provisions in the bill.

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

**Current Text:** Introduced: 12/7/2020 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Status:** 1/28/2021-Referred to Com. on GOV. & F.

**Calendar:** 5/6/2021 Upon adjournment of Session - Senate Chamber SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

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

**Position:** Watch

**Subject:** CKH General Procedures

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

There are amendments pending from the City of St. Helena that as proposed would drastically change the intent of SB 13. CALAFCO is working with the author's office, Napa and San Bernardino LAFCos and the City of St. Helena on those amendments and will carefully watch the bill.

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

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

**Introduced:** 12/21/2020

**Status:** 1/28/2021-Referred to Coms. on GOV. & F. and E. & C.A

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

**Position:** Watch

**Subject:** Special Districts Governance

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

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

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

**Introduced:** 1/27/2021

**Status:** 4/19/2021-April 27 hearing postponed by committee.

**Summary:** current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of

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

**Position:** Watch

**Subject:** Sustainable Community Plans

**CALAFCO Comments:** CALAFCO is currently reviewing the bill.

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

**Current Text:** Introduced: 1/29/2021 [html](#) [pdf](#)

**Introduced:** 1/29/2021

**Status:** 4/22/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**Summary:** Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.

**Attachments:** [SB 273 Fact Sheet](#)

**Position:** Support

**Subject:** Municipal Services

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

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

**SB 274 (Wieckowski D) Local government meetings: agenda and documents.**

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

**Introduced:** 1/29/2021

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

**Status:** 4/22/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

**Attachments:**

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

[SB 274 Fact Sheet](#)

**Position:** Support

**Subject:** Public Records Act

**CALAFCO Comments:** This bill is a modified redo of SB 931 from 2020 that did not move forward because of the pandemic. This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it or the link to the website where the documents can be accessed (current law requires the mailing of such documents upon request, this bill adds the option to email if requested). A fact sheet is posted in the tracking section of the bill. The amendment on 4/5/21 was to correct a typo reflecting the authority to email information.

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

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

**Introduced:** 2/17/2021

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

**Status:** 4/27/2021-From committee: Do pass and re-refer to Com. on TRANS. (Ayes 6. Noes 0.) (April 26). Re-referred to Com. on TRANS

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

**Position:** Watch

**Subject:** Sustainable Community Plans

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

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

**Introduced:** 2/17/2021

**Status:** 3/25/2021-April 8 set for first hearing canceled at the request of author.

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

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

**Position:** Watch

**Subject:** Disadvantaged Communities

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

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

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

**Introduced:** 2/18/2021

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

**Status:** 3/25/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

in other specified instances. This bill would revise and recast these provisions to no longer require the assessor to provide notice to the department and to require the board of supervisors or city council to provide notice to the department if the certificate of tentative cancellation is withdrawn, as specified.

**Position:** Watch

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

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

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

**Current Text:** Amended: 4/12/2021 [html](#) [pdf](#)

**Introduced:** 2/23/2021

**Last Amended:** 4/12/2021

**Status:** 4/26/2021-From committee: Do pass and re-refer to Com. on APPR with recommendation: To consent calendar. (Ayes 5. Noes 0.) (April 22). Re-referred to Com. on APPR.

**Summary:** Current law requires the officer of each local agency, who has charge of the financial records of the local agency, to furnish to the Controller a report of all the financial transactions of the local agency during the preceding fiscal year within 7 months of the close of each fiscal year in a form required by the Controller. Current law requires the report to include, among other things, the annual compensation of a local agency's elected officials, officers, and employees, as specified. This bill would specify that the reports shall be furnished at the time prescribed by the Controller and would revise the amount of time in which the report is required to be furnished to either 7 months or within the time prescribed by the Controller, whichever is later

**Position:** Watch

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

**Total Measures:** 32

**Total Tracking Forms:** 32