

LAFCO MEMORANDUM

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION

105 East Anapamu Street • Santa Barbara CA 93101 • (805) 568-3391 + Fax (805) 568-2249

April 6, 2023 (Agenda)

TO: Each Member of the Commission

FROM: Mike Prater
Executive Officer

SUBJECT: **Receive and File A Report on CALAFCO 2023 Current Tracked Legislation**

This is an Informational Report. No Action is Necessary

CALAFCO Tracked Legislation

The CALAFCO Legislative Committee convened two meetings on January 13 & February 24, 2023. Your Executive Officer participates by ZOOM. A copy of the available Meeting Agendas is attached as **Attachment A**.

A number of the listed bills, are progressing through the legislative process. Staff will verbally update the Commission on the status of these bills at the meeting.

CALAFCO is tracking a number of bills during the current legislative session. The List of Current Tracked Bills, as of March 23, 2023, are attached as **Attachment B**. Of particular note are Assembly Bill 930 (Friedman) authorizes 2 legislative bodies to form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE) similar to SB 852 (Dodd) in 2022, many of the bills are Placeholder spot bills and CALAFCO has not taken a position as of yet.

Senate Bill 852 (Dodd) introduced a bill in 2022 that would create the Climate Resilience Districts Act. The bill completely bypasses LAFCO in the formation and oversight of these new districts. The districts appear to not be providing any services but instead acting as a funding mechanism for local climate resilience projects. CALAFCO has taken a position of Neutral for AB 930.

Attachments

Attachment A – CALAFCO Legislative Committee Agenda- January 13 & February 24, 2023

Attachment B – List of CALAFCO Current Tracked Bills

Please contact the LAFCO office if you have any questions.

CALAFCO Legislative Committee MEETING AGENDA

Friday, January 13, 2022 ♦ 9:00 am – 12:00 pm
Virtual via Zoom

<https://us02web.zoom.us/j/89425896700?pwd=b084eGJyQWlXY2ZOSm5WdVdObExpQT09>

Meeting ID: 894 2589 6700

Passcode: 214898

Phone: 669-900-6833

		<u>Page</u>
1. Convene and Roll Call	<i>R. LaRoche</i>	
2. Approval of Minutes of the October 7, 2022 meeting	<i>R. LaRoche</i>	3
3. CALAFCO Legislative Policies and Priorities Review	<i>R. LaRoche</i>	5
4. Update, Discussion, and Possible Direction Regarding 2023 Omnibus Items	<i>J. Serrano</i>	11
5. Consider New Legislative Proposal	<i>R. LaRoche</i>	15
6. Discussion and Potential Action on Legislation Affecting LAFCos	<i>R. LaRoche</i>	23
7. Receive an Update Regarding 56133 Proposal	<i>R. LaRoche</i>	25
8. Items for next meeting		
9. Good of the Order		
10. Adjournment to February 24, 2023 at 10:00 a.m. in Sacramento.		

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CALAFCO Legislative Committee
DRAFT ACTION MEETING MINUTES

Date: November 4, 2022

Location: Virtual

Present:

BOARD MEMBERS:

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> CONNELLY, Bill (N) | <input checked="" type="checkbox"/> LOPEZ, Chris (Co, Alt) | <input checked="" type="checkbox"/> MOHLER, Margie (A/L, Alt) |
| <input checked="" type="checkbox"/> JONES, Gay (A/L) | <input checked="" type="checkbox"/> MacKENZIE, Jo (S) | <input checked="" type="checkbox"/> PAQUE, Anita (Ce) |
| <input type="checkbox"/> KELLEY, Michael (S, Alt) | <input checked="" type="checkbox"/> McGILL, Michael (Co) | <input checked="" type="checkbox"/> SUSMAN, Josh (N, Alt) |
| | | <input type="checkbox"/> VACANT (Ce, Alt) |

STAFF APPOINTMENTS:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> ALSOP, Clark | <input checked="" type="checkbox"/> de SOUSA, Paula | <input checked="" type="checkbox"/> LYTTLE-PINHEY, Sara (Ce, Stanislaus) |
| <input checked="" type="checkbox"/> BERRY, Kris (Amador) | <input type="checkbox"/> EMERY, Carolyn | <input checked="" type="checkbox"/> McINTYRE, Michelle (Ce Alt, Placer) |
| <input type="checkbox"/> BELL, Gary | <input checked="" type="checkbox"/> LUCAS, Steve | <input checked="" type="checkbox"/> ROMO, Adriana |
| <input checked="" type="checkbox"/> BRAMFITT, Mark (Sonoma) | <input checked="" type="checkbox"/> LaROCHE, René | <input checked="" type="checkbox"/> SERRANO, Joe (Ce Alta, Santa Cruz) |
| <input checked="" type="checkbox"/> BROWNE, Scott | <input checked="" type="checkbox"/> LUOMA, Kai (Co, Ventura) | <input checked="" type="checkbox"/> STEPHENSON, Jennifer |
| | | <input checked="" type="checkbox"/> THOMPSON, Gary |

ADVISORY COMMITTEE:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> CRAIG, Crystal | <input checked="" type="checkbox"/> SANCHEZ, Erica | <input type="checkbox"/> BRAVO, Tara |
| <input checked="" type="checkbox"/> FITZROY, Rob | <input checked="" type="checkbox"/> SPAUNHURST, Brian | <input checked="" type="checkbox"/> FENDER, Brandon |
| <input checked="" type="checkbox"/> MUMPOWER, Priscilla | <input checked="" type="checkbox"/> TAPIA, Luis | <input type="checkbox"/> SIMON, Jim |

Guests: Dawn Mittelman Longoria (Napa), Jonathan Brinkmann (Monterey), Sam Martinez (San Bernardino), Paul Novak (Los Angeles), Mike Prater (Santa Barbara), and Jeren Seibel (Marin)

Recorder: René LaRoche

1. Welcome, Roll Call

9:05 AM: The meeting was called to order by René LaRoche. Roll was taken and a quorum was established.

2. Approval of minutes of the October 7, 2022 meeting

ACTION: *Approved unanimously as presented. Clark Alsop (M); Margie Mohler (S).*

3. Review and Possible Direction Regarding Proposed Omnibus Bill Items

Four proposals were considered and voted upon separately.

PROPOSAL #1 – description and source - was bifurcated.

First action: Approval of Change of Terms to allow Email.

ACTION: Approved unanimously. Gay Jones (M); Jo MacKenzie (S).

Second action: Need to outline.

ACTION: Approved unanimously. ??? (M); Clark Alsop (S).

PROPOSAL #2 – add tax sharing agreement language to GC 56658 (Ventura)

ACTION: *Approved unanimously – no changes. Gay Jones (M); Mike McGill (S).*

PROPOSAL #3 – remove obsolete sections (Ventura)

ACTION: *Approved unanimously, with direction to add additional 4-5 obsolete sections that were identified. Gay Jones (M); Anita Paque (S).*

PROPOSAL #4 – add Zones to definitions (San Bernardino)

ACTION: *Approved subject to requested changes to make the change succinct. Martinez, Luoma, Luca, and Novak to make the requested changes. Gary Thompson (M); Bill Connolly (S).*

4. Discussion and Direction Regarding Cancellation of the January 13, 2023 Meeting

DIRECTION: *The Executive Director was authorized to cancel the meeting if there is insufficient business to warrant a meeting.*

5. Items for Next meeting

- Update on Government Code Section 56133 proposal.
- Legislative Proposal Adding Indemnification Authorization (See Good of the Order)

6. Good of the Order

Paul Novak discussed the need for a legislative proposal to allow LAFcos to add indemnification language to applications. Rob Fitzroy gave an overview of the court case in San Luis Obispo. Scott Browne volunteered to work on a proposal. The committee concurred with extending the deadline for this one proposal to the next meeting. ED LaRoche noted that a January meeting would now be needed.

7. Adjournment to January 13, 2023 meeting at 9:00 a.m. (virtual)

10:43 AM: René LaRoche adjourned the meeting, noting the next meeting date and time.

LEGISLATIVE COMMITTEE MEETING STAFF REPORT

Agenda Item No. 3 CALAFCO Legislative Policies and Priorities Review

Meeting Date: January 13, 2023

Prepared By: René LaRoche, Chair

RECOMMENDATION

Review the current Association Legislative Policies and Priorities; and determine if changes are needed

DISCUSSION

Historically, the Legislative Committee (the Committee) reviews, amends as necessary, and approves for recommendation to the Board, the legislative policies and priorities. This year, the CALAFCO Board is scheduled to consider the policies at its February 17, 2023 meeting.

The current version of the policies, which were based on the work and recommendations of a subcommittee, was approved by the Committee on October 22, 2021 and by the Board on November 12, 2021.

Staff is now requesting the Committee to review those policies (Attachment 3.a) and determine if any changes are needed.

Depending on the Committee's determination, possible courses of action include:

If changes are needed:

Formation of a subcommittee to draft changes, which would need to come back to a special meeting of the Committee ahead of the Board's meeting on February 17, 2023.

If changes are not needed:

Staff recommends approval of the attached policies as presented.

ATTACHMENTS:

3.a – CALAFCO Legislative Policies and Priorities, last approved by the Board on November 12, 2021



CALAFCO 2022 Legislative Policies

As adopted by the Board of Directors on November 12, 2021

1. LAFCo Purpose and Authority

- 1.1. Support legislation that enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq. Oppose legislation that diminishes LAFCo authority.
- 1.2. Support authority for each LAFCo to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions. Oppose any limitations to that authority.
- 1.3. Oppose additional LAFCo responsibilities that require expansion of current local funding sources. Oppose unrelated responsibilities that dilute LAFCo ability to meet its primary mission.
- 1.4. Support alignment of responsibilities and authority of LAFCo and regional agencies that may have overlapping responsibilities in orderly growth, agricultural and open space preservation, and municipal service delivery. Oppose legislation or policies that create conflicts or hamper those responsibilities.
- 1.5. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.
- 1.6. Support individual commissioner responsibility that allows each commissioner to independently vote his or her conscience on issues affecting his or her own jurisdiction.

2. LAFCo Organization

- 2.1. Support LAFCo independence from local agencies.
- 2.2. Oppose the re-composition of any LAFCo to create special seats and recognize the importance of balanced representation provided by cities, the county, the public, and special districts in advancing the public interest.
- 2.3. Support representation of special districts on all LAFCos in counties with independent districts and oppose removal of special districts from any LAFCo.
- 2.4. Support communication and collaborative decision-making among neighboring LAFCos when growth pressures and multicounty agencies extend beyond an individual LAFCo's boundaries.

3. Agricultural and Open Space Protection

- 3.1. Support legislation that clarifies LAFCo authority to identify, encourage and ensure the preservation of agricultural and open space lands.
- 3.2. Encourage a consistent definition of agricultural and open space lands.
- 3.3. Support policies that encourage cities, counties and special districts to discourage development on all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.4. Support policies and tools that protect all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.5. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.

4. Orderly Growth

- 4.1. Support the recognition and use of spheres of influence as a planning tool pertaining to growth and development, and the preservation of agricultural and open space lands.
- 4.2. Support recognition of LAFCo spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- 4.3. Support orderly boundaries of local agencies and the elimination of islands within the sphere of influence and boundaries of agencies.
- 4.4. Support communication among cities, counties, special districts, stakeholders and affected parties through a collaborative process that resolves service, infrastructure, housing, land use, and fiscal issues, prior to application to LAFCo.
- 4.5. Support cooperation between counties and cities on decisions related to development within a city's designated sphere of influence.
- 4.6. Support cooperation between cities and special districts on decisions related to development within city and district spheres of influence that overlap.
- 4.7. Support the recognition of extreme natural disasters and disaster preparedness when considering growth and service delivery issues.

5. Service Delivery and Local Agency Effectiveness

- 5.1. Support the use of LAFCo resources to review Regional Transportation Plans, with a focus on sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, and conformity with LAFCo's legislative mandates. Support efforts that enhance meaningful collaboration between LAFCos and regional planning agencies.
- 5.2. Support LAFCo authority as the preferred method of local governance. Support the availability of LAFCo tools that provide options for local governance and efficient service delivery, including the authority to impose conditions that assure a proposal's conformity with LAFCo's legislative mandates.
- 5.3. Support a deliberative and open process for the creation or reorganization of local governments that evaluates the proposed new or successor agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.
- 5.4. Support the availability of tools for LAFCo to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.
- 5.5. Support legislation and collaborative efforts among agencies and LAFCos that encourage opportunities for sharing of services, staff and facilities to provide more efficient and cost-effective services.

2022 Legislative Priorities

Primary Issues

Authority of LAFCo

Support legislation that maintains or enhances LAFCo's authority to condition proposals in order to address any or all financial, growth, service delivery, and agricultural and open space preservation issues. Support legislation that maintains or enhances LAFCo's ability to make decisions regarding boundaries and formations, and to enact recommendations related to the delivery of services and the agencies providing them, including changes of organization and reorganizations.

Agriculture and Open Space Protection

Support policies, programs and legislation that recognize LAFCo's mission to protect and mitigate the loss of all types of agricultural lands, including prime agricultural lands and open space lands and that encourage other agencies to coordinate with local LAFCos on land preservation and orderly growth. Support efforts that encourage the creation of habitat conservation plans.

Water Availability

Support policies, programs and legislation that promote an integrated approach to water availability and management. Promote adequate water supplies and infrastructure planning for current and planned growth and disadvantaged communities, and that support the sustainability of all types of agricultural lands, including prime agricultural lands and open space lands. Support policies that assist LAFCo in obtaining accurate and reliable water supply information in order to evaluate current and cumulative water demands for service expansions and boundary changes. Such policies should include the impacts of expanding water company service areas on orderly growth, and the impacts of consolidation or dissolution of water companies providing services.

Viability of Local Services

Support policies, programs and legislation that maintain or enhance LAFCo's ability to review and act to determine the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs including those identified in regional planning efforts such as sustainable communities strategies. Support legislation that provides LAFCo and local communities with options for local governance that ensures efficient, effective, and quality service delivery. Support efforts that provide tools to local agencies to address aging infrastructure, fiscal challenges, declining levels of services, and inadequate services to disadvantaged communities.

Issues of Interest

Housing

Provision of territory and services to support housing plans consistent with State affordable housing mandates, regional land use plans and local LAFCo policies.

Transportation

Effects of Regional Transportation Plans and expansion of transportation systems on future urban growth and service delivery needs, and the ability of local agencies to provide those services.

Flood Control

The ability and effectiveness of local agencies to maintain and improve levees and protect current infrastructure. Carefully consider the value of uninhabited territory, and the impact to public safety of proposed annexation to urban areas of uninhabited territory at risk of flooding. Support legislation that includes assessment of agency viability in decisions involving new funds for levee repair and maintenance. Support efforts that encourage the creation of habitat conservation plans.

Adequate Municipal Services in Inhabited Territory

Consistency of expedited processes for inhabited annexations with LAFCo law that include fiscal viability. Promote environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services, including options for annexation of contiguous disadvantaged unincorporated communities. Support policies, programs, and legislation that would provide adequate municipal services to disadvantaged communities. Promote the delivery of adequate, sustainable, efficient, and effective levels of municipal services through periodic updates and reviews of Municipal Service Reviews, Spheres of Influence, and related studies prepared by LAFCOs.

Climate Adaptation

The ability and effectiveness of local agencies to proactively and effectively address issues that impact municipal service infrastructure and service delivery that include sea level rise, sand erosion, and levee protection. Adequate resources for local agencies to prepare for and appropriately respond to extreme disasters related to climate change. Ensure local agencies are considering climate resiliency when considering future development.

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LEGISLATIVE COMMITTEE MEETING STAFF REPORT

Agenda Item No. 4

Update, Discussion, and Possible Direction Regarding 2023 Omnibus Items

Meeting Date: January 6, 2023

Prepared By: Joe Serrano, on behalf of René LaRoche, Chair

RECOMMENDATION

1. Receive a status update on the legislative proposals for the 2023 Omnibus Bill.
2. Direct the CALAFCO Executive Director to submit any new proposal(s) or amendments approved by the Legislative Committee to the State Legislature for their review and consideration.

BACKGROUND

Each year, local officials discover minor problems with state statutes affecting counties, cities, and special districts. These minor problems do not warrant separate (and expensive) bills, which is why the Legislators combine several of these minor topics into an annual “omnibus bill.” In November 2022, the CALAFCO Legislative Committee reviewed four proposals to be considered for the 2023 Omnibus Bill. The following section provides a brief summary of each proposal.

PROPOSAL SUMMARY

- Proposed Change #1: Terminology Replacement

Government Code Section 56882 outlines how LAFCOs should distribute adopted resolutions regarding boundary changes. The proposed change would make two edits: (1) replace the word “mail” with “transmit” and (2) replace the word “boundaries” with “jurisdictional boundary.” Based on the Legislative Committee’s review, the proposed change to GCS 56882 would simplify how LAFCOs send out adopted resolutions and clarify which affected agencies need notification.

Status Update: *Approved by the Legislative Committee on 11/4/22; Currently being reviewed by the State Assembly Local Government Committee.*

- Proposed Change #2: Clarify Certificate of Filing Requirement

Government Code Section 56658 outlines when LAFCOs can issue a certificate of filing, which deems an application complete and ready for Commission consideration. The proposed change would add language that would require the adoption of a property tax exchange agreement prior to issuing a certificate of filing. Based on the Legislative Committee’s review, the proposed change to GCS 56658 would clarify the need to have a property tax exchange agreement in place before deeming the application complete.

Status Update: *Approved by the Legislative Committee on 11/4/22; Currently being reviewed by the State Assembly Local Government Committee.*

- Proposed Change #3: Remove Obsolete Code Sections

Certain government code sections in the Cortese-Knox-Hertzberg Act have sunset dates, were repealed, or are simply outdated. Government Code Sections 56375.(c), 56425.5, and 56429 appear to be obsolete. Based on the Legislative Committee’s review, the proposed removal of these code sections would better reflect the status of active code sections under the CKH Act. The Committee also requested that CALAFCO search for any other obsolete code sections. After further review, and coordination with the State Assembly Local Government Committee, other identified obsolete code sections have already been removed but are still listed in the CKH Act Guide for historical reference.

***Status Update:** Approved by the Legislative Committee on 11/4/22; Currently being reviewed by the State Assembly Local Government Committee.*

- Proposed Change #4: Clearly Define Improvement Districts

The Cortese-Knox-Hertzberg Act references “improvement districts” and “zones” separately. The intent of the proposed change is to always include “zones” whenever language in the CKH Act refers to an “improvement district.” Based on the Legislative Committee’s review, the proposed change appears to be a substantial modification, and therefore, does not meet the Omnibus Bill criteria.

***Status Update:** Legislative Committee required that the proposal be reviewed by the author and other LAFCOs to meet the Omnibus Bill criteria before Legislative Committee approval.*

2023 OMNIBUS BILL TRACKING LOG

In order to track all proposed changes considered and approved by the Legislative Committee, CALAFCO maintains a tracking log. This table is updated on a regular basis on any actions taken throughout the legislative process. **Attachment 4.A** shows the tracking log as of December 28, 2022.

ATTACHMENTS:

4.a Omnibus Tracking Log

2023 Omnibus Bill Items Tracking Log

Item No.	Person(s) Responsible	Government Code Section/ Proposed Change(s)	Actions	Due Date	Status
1	<p>Carolyn Emery, (OC), Brendon Freeman (Napa), and Paul Novak (LA)</p>	<p><u>Current:</u> Government Code Section 56882: “The executive officer mail a copy of the resolution adopted by the commission making determinations addressed to each of the following persons or entities: (a) The proponents, if any, where the proceedings for change of organization were initiated by petition. (b) Each affected local agency whose boundaries would be changed by the proposal.” <u>Proposed:</u> Replace “mail” with “transmit” and Replace “boundaries” with “jurisdictional boundary” as shown below: The executive officer shall transmit a copy of the resolution adopted by the commission... (b) Each affected local agency whose boundaries jurisdictional boundary would be changed by the proposal.</p>	<p>Approved as amended by Leg Team on 11/4. To be forwarded to ALGC.</p>		<p>State Assembly Local Government Committee Received Proposal on 12/5; Currently being Reviewed</p>
2 ATTACHMENT A	<p>Kai Luoma (Ventura)</p>	<p><u>Current:</u> Government Code Section 56658: “The executive officer shall not accept an application for filing and issue a certificate of filing for at least 20 days after giving the mailed notice required by subdivision (b).” <u>Proposed:</u> Add language to GCS 56658 requiring the adoption of a property tax exchange agreement prior to issuing a certificate of filing as shown below: (d)(1) The executive officer shall not accept an application for filing and issue a certificate of filing pursuant to subdivision (f) and an application shall not be deemed accepted for filing pursuant to subdivision (e) if an agreement for the exchange of property tax revenues has not been adopted pursuant to Section 99(b)(6) of the Revenue and Taxation Code. (2) The executive officer shall not accept an application for filing and issue a certificate of filing for at least 20 days...</p>	<p>Approved as amended by Leg Team on 11/4. To be forwarded to ALGC.</p>		<p>State Assembly Local Government Committee Received Proposal on 12/5; Currently being Reviewed</p>

3	Kai Luoma (Ventura)	<p><u>Current:</u> Government Code Sections 56375.(c), 56425.5, and 56429 are identified in the Cortese-Knox-Hertzberg Act and appear to be obsolete.</p> <p><u>Proposed:</u> Remove all identified obsolete sections in the CKH Act.</p>	Approved by Leg Team on 11/4 with direction to also include additional obsolete sections. To be forwarded to ALGC.		State Assembly Local Government Committee Received Proposal on 12/5; Proposer wishes to withdraw this proposal
4	Sam Martinez (San Bernardino)	<p><u>Current:</u> The Cortese-Knox-Hertzberg Act references "improvement districts" and "zones"</p> <p><u>Proposed:</u></p> <p>Option #1: Always include "zone" whenever the language in the Act is referring to an "improvement district";</p> <p>Option #2: Add the definition of "improvement district" in the Act; or</p> <p>Option #3: Add the definition of a "zone" in the Act.</p>	Requires language modification before Leg Team approval.		Pending Action from CALAFCO Leg Committee

LEGISLATIVE COMMITTEE MEETING STAFF REPORT

Agenda Item No. 5 Consider New Legislative Proposal

Meeting Date: January 13, 2023

Prepared By: René LaRoche, Chair

RECOMMENDATIONS

Review a new legislative proposal and approve or provide direction, as necessary.

DISCUSSION

On November 4, 2022, the Legislative Committee (the Committee) considered the legislative proposals that had been received ahead of the meeting. In the meeting's closing moments during the Good of Order meeting section, Los Angeles Executive Officer Paul Novak discussed the need for a legislative proposal to allow LAFcos to add indemnification language to applications in light of a recent court decision. San Luis Obispo Executive Officer Rob Fitzroy provided an overview of the court case in San Luis Obispo, and Attorney P. Scott Browne volunteered to work on a proposal. Given that the deadline to submit legislative proposals was 5:00 PM on that day, the Committee concurred with extending the deadline for this one proposal to this meeting.

Consequently, the Committee is now being asked to review the attached Proposal for Stand Alone legislation that would, if successful, give LAFcos the ability to require indemnification – an authority similar to what counties, cities, and special districts have. This amendment has been proposed by Steve Lucas (Butte), Paul Novak (Los Angeles), and the Law Office of P. Scott Browne.

Additionally, while staff understands the need for, and certainly supports, this new proposal, the Committee is cautioned to keep in mind that the pursuit of additional new legislation will most likely require a re-prioritization of current workplans.

HISTORY

Consideration of legislative proposals is an annual occurrence, normally timed for the beginning of the legislative year. The committee reviewed Omnibus proposals for this legislative year on November 4, 2022, when they extended the deadline for the submission of this proposal.

ATTACHMENTS

5.a. – Indemnification Proposal

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2023 Legislative Year

CALAFCO will consider any proposals for improving or clarifying the Cortese-Knox-Hertzberg Act or related laws when it can be shown to provide benefit or assistance to the mission and policy principles of CALAFCO. Requesting agencies are expected to provide sufficient explanation for proposals in order for the CALAFCO Legislative Committee to consider the proposal. Please complete the following questions as thoroughly as possible. **PROPOSALS ARE DUE BY 5:00 P.M., FRIDAY, NOVEMBER 4, 2022.**

REMEMBER THAT PROPOSALS FOR THE OMNIBUS BILL MUST BE NON-CONTROVERSIAL, HAVE NO OPPOSITION AND BE MINOR TECHNICAL CORRECTIONS. **WE CANNOT ACCEPT ANYTHING FOR THE OMNIBUS THAT DOES NOT MEET THIS CRITERIA AND PROPOSALS OF THIS NATURE FOR THE OMNIBUS WILL NOT BE FORWARDED TO THE LEGISLATIVE COMMITTEE.**

Along with this form, you must also provide a strike-through underlined version (tracked changes) of the code section in its entirety showing the changes (underlining the additional text and striking through the proposed deletions). This should begin on a new page of the form.

In summary, here's what we need to know – you will need to answer these questions on page 3 of the form.

- **Legislative history:** *What bill created the current law? What problem did it solve?*
- **Problem:** *What's wrong with the current law? Who says there's a problem? Why is this the best fix for the problem?*
- **Politics:** *Who else cares about this topic? What did they tell you when you asked them?*
- **People:** *Which groups did you talk to before submitting this request? What did they say?*
- **Specific language:** *What's your proposed amendment? How should the section really read?*

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2023 Legislative Year

Is this an Omnibus suggestion or stand-alone CALAFCO sponsored bill proposal?

Omnibus Stand-alone CALAFCO sponsored bill

If Omnibus, does it meet the requirements that the change is minor technical in nature and non-controversial? (If no, do not submit the proposal as Omnibus)

YES NO

If CALAFCO sponsored bill, have you identified and approached a potential legislative author(s)? N/A

YES NO

If Yes, who is the legislator(s)?

We suggest that the proposal be co-sponsored, ideally by one legislator from a smaller, more rural county and another legislator from a larger, more urban county. We are prepared to assist in enlisting a sponsor or co-sponsors.

PROPOSAL SUMMARY:

What Code Section (s) and specific language are proposed for change?

Amend

Amend Government Code § 56383 to add a new subsection (h).

Which CALAFCO Board-adopted legislative policy or priority does this proposal address (you will find the current legislative policies on the CALAFCO website)?

- 1.1. Support legislation that enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq. Oppose legislation that diminishes LAFCo authority.

- 5.2. Support LAFCo authority as the preferred method of local governance. Support the availability of LAFCo tools that provide options for local governance and efficient service delivery, including the authority to impose conditions that assure a proposal's conformity with LAFCo's legislative mandates.

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2023 Legislative Year

1. PROBLEM. The problem(s) that the proposal would address are:

Provide a detailed explanation of the problem(s) identified that would be solved with this proposal.

Existing State law authorizes a county, a city, or a special district to require an applicant to indemnify the public agency against litigation. Unfortunately, there is no corresponding statutory authority for LAFCOs to require indemnification from applicants. With respect to reviewing and processing proposals (applications), LAFCOs are similarly situated to other public agencies (which, for example, process requests for land-use approvals).

QUESTION: Should we specifically identify and cite the existing statutory authority respectively, for a county, a city, and a special district to require indemnification?

QUESTION: Should we specifically identify/cite the decision in the SLO LAFCO case?

2. SOLUTION. The proposal would address the problem in the following manner:

Describe *how* the problem would be resolved through this proposal. Include previous proposals or solutions that did not work and why they were not successful as a way to strengthen this position.

The proposal would amend Government Code § 56383 to add a new subsection (h) which would authorize LAFCO's to require indemnification.

3. ORGANIZATIONAL SUPPORT.

Which LAFCOs support the proposal? What other stakeholders may support the proposal?

Butte LAFCO, Los Angeles LAFCO, and the Law Office of P. Scott Browne.

4. ARGUMENTS IN SUPPORT.

What are the specific arguments in support of the proposal? Be as specific as possible, including data to support the argument.

The proposal would provide LAFCO with the same authority currently granted to counties, cities, and special districts. Doing so would prevent a LAFCO from having to settle litigation merely for the lack of financial resources necessary to defend against a lawsuit.

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2023 Legislative Year

5. ORGANIZATIONAL OPPOSITION.

What organizations, if any (LAFCos or other stakeholders) have expressed or may express opposition to the proposal?

The sponsors anticipate no organizational opposition.

6. ARGUMENTS IN OPPOSITION.

What are the potential specific arguments in opposition of the proposal? Be as specific as possible, including data to support the argument.

Given that LAFCOs simply seeks equivalent statutory authority currently afforded other public agencies, the sponsor is unaware of any potential arguments in opposition to the proposal.

7. CONTACTS.

For information please contact:

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C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2023 Legislative Year

Existing Government Code Section 56383 currently reads:

56383.

(a) The commission may establish a schedule of fees and a schedule of service charges pursuant to this division, including, but not limited to, all of the following:

- (1) Filing and processing applications filed with the commission.
- (2) Proceedings undertaken by the commission and any reorganization committee.
- (3) Amending or updating a sphere of influence.
- (4) Reconsidering a resolution making determinations.

(b) The fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged and shall be imposed pursuant to Section 66016. The service charges shall not exceed the cost of providing the service for which the service charge is charged and shall be imposed pursuant to Section 66016.

(c) The commission may require that an applicant deposit some or all of the required amount that will be owed with the executive officer before any further action is taken. The deposit shall be made within the time period specified by the commission. No application shall be deemed filed until the applicant deposits the required amount with the executive officer. The executive officer shall provide the applicant with an accounting of all costs charged against the deposited amount. If the costs are less than the deposited amount, the executive officer shall refund the balance to the applicant after the executive officer verifies the completion of all proceedings. If the costs exceed the deposited amount, the applicant shall pay the difference prior to the completion of all proceedings.

(d) The commission may reduce or waive a fee, service charge, or deposit if it finds that payment would be detrimental to the public interest. The reduction or waiver of any fee, service charge, or deposit is limited to the costs incurred by the commission in the proceedings of an application.

(e) Any mandatory time limits for commission action may be deferred until the applicant pays the required fee, service charge, or deposit.

(f) The signatures on a petition submitted to the commission by registered voters shall be verified by the elections official of the county and the costs of verification shall be provided for in the same manner and by the same agencies which bear the costs of verifying signatures for an initiative petition in the same county.

(g) For incorporation proceedings that have been initiated by the filing of a sufficient number of voter signatures on petitions that have been verified by the county registrar of voters, the commission may, upon the receipt of a certification by the proponents that they are unable to raise sufficient funds to reimburse fees, service charges, or deposits for the proceedings, take no action on the proposal and request a loan from the General Fund of an

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2023 Legislative Year

amount sufficient to cover those expenses subject to availability of an appropriation for those purposes and in accordance with any provisions of the appropriation. Repayment of the loan shall be made a condition of approval of the incorporation, if successful, and shall become an obligation of the newly formed city. Repayment shall be made within two years of the effective date of incorporation. If the proposal is denied by the commission or defeated at an election, the loan shall be forgiven.

This proposal would amend existing Government Code Section 56383 to add a new Subsection (h):

(h) A Commission may require, as a condition for processing a change of organization or reorganization, a sphere amendment or a sphere update, an out-of-agency service or exemption request pursuant to Government Code §§ 56133 or 56134, or any other action or determination requested of LAFCo, that the applicant defend, indemnify, and hold harmless the Commission, its agents, officers, and employees from any claim, action, or proceeding against the Commission, its agents, officers, or employees to attack, set aside, invalidate void, or annul, a determination of the commission.

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LEGISLATIVE COMMITTEE MEETING STAFF REPORT

Agenda Item No. 6 Discussion and Potential Action on Legislation Affecting LAFCos

Meeting Date: January 13, 2023

Prepared By: René LaRoche, Chair

RECOMMENDATIONS

Consider a bill that may have an impact on LAFCos and take positions as appropriate

DISCUSSION

As of January 6, 2023, there have been 103 bills introduced in the Assembly, and 94 in the Senate. The following bill has been highlighted as being of potential interest to CALAFCO.

1) [SB 68](#) (McGuire) Local Government

This spot bill was introduced on January 5, 2023, and at the time of this writing only notes that it will state the intent of the Legislature to enact legislation relating to local government. However, given that the bill's introduction mentions the CKH Act, the Committee Chair has reached out to the author's office requesting more particulars. Given the unknowns with this bill, it has been marked to Watch.

RECOMMENDATION: Continue to Watch

ATTACHMENTS

6.a. – SB 68 (McGuire)

Introduced by Senator McGuire

January 5, 2023

An act relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 68, as introduced, McGuire. Local government.

Existing law provides for the formation and powers of various local governments, including counties and cities. Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts.

This bill would state the intent of the Legislature to enact legislation relating to local government.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation relating to local government.

O

LEGISLATIVE COMMITTEE MEETING STAFF REPORT

Agenda Item No. 7 Receive an Update Regarding 56133 Proposal

Meeting Date: January 13, 2023

Prepared By: René LaRoche, Chair

RECOMMENDATIONS

Receive an Update Regarding Efforts Concerning the Government Code 56133 Proposal; and Provide Direction, if necessary.

DISCUSSION

As the Committee may remember, after multiple Committee and Board meetings, a proposal to seek an amendment to Government Code Section 56133 was approved. This is by way of a very brief update to keep the Committee members apprised of status.

Prior to the Committee's approval of that proposal, it requested the development of a White Paper. That White Paper has been finalized and has been distributed to the EOs, to the CSDA legislative advocate, to CALAFCO's legislative advocate, the Senate Governance and Finance Committee Consultant, and the Principal Consultant for the Assembly Committee on Local Government.

When the Board approved the proposal, they directed that the EOs be surveyed to gauge support for the proposal. Unfortunately, that has yet to be done because the organization and facilitation of the Association's Annual Conference in October took precedence. Staff is hoping to refocus on this matter in the near future, however, other issues relative to the administration of the association have arisen which will also require focus.

This issue again percolated up in early November when San Diego LAFCo sought to adopt a policy to address the problem. The policy was opposed by multiple special districts who had learned of the matter from CSDA. (A copy of the email thread between the CSDA advocate and the San Diego Executive Officer was sent to Committee members on November 9, 2022 at San Diego's request.) I am unaware of further activity beyond that point but my understanding is San Diego LAFCo will be available to provide a follow-up for this meeting.

Jean Hurst, of Hurst Brooks and Espinosa, has drafted an advocacy plan and has been invited to present and explain it to the Committee.

Preliminary discussions with CSDA have been held. They indicated that they would be in opposition to any change within Government Code Section 56133 that would require entities to undergo a process to have the subject contracts vetted by a LAFCo in advance. (Setting up a process to waive a process.) However, they did indicate a willingness to work towards a compromise.

Lastly, additional outreach with the Senate and Assembly Consultants has occurred. No responses have yet been received; however, new information (if received) will be reported verbally during consideration of this item.

ATTACHMENTS:

None.

CALAFCO Legislative Committee MEETING AGENDA

Friday, February 24, 2023 ♦ 10:00 am – 12:00 pm

IN PERSON & VIRTUAL

Physical Location: Best Best & Krieger, 500 Capitol Mall, Sacramento, CA

<https://us02web.zoom.us/j/82668076592?pwd=K01sUHikT0E3QTM5RGxQODh4MGFpUT09>

Phone: 669-900-6833

Meeting ID: 826 6807 6592 | Passcode: 790455

		<u>Page</u>
1. 10:00 A.M.: Convene and Roll Call	<i>R. LaRoche</i>	
2. Approval of Minutes of the January 13, 2023 meeting	<i>R. LaRoche</i>	3
3. Omnibus Update	<i>R. LaRoche</i>	5
4. Discussion on legislation affecting LAFcos	<i>R. LaRoche</i>	9
5. Update of other CALAFCO tracked bills	<i>R. LaRoche</i>	11
6. Items for Next Meeting	<i>All</i>	
7. Adjournment to March 31, 2023 meeting at 9:00 a.m. – to be held virtually.		

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**CALAFCO Legislative Committee
DRAFT ACTION MEETING MINUTES**

Date:	January 13, 2023	
Location:	Virtual	
Present:		
BOARD MEMBERS:		
<input checked="" type="checkbox"/> CONNELLY, Bill (N)	<input type="checkbox"/> LOPEZ, Chris (Co, Alt)	<input checked="" type="checkbox"/> MOHLER, Margie (A/L, Alt)
<input type="checkbox"/> JONES, Gay (A/L)	<input checked="" type="checkbox"/> MacKENZIE, Jo (S)	<input checked="" type="checkbox"/> PAQUE, Anita (Ce)
<input type="checkbox"/> KELLEY, Michael (S, Alt)	<input checked="" type="checkbox"/> McGILL, Michael (Co)	<input type="checkbox"/> PARRA, Daniel (Ce, Alt)
		<input checked="" type="checkbox"/> SUSMAN, Josh (N, Alt)
STAFF APPOINTMENTS:		
<input checked="" type="checkbox"/> ALSOP, Clark	<input checked="" type="checkbox"/> de SOUSA, Paula	<input checked="" type="checkbox"/> LYTLE-PINHEY, Sara (Ce, Stanislaus)
<input type="checkbox"/> BERRY, Kris (Amador)	<input checked="" type="checkbox"/> EMERY, Carolyn	<input checked="" type="checkbox"/> McINTYRE, Michelle (Ce Alt, Placer)
<input type="checkbox"/> BELL, Gary	<input checked="" type="checkbox"/> LUCAS, Steve	<input checked="" type="checkbox"/> ROMO, Adriana
<input checked="" type="checkbox"/> BRAMFITT, Mark (Sonoma)	<input checked="" type="checkbox"/> LaROCHE, René	<input checked="" type="checkbox"/> SERRANO, Joe (Ce Alta, Santa Cruz)
<input checked="" type="checkbox"/> BROWNE, Scott	<input checked="" type="checkbox"/> LUOMA, Kai (Co, Ventura)	<input checked="" type="checkbox"/> STEPHENSON, Jennifer
		<input checked="" type="checkbox"/> THOMPSON, Gary
ADVISORY COMMITTEE:		
<input checked="" type="checkbox"/> CRAIG, Crystal	<input type="checkbox"/> SANCHEZ, Erica	<input type="checkbox"/> BRAVO, Tara
<input type="checkbox"/> FITZROY, Rob	<input checked="" type="checkbox"/> SPAUNHURST, Brian	<input checked="" type="checkbox"/> FENDER, Brandon
<input checked="" type="checkbox"/> MUMPOWER, Priscilla	<input type="checkbox"/> TAPIA, Luis	<input checked="" type="checkbox"/> SIMON, Jim
Guests:	Jonathan Brinkmann (Monterey), Sam Martinez (San Bernardino), Paul Novak (Los Angeles), Mike Prater (Santa Barbara), and Jeren Seibel (Marin)	
Recorder:	René LaRoche	

1. Welcome, Roll Call

9:04 AM: The meeting was called to order by René LaRoche. Roll was taken and a quorum was established.

2. Approval of November 4, 2022 meeting minutes

ACTION: The Minutes were unanimously approved as presented. Jo MacKenzie (M); Clark Alsop (S).

3. CALAFCO Legislative Policies and Priorities Review

René LaRoche gave the staff report.

ACTION: The Legislative Policies and Priorities were unanimously approved for recommendation to the Board of Directors unchanged from last year. Jo MacKenzie (M); Clark Alsop (S).

4. Update, Discussion, and Possible Direction Regarding 2023 Omnibus Items

LaRoche noted the receipt and distribution of a revised proposal from San Bernardino. Joe Serrano gave the staff report, noting recommended language changes and the withdrawal of the proposal from Ventura regarding obsolete language. He also provided an overview of the revised proposal which would clarify the definition of zones. Based on conversations with the Assembly Local Government Committee Chief Consultant, Kai Luoma suggested language

changes to the second proposal, which would clarify that an adopted property tax exchange agreement is a requirement of an application. Clarifications were sought and discussion ensued. Sam Martinez provided clarification regarding the proposed revision.

ACTION: *The Committee unanimously approved removing from the Omnibus Proposal Number 3, which would remove obsolete language. Mike McGill (M); Carolyn Emery (S).*

ACTION: *The Committee unanimously approved the revised Proposal from San Bernardino to better define zones. Bill Connelly (M); Carolyn Emery (S).*

ACTION: *The Committee unanimously approved incorporating the language changes suggested by the ALGC into Proposal Number 2, which seeks to clarify that property tax agreements are a necessary component of a complete application. Anita Paque (M); Gary Thompson (S).*

5. Consider New Legislative Proposal

René LaRoche introduced the item. Scott Browne gave the staff report. Clarification was requested on several points and discussion ensued.

ACTION: *The Committee unanimously approved the proposal to move forward to the Board, with leave granted to Paul Novak to amend the proposal background. Bill Connelly (M); Mike McGill (S).*

6. Discussion and Potential Action on Legislation Affecting LAFcos

René LaRoche gave the staff report which noted the start of the legislative cycle, and one bill being informally monitored. No action taken.

7. Receive an Update Regarding 56133 Proposal

René LaRoche provided an update regarding past efforts in this matter. She noted that the survey still needs to be done and requested assistance from Steve Lucas (Butte) for that. She also reviewed an Advocacy Plan from Jean Hurst of Hurst, Brooks, and Espinosa, and noted a letter in opposition received from Monterey LAFco which was distributed after the posting of the agenda packet. Jo MacKenzie (San Diego) provided an update of conversations with CSDA regarding its recent insertion into a proposed policy in San Diego. Priscilla Mumpower (San Diego) provided an update on San Diego's policy interactions with CSDA. Jonathan Brinkmann (Monterey) provided an overview of Monterey's concerns. Discussion ensued regarding the merits of the proposal. René LaRoche and Clark Alsop noted that this is not an action item, and that the Committee is bound to pursue the legislation by virtue of the Board approval. Discussion ensued regarding different strategies going forward, and a subcommittee was established and populated with the goal of working the legislation. Monterey was invited to participate, but Mr. Brinkmann could not speak for his EO, leaving their seat on the committee pending approval.

ACTION: *The Committee unanimously approved the establishment of a subcommittee to work the legislation, and appointed the following members: Bill Connelly, Gay Jones, Steve Lucas, Priscilla Mumpower, Kai Luoma, and (tentatively) a representative from Monterey. Mike McGill (M); Jo MacKenzie (S).*

8. Items for next meeting

None mentioned.

9. Good of the Order

René LaRoche requested confirmation that the February 24th Committee meeting was still in person. The committee concurred. She also noted receiving a comment that the March meeting was on Cesar Chavez Day. Discussion ensued and it was noted that not every agency takes the holiday on the same day or at all, consequently, the date was unchanged.

10. Adjournment to February 24, 2023 meeting at 10:00 a.m. in person in Sacramento.

10:53 AM: René LaRoche adjourned the meeting, noting the next meeting date and time.

LEGISLATIVE COMMITTEE MEETING STAFF REPORT

Agenda Item No. 3 Receive and File the Omnibus Item Status Update

Meeting Date: February 24, 2023

Prepared By: Joe Serrano

RECOMMENDATION

Receive and File the Omnibus Item Status Update.

BACKGROUND

Each year, local officials discover minor problems with state statutes affecting counties, cities, and special districts. These minor problems do not warrant separate (and expensive) bills, which is why the Legislators combine several of these minor topics into an annual “omnibus bill.”

In November 2022, the CALAFCO Legislative Committee reviewed and approved four proposals to be considered for the 2023 Omnibus Bill. Of those four, two remain active and part of the Omnibus effort. Full details of the current status can be found in the tracking sheet (Attachment 3.a), which was last updated on February 17, 2023.

ATTACHMENTS:

3.a Omnibus Tracking Log

2023 Omnibus Bill Items Tracking Log

Item No.	Person(s) Responsible	Government Code Section/ Proposed Change(s)	Actions	Due Date	Status
1	<p>Carolyn Emery, (OC), Brendon Freeman (Napa), and Paul Novak (LA)</p>	<p><u>Current:</u> Government Code Section 56882: "The executive officer mail a copy of the resolution adopted by the commission making determinations addressed to each of the following persons or entities: (a) The proponents, if any, where the proceedings for change of organization were initiated by petition. (b) Each affected local agency whose boundaries would be changed by the proposal." <u>Proposed:</u> Replace "mail" with "transmit" and Replace "boundaries" with "jurisdictional boundary" as shown below: The executive officer mail transmit a copy of the resolution adopted by the commission... (b) Each affected local agency whose boundaries jurisdictional boundary would be changed by the proposal. (c) If the executive officer transmits a copy of the resolution using email or electronic means, the executive officer shall confirm receipt by the intended recipient through electronic read receipt or other means.</p>	<p>Approved as amended by Leg Team on 11/4. To be forwarded to ALGC.</p>	-	<p style="color: red;">State Assembly Local Government Committee negotiated with the concerned stakeholders and CALAFCO on 2/10 to add a new subsection for further clarification</p>
2 ATTACHMENT A	<p>Kai Luoma (Ventura)</p>	<p><u>Current:</u> Government Code Section 56658: "The executive officer shall not accept an application for filing and issue a certificate of filing for at least 20 days after giving the mailed notice required by subdivision (b)..." <u>Proposed:</u> Add language to GCS 56658 requiring the adoption of a property tax exchange agreement prior to issuing a certificate of filing as shown below: (d)(1) The executive officer shall not accept an application for filing and issue a certificate of filing pursuant to subdivision (f) and an application shall not be deemed accepted for filing pursuant to subdivision (e) if an agreement for the exchange of property tax revenues has not been adopted pursuant to Section 99(b)(6) of the Revenue and Taxation Code.</p> <p>(2) The executive officer shall not accept an application for filing and issue a certificate of filing for at least 20 days...</p>	<p>Approved as amended by Leg Team on 11/4. To be forwarded to ALGC.</p>	-	<p>State Assembly Local Government Committee Received Proposal on 12/5; Currently being Reviewed</p>

63	Kai Luoma (Ventura)	<p><u>Current:</u> Government Code Sections 56375.(c), 56425.5, and 56429 are identified in the Cortese-Knox-Hertzberg Act and appear to be obsolete.</p> <p><u>Proposed:</u> Remove all identified obsolete sections in the CKH Act.</p>	Approved by Leg Team on 1/4 with direction to also include additional obsolete sections. To be forwarded to ALGC.	-	State Assembly Local Government Committee Received Proposal on 12/5; Author has requested to withdraw this proposal
4	Sam Martinez (San Bernardino)	<p><u>Current:</u> The Cortese-Knox-Hertzberg Act references "improvement districts" and "zones"</p> <p><u>Proposed:</u> Always include "zone" whenever the language in the Act is referring to an "improvement district"; and Add the definition of a "zone" in the Act.</p>	Approved by Leg Team on 1/6. To be forwarded to ALGC.	-	State Assembly Local Government Committee Received Proposal on 1/9; State determined that this proposal did not meet the Omnibus criteria

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LEGISLATIVE COMMITTEE MEETING STAFF REPORT

Agenda Item No. 4 Legislation Affecting LAFcos

Meeting Date: February 24, 2023

Prepared By: René LaRoche, Chair

RECOMMENDATIONS

Review legislation that may have an impact on LAFcos and provide direction, if necessary.

DISCUSSION

With the start of a new two-year legislative cycle upon us, Friday, February 17, 2023, marked an important date as it was the deadline to submit proposed legislation. Unsurprisingly, there was a flood of new bills. As of this writing on February 20, 2023, there were 1609 new bills requiring review. Staff will be amending this item once that review can be completed.

ATTACHMENTS

NONE.

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LEGISLATIVE COMMITTEE MEETING STAFF REPORT

Agenda Item No. 5 Update of Other CALAFCO Tracked Bills

Meeting Date: February 24, 2023

Prepared By: René LaRoche, Chair

RECOMMENDATIONS

Update of Other CALAFCO Tracked Bills.

DISCUSSION

With the start of a new two-year legislative cycle upon us, Friday, February 17, 2023, marked an important date as it was the deadline to submit proposed legislation. Unsurprisingly, there was a flood of new bills. As of this writing on February 20, 2023, there were 1609 new bills requiring review.

Similar to Agenda Item number 4, staff will be amending this item once that review can be completed.

ATTACHMENTS

NONE.

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**CALAFCO Daily Legislative Report
as of Thursday, March 23, 2023**

AB 68 (Ward D) Land use: streamlined housing approvals: density, subdivision, and utility approvals.

Current Text: Amended: 3/16/2023 [html](#) [pdf](#)

Introduced: 12/8/2022

Last Amended: 3/16/2023

Status: 3/20/2023-Re-referred to Com. on H. & C.D.

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

Summary:

Would require a local government to approve a proposed housing development pursuant to a streamlined, ministerial approval process if the development meets certain objective planning standards, including, but not limited to, a requirement that the proposed parcel for the development be a climate-smart parcel, as described, or be included in the applicable region's sustainable communities strategy as a priority development area. The bill would set forth procedures for approving these developments and would set forth various limitations for these developments. The bill would authorize the Department of Housing and Community Development to review, adopt, amend, and repeal guidelines, rules, and regulations to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth by this process.

Position: None at this time

Subject: Planning

CALAFCO Comments: This bill was introduced as a spot holder in December, 2022, then was gutted and amended on March 16, 2023. It now seeks to set up ministerial approvals for developments and certain water and sewer service extensions for developments that meet certain parameters. Parameters include that the parcel must be in a high or moderate resource area as categorized by the opportunity maps maintained by the California Tax Credit Allocation Committee, be located within one-mile of transit but be in a very low vehicle travel area, and within one mile of assorted restaurants, bars, coffee shops, etc. Additionally, types of locations that do not qualify are also enumerated. Those include farmlands, wetlands, high fire hazard severity zones (as determined by Cal Fire), in proximity to a hazardous waste site, within a delineated earthquake fault zone, within a special flood hazard area or within a regulatory floodway, lands identified for conservation, protected habitat, and lands under a conservation easement.

Under the procedure that would be established by this bill, a minimum of 30 days notice to LAFCo would be required for the public hearing should a county seek to amend its general plan to increase the planned density on climate resilient lands.

AB 828 (Connolly D) Sustainable groundwater management: managed wetlands.

Current Text: Amended: 3/2/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 3/2/2023

Status: 3/6/2023-Re-referred to Com. on W., P., & W.

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

Calendar:

3/28/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

Summary:

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the term "managed wetland."

Position: Neutral

Subject: Water

CALAFCO Comments: Adds definitions for Managed Wetlands, and Small community water system to Water Code Section 10721.

AB 930 (Friedman D) Local government: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts.

Current Text: Introduced: 2/14/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Status: 3/2/2023-Referred to Coms. on L. GOV. and J., E.D., & E.

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

Summary:

Would authorize the legislative bodies of 2 or more local governments, defined to include a city, county, special district, or transit agency, to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would require the Office of Planning and Research (OPR) to develop standards for the formation of RISE districts no later than November 30, 2025. The bill would provide for the establishment of a governing board of a RISE district with representatives of each participating local government.

Position: Neutral

Subject: Special District Principle Acts

CALAFCO Comments: This bill has a similar overtone to SB 852 Dodd in 2022 regarding the formation of climate resilience districts outside of the LAFCo process.

As introduced, this bill (AB 930) is focused on the generation of funding and the governance of the expenditure of those funds. However, it should be carefully tracked in case that mission is expanded.

AB 1348 (Grayson D) State government: Controller: claims audits.

Current Text: Amended: 3/20/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Last Amended: 3/20/2023

Status: 3/21/2023-Re-referred to Com. on A. & A.R.

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

Summary:

The Government Claims Act generally requires the presentation of all claims for money or damages against local public entities and the state. Current law provides for the presentation of a claim for which appropriations have been made, or for which state funds are available, under that act to the Controller, in the form and manner prescribed by the general rules and regulations adopted by the Department of General Services. Current law, with specified exceptions, prohibits the Controller from drawing a warrant for any claim until it has been audited in conformity with law and the general rules and regulations adopted by the Department of General Services governing the presentation and audit of claims. This bill would require the Controller to conduct, unless prohibited by the provisions of a state ballot proposition passed by the electorate, financial and compliance audits as the Controller's office deems as necessary for purposes of ensuring that any expenditures, regardless of the source or fund from which the warrants for claims are drawn, are expended in a manner

consistent with the law and the voters' intent. The bill would also require the Controller to conduct any audits necessary to carry out their constitutional and statutory duties and responsibilities under the law.

Subject: Brown Act

CALAFCO Comments: As introduced, the bill was marked as a watch because it was a spot holder regarding the Brown Act. On March 20, 2023, it was gutted and amended and now speaks to claims against the state. Position and priority are changed to "None."

AB 1439 (Garcia D) Housing.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

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

Summary:

Current law generally sets forth the duties of the Department of Housing and Community Development, which is the principal state department responsible for coordinating federal-state relationships in housing and community development and for implementing the California Statewide Housing Plan. This bill would state the intent of the Legislature to enact legislation related to housing.

Position: Placeholder - Spot Bill

Subject: Housing

CALAFCO Comments: This is a spotholder bill that only notes an intent to address housing.

AB 1460 (Bennett D) Local government.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

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

Summary:

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. This bill would make a nonsubstantive change to the provision naming the act.

Position: Neutral

Subject: CKH General Procedures, Other

CALAFCO Comments: As introduced, this bill makes only a minor nonsubstantive change to CKH in that it would merely add commas to Section 56000 so that it would read: "This division shall be known, and may be cited, as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000."

SB 68 (McGuire D) Vehicles: safety regulations.

Current Text: Amended: 3/20/2023 [html](#) [pdf](#)

Introduced: 1/5/2023

Last Amended: 3/20/2023

Status: 3/20/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

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

Summary:

Current law requires the Department of the California Highway Patrol to regulate the safe operation of certain vehicles, including buses, truck tractors, and trailers, and to adopt certain rules and regulations pertaining to the operation of those vehicles. Current law requires these regulations to include certain maximum driving times within a work period, including a maximum driving time of 10 hours for a driver of a tank vehicle with a capacity of more than 500 gallons transporting flammable liquid. This bill would authorize the department to, by regulation, allow a driver to exceed this limit during a declared state of emergency if transporting aircraft fuel used for refueling aircraft used in fire suppression or other emergency-related activities, as specified.

Position: Watch

CALAFCO Comments: 1-6-2023: As it currently stands, this bill appears to be a spot holder. In the write-up it notes that the legislative intent will be to address local government and it specifically mentions CKH. Consequently, the Executive Director reached out to the author's office requesting more particulars. On 1-9-2023, the author's office responded that they had no additional info to share but that, while the the leg counsel introduction mentioned CKH, their language had nothing to do with it.

SB 360 (Blakespear D) California Coastal Commission: member voting.

Current Text: Introduced: 2/8/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Status: 2/15/2023-Referred to Com. on N.R. & W.

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

Summary:

The California Coastal Act of 1976 establishes the California Coastal Commission and prescribes the membership and duties of the commission. The act provides that its provisions do not preclude or prevent any member or employee of the commission who is also an employee of another public agency, a county supervisor or city councilperson, or a member of specified associations or organizations, and who has in that designated capacity voted or acted upon a particular matter, from voting or otherwise acting upon that matter as a member or employee of the commission. This bill would apply the latter provision to members of a joint powers authority and members of the local agency formation commission.

Position: None at this time

Subject: Other

CALAFCO Comments: PRC 30318 currently holds a provision that allows members or employees of certain entities to sit on the California Coastal Commission. This bill would add members or employees of JPAs and LAFCoS into that list.

SB 440 (Skinner D) Regional Housing Finance Authorities.

Current Text: Amended: 3/20/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 3/20/2023

Status: 3/20/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

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

Summary:

Current law provides for the establishment of various special districts that may support and finance housing development, including affordable housing special beneficiary districts that are authorized to promote affordable housing development with certain property tax revenues that a city or county would otherwise be entitled to receive. Current law, the San Francisco Bay Area Regional Housing Finance Act, establishes the Bay Area Housing Finance Agency to raise, administer, and allocate funding for affordable housing in the San Francisco Bay area, as defined, and provide technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production. Current law, the Los Angeles County Regional Housing Finance Act, similarly establishes the Los Angeles County Affordable Housing Solutions Agency to increase the supply of affordable housing in Los Angeles County, as specified. This bill, the Regional Housing Finance Act, would authorize 2 or more local governments to establish a regional housing finance authority to raise, administer, and allocate funding for affordable housing in the jurisdiction of the authority, as defined, and provide technical assistance at a regional level for affordable housing development, including new construction and the preservation of existing housing to serve a range of

incomes and housing types. The bill would require an authority to be governed by a board composed of at least 3 directors who are elected or appointed officials representing the local governments that are members of the authority.

Position: None at this time

Subject: Ag Preservation - Williamson, Annexation Proceedings

[SB 455](#) (McGuire D) State of emergency: mortgage servicers: written disclosure.

Current Text: Amended: 3/20/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 3/20/2023

Status: 3/20/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

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

Summary:

Would require a mortgage servicer servicing a mortgage with respect to a property located within the geographic limits of a proclaimed state of emergency or a local emergency that was the mortgage servicer at the time of the emergency proclamation to provide written disclosure to a transferee or purchaser mortgage servicer of certain information, including any contracts executed or agreements made to rebuild or repair a home damaged by the proclaimed emergency or to purchase a home to replace a home damaged by the proclaimed emergency, as specified. The bill would require a transferee or purchaser mortgage servicer to make a similar disclosure to a subsequent transferee or purchase mortgage servicer, as prescribed.

Position: Placeholder - Spot Bill

Subject: Other

CALAFCO Comments: This is a spotholder bill that notes that its intent will be to enact legislation relating to governmental organization.

[SB 537](#) (Becker D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 3/22/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 3/22/2023

Status: 3/22/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

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

Summary:

Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would authorize certain legislative bodies to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would also require a legislative body to provide a record of attendance on its internet website within 7 days after a teleconference meeting, as specified. The bill would define "legislative body" for this purpose to mean a board, commission, or advisory body of a multijurisdictional cross county agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the act. The bill would also define "multijurisdictional" to mean a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity.

Position: Placeholder - Spot Bill

Subject: Brown Act

CALAFCO Comments: This is a spotholder bill that states an intent to expand local government's access to hold public meetings through teleconferencing and remote access.

[SB 768](#) (Caballero D) California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.

Current Text: Amended: 3/22/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 3/22/2023

Status: 3/22/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

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

Summary:

The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA prohibits a public agency from approving or carrying out a project for which a certified EIR has identified one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency finds either (1) changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment, (2) those changes or alterations are within the jurisdiction of another public agency and have been, or can and should be, adopted by the other agency, or (3) specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR and the public agency finds that those specific considerations outweigh the significant effects on the environment, commonly known as a statement of overriding consideration. This bill would provide that a public agency, in approving or carrying out a housing development project, as defined, a commercial project, or an industrial project, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled or similar metrics if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project..

Position: Placeholder - Spot Bill

Subject: CEQA

CALAFCO Comments: This is a spotholder bill that notes an intent to enact subsequent legislation that would create a new transportation impact analysis for rural areas for purposes of the California Environmental Quality Act.

[SB 833](#) (McGuire D) Cannabis licensing following program: cultivation licenses: reduced license fee.

Current Text: Amended: 3/22/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 3/22/2023

Status: 3/22/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

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

Summary:

The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidates the licensure and regulation of commercial medicinal and adult-use cannabis activities. Under current law, the Department of Cannabis Control may issue cannabis cultivation licenses to commercial cannabis businesses that differ depending on the size of the cultivation site and whether the site is indoor, outdoor, or mixed-light. Existing law requires the department to charge each licensee a licensure and renewal fee, as applicable. This bill would require the department, no later than March 1, 2024, to establish a cannabis licensing following program for cannabis cultivators who choose to reduce or temporarily pause cultivating cannabis under their license. The bill would establish certain eligibility criteria to participate in the program, including specified limitations based on the size of the cultivation site and method of cultivation. The bill would require the program to authorize a licensee who participates in the program to, among other things, maintain their cultivation license and pay a reduced license fee in an amount determined by the department, as specified.

Position: Placeholder - Spot Bill

Subject: Special District Powers, Special District Principle Acts, Special Districts Governance

CALAFCO Comments: This is a spotholder bill that notes only an intent to enact subsequent legislation relating to natural resources.

SB 865 (Laird D) Municipal water districts: automatic exclusion of cities.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/21/2023-Set for hearing April 12.

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

Calendar:

4/12/2023 9:30 a.m. - 1021 O Street, Room 1200 SENATE GOVERNANCE AND FINANCE, CABALLERO, ANNA, Chair

Summary:

Current law authorizes a governing body of a municipal water district to adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, if the territory is annexed prior to the effective date of the formation of the municipal water district. Current law requires the Secretary of State to issue a certificate reciting the passage of the ordinance and the exclusion of the area from the municipal water district within 10 days of receiving a certified copy of the ordinance. This bill would extend the number of days the Secretary of State has to issue a certificate to 14 days.

Position: None at this time

Subject: Annexation Proceedings

CALAFCO Comments: Existing law authorizes a governing body of a municipal water district may adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, providing that the territory is annexed prior to the effective date of the formation of the municipal water district. If that happens, the Secretary of State must, within 10 days of receiving a certified copy, issue a certificate reciting the passage of the ordinance that excludes the area from the municipal water district. This bill would extend the Secretary of State's window to issue that certificate from 10 to 14 days.

1

AB 1753 (Committee on Local Government) Local government: reorganization.

Current Text: Introduced: 3/2/2023 [html](#) [pdf](#)

Introduced: 3/2/2023

Status: 3/16/2023-Referred to Com. on L. GOV.

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. The act requires a petitioner or legislative body desiring to initiate proceedings for a change of organization or reorganization to submit an application to the executive officer of the principal county. The act specifies when an application is complete and acceptable for filing, and requires the executive officer to immediately issue a certificate of filing when an application is accepted for filing, as specified. Upon the filing of an application or a resolution pursuant to the act, but prior to the issuance of a certificate of filing, current law requires the executive officer to give notice of the filing to the assessor and auditor of each county within which the territory subject to the jurisdiction change is located, as specified. Current law prohibits the executive officer from issuing a certificate pursuant to the provisions described above until resolutions are adopted by specified counties and cities in which they agree to accept the exchange of property tax revenues. Current law authorizes a county and any local agency within the county to develop and adopt a master property tax transfer agreement, as specified. This bill would, if applicable, prohibit the executive officer from accepting for filing an application for change or organization or reorganization and issuing a certificate of filing pursuant to the provisions described above, and would provide that an application is not deemed accepted for filing pursuant to the provisions described above, if an agreement for the exchange of property tax revenues has not been adopted pursuant to the provisions described above.

Position: Support

Subject: CKH General Procedures

CALAFCO Comments: This is CALAFCO's Omnibus bill. It seeks to add two new provisions to CKH. The first, would add section (d)(1) to Government Code Section 56658 and would note that R&T Section 99(d)(b)(6) requires an property tax agreement for an application to be considered complete. The second adds language to GC Sec. 56882 allowing transmission of commission determination by email, providing that the executive officer confirms receipt through an electronic read receipt of other means.

3

AB 557 (Hart D) Open meetings: local agencies: teleconferences.

Current Text: Introduced: 2/8/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Status: 2/17/2023-Referred to Com. on L. GOV.

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

Summary:

Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health, as specified. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. Current law requires a legislative body that holds a teleconferenced meeting 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, including an opportunity for all persons to attend via a call-in option or an internet-based service option. Current law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. This bill would extend the above-described abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, as specified, indefinitely.

Position: Neutral

Subject: Brown Act

CALAFCO Comments: Similar in scope to SB 411, this bill is follow-on legislation to AB 361 (2022) and seeks to return some of the pandemic-era teleconferencing provisions to the Brown Act. This bill is sponsored by CSDA.

AB 817 (Pacheco D) Open meetings: teleconferencing: subsidiary body.

Current Text: Amended: 3/16/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 3/16/2023

Status: 3/20/2023-Re-referred to Com. on L. GOV.

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

Summary:

Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to the Ralph M. Brown Act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

Position: Placeholder - Spot Bill

Subject: Brown Act

CALAFCO Comments: This bill appears to be a spot holder in that it currently only makes minor grammatical changes. The lack of substance raises concern regarding future changes to this bill.

SB 411 (Portantino D) Open meetings: teleconferences: bodies with appointed membership.

Current Text: Introduced: 2/9/2023 [html](#) [pdf](#)

Introduced: 2/9/2023

Status: 2/22/2023-Referred to Coms. on GOV. & F. and JUD.

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

Summary:

Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a legislative body to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would alternatively define “legislative body” for this purpose to mean a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the Ralph M. Brown Act.

Position: Neutral

Subject: Brown Act

CALAFCO Comments: This bill would permanently add back provisions to Section 54953.4 of the Brown Act that had been temporarily enacted during the COVID-19 pandemic. The amendment would allow a legislative body to use teleconferencing provisions, and would define the proper procedure for conducting such a meeting, would require the legislative body to take no further action in the event of a broadcasting disruption within the local agency's control until the broadcast can be resumed, would require time public comment periods to remain open until the public comment time has elapsed, and would not only prevent requiring comments in advance but would also require that the public be afforded the chance to comment in real time.

SB 878 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/14/2023-Set for hearing March 29.

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

Calendar:

3/29/2023 9:30 a.m. - 1021 O Street, Room 2200 SENATE GOVERNANCE AND FINANCE, CABALLERO, ANNA, Chair

Summary:

Would enact the First Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Position: None at this time

Subject: LAFCo Administration

CALAFCO Comments: This is the first of three annual validating acts.

SB 879 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/14/2023-Set for hearing March 29.

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

Calendar:

3/29/2023 9:30 a.m. - 1021 O Street, Room 2200 SENATE GOVERNANCE AND FINANCE, CABALLERO, ANNA, Chair

Summary:

Would enact the Second Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Position: None at this time

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

SB 880 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/17/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 3/14/2023-Set for hearing March 29.

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

Calendar:

3/29/2023 9:30 a.m. - 1021 O Street, Room 2200 SENATE GOVERNANCE AND FINANCE, CABALLERO, ANNA, Chair

Summary:

Would enact the Third Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: None at this time

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

Total Measures: 21

Total Tracking Forms: 21