

LAFCO MEMORANDUM

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION

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

November 4, 2021 (Agenda)

TO: Each Member of the Commission

FROM: Mike Prater
Executive Officer

SUBJECT: **Report on the 2022 CALAFCO Legislative Committee Meetings – October 22 & November 5, 2021**

This is an Informational Report. No Action is Necessary

DISCUSSION

The CALAFCO Legislative Committee convened one meeting on October 22 & the other meeting is scheduled for November 5, 2021. Your Executive Officer participates by ZOOM. A copy of the available Meeting Agendas are 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.

Attachments

Attachment A – CALAFCO Legislative Committee Agenda- October 22, 2021

Please contact the LAFCO office if you have any questions.

CALAFCO Legislative Committee MEETING AGENDA

Friday, October 22, 2021 ♦ 10:00 am – 2:00 pm

Zoom Meeting

<https://us02web.zoom.us/j/86946044347?pwd=U1BWcW5MdHJjTHA5SFhKQTdOM2ZpQT09>

Meeting ID: 869 4604 4347

Passcode: 207832

Phone: 669-900-6833

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8. Items for Next Meeting	<i>P. Miller</i>	
9. Adjournment to November 5, 2021 virtual meeting at 10:00 a.m.		

* Please see attached staff report.

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**CALAFCO Legislative Committee
DRAFT SUMMARY MEETING MINUTES**

Date: September 10, 2021

Location: Virtual

Participants: Clark Alsop, Mark Bramfitt, **Bill Connelly**, Carolyn Emery, Paula Graf, Steve Lucas, Kai Luoma, **Mike McGill**, **Jo MacKenzie**, Pamela Miller, **Tom Murray**, **Anita Paque**, Ryan Reed, Joe Serrano, Jennifer Stephenson and Gary Thompson.

Others present: Advisory Committee Members: Priscilla Allen, Tara Bravo^, Crystal Craig, Sara Lytle-Pinhey and Luis Tapia.

Guests included: Mike Prater (Santa Barbara).

Recorder: Pamela Miller

^ indicates not present the entire meeting

1. Welcome, Roll Call, Review Agenda

Roll call was taken and a quorum established. The meeting was called to order at 10:17 a.m. Pamela Miller began the meeting by welcoming new Committee members and thanking outgoing members. She explained the different roles of the voting members, alternates and advisory committee members.

2. Approval of minutes of the July 23, 2021 meeting

MOTION: *Anita Paque motioned to approve the minutes of July 23, 2021 meeting. The motion was seconded by Mike McGill and passed unanimously.*

3. Review and adoption of 2022 Legislative Committee meeting calendar

Pamela noted the December 2021 meeting date is December 3, not December 10 as noted on the report.

MOTION: *Clark Alsop motioned to adopt the 2022 meeting calendar as noted. The motion was seconded by Jo MacKenzie and passed unanimously.*

4. Review of 2021 Legislative year to date

- a. **Bill count and action**
- b. **CALAFCO tracked legislation**

Pamela gave a report on the total number of bills introduced in 2021 and provided an update on the bills being tracked by CALAFCO. No action was taken.

5. Formation of subcommittee to review Legislative Committee Guidelines

ACTION: *A subcommittee was formed to review the Committee Guidelines and bring suggested amendments to the October 22, 2021 meeting. The subcommittee consists of Pamela Miller, Bill Connelly and Luis Tapia.*

6. Review of 2022 Legislative Priorities

Pamela provided the Committee an update on the Board's legislative direction for 2022, noting they approved CALAFCO sponsorship on an Omnibus bill, the movement of the consolidated language of the protest provisions, and the sponsorship or co-sponsorship (with San Diego LAFCo) of the 56133 proposal.

She reported having received feedback from the two local government committee consultants that it may be a good idea to have a vehicle for the consolidated language in case it gets pulled from the Omnibus, in which case she suggested including the change in threshold percentages for protest. Pamela then said all three things could be in one bill, but that would be dependent upon San Diego LAFCo approval. The other option is co-sponsor 56133 with San Diego LAFCo and sponsor a separate bill for the protest work.

MOTION: *Bill Connelly motioned approval for CALAFCO to either co-sponsor 56133 with San Diego LAFCo and sponsor another bill containing the consolidation of protest language and the threshold changes; or, to sponsor a bill with all three items, depending on San Diego LAFCo's feedback. The motion also stated this will be taken to the Board as a recommendation. The motion was seconded by Mike McGill and passed unanimously.*

7. Review of Omnibus bill process

Joe Serrano, Omnibus lead, provided an overview of this year's Omnibus process and timeline. No action was taken.

8. Formation of subcommittee to review Legislative Policies

ACTION: *A subcommittee was formed to review the CALAFCO Legislative Policies and bring suggested amendments to the October 22, 2021 meeting. The subcommittee consists of Tom Murray, Carolyn Emery and Jennifer Stephenson.*

9. Items for Next Meeting

- a. Review of Legislative Policies for potential recommended changes to the Board
- b. Review, update and adopt Legislative Committee Guidelines
- c. Consideration of any Board requested actions or changes in legislative priorities
- d. Review of legislative proposals

10. Adjournment to October 22, 2021 virtual meeting

The meeting was adjourned at 11:25 a.m. to the October 22, 2021 virtual meeting.



LEGISLATIVE COMMITTEE MEETING STAFF REPORT

October 22, 2021

Agenda Item No. 3 CALAFCO Legislative Committee Guidelines

Prepared By: Pamela Miller, Chair

Date: October 22, 2021

RECOMMENDATION

1. Approve the amendments/updates to the Legislative Committee Guidelines as recommended by the subcommittee.

DISCUSSION

During the September 10, 2021 Legislative Committee (Committee) meeting, a subcommittee was formed to review the current Committee guidelines and bring back any recommended amendments.

The subcommittee included Pamela Miller, Bill Connelly and Luis Tapia. The subcommittee considered actual procedural practices when amending the Guidelines and is recommending the Committee approve the suggested changes.

ATTACHMENTS

3a – Tracked version of proposed changes to Legislative Committee Guidelines

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California Association of Local Agency Formation Commissions

LEGISLATIVE COMMITTEE GUIDELINES

TITLE: Legislative Committee Guidelines: Adopting Positions on Legislation and Propositions

GUIDELINE NUMBER: 2014-001

LAST UPDATED: ~~November 15, 2019~~ October 22, 2022

SECTION I. The California Association of Local Agency Formation Commissions (CALAFCO) represents the interests of the 58 Commissions statewide which implement the Cortese-Knox-Hertzberg Act and other laws within the State of California. Consistent with CALAFCO Policy 4.5, or other direction, the CALAFCO Legislative Committee (Committee), as appointed by the CALAFCO Board of Directors (Board), and in accordance with policy direction of the Board, plays a key role in reviewing proposed legislation, developing priorities and positions on legislation introduced in the State Legislature, making recommendations on legislation and/or statewide propositions, and/or reviewing and commenting on regulations issued by state or other agencies.

SECTION II. Purpose:

Within the parameters of the most recently adopted Board legislative policies and priorities, the Committee is charged with reviewing ~~proposed~~ legislation and proposed legislation during the legislative session and considering proposals for new legislation where it appears needed to carry out the direction of LAFCo as enacted in the Government Code and other statutes. The Committee meets regularly to consider legislation, make legislative proposals, and take positions where deemed appropriate. When considered important, positions may be taken on ~~proposed~~ legislation and/or statewide propositions, and comments may be provided to legislators or stakeholders to explain the position taken by CALAFCO. Testimony in writing or in person may be presented on behalf of CALAFCO by the staff or representatives of the Association as needed. The purpose of these Guidelines is to provide ~~the a~~ framework for the Committee's review of proposed legislation, propositions and/or regulations, as well as for adopting positions on such proposals. At the beginning of each legislative session, the Committee shall review these Guidelines and amend as necessary.

SECTION III. Process:

Newly introduced or identified legislation is to be reviewed by the CALAFCO Executive Director (Committee Chair) or designee, as it is introduced or brought to his or her attention.

Anyone who wishes to submit legislative proposals shall use the CALAFCO Legislative Proposal Request Form and the process identified by the Executive Director. Any proposal presented to the Committee for inclusion in the Assembly Local Government Committee annual Omnibus bill must have unanimous support of the Committee to be included. A vote cast as "abstain" is not counted towards the vote tally (it is not counted as a "yes" vote or a "no" vote). Bills that are of interest to CALAFCO in accordance with the Board's adopted Legislative Policies will be presented to the Committee for review and possible action/-recommendation to the Board. Committee

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members and CALAFCO members are encouraged to bring to the Committee's attention additional bills they believe to be relevant to CALAFCO's Legislative Policies ~~or its members~~.

The steps in acting on proposed legislative bills or issues are generally outlined as follows:

1. ~~The Executive Director reviews legislation daily and flags bills relevant to CALAFCO or member LAFCOs. At the time they are added to the tracking log, these bills are assigned a preliminary priority and position (usually of Watch) until the Committee has an opportunity to meet and discuss the item.~~
- 1.2. The Executive Director notifies the Committee of a bill or issue and provides a copy and any background information. ~~A preliminary priority is assigned for consideration of available resources until the Committee has had an opportunity to meet and discuss the item.~~ If a bill or issue warrants a timely response from the Committee, input by email may be requested.
- 2.3. The Committee will consider the bill or issue ~~and its position on the item and~~, will ~~assign either confirm~~ the priority ~~assigned or change it as it deems appropriate~~, and ~~consider its~~ position ~~on the item~~ as outlined in these Guidelines. All Committee decisions are determined by a majority of members participating in review of the bill or issue as long as a quorum of Board members serving on the Committee participates in the decision process. If a majority of Committee members participating cannot agree on a position, the issue shall be forwarded to the Board for its consideration and action. The Executive Director may poll the Committee by email or present the issue to the Board if a meeting of the Committee is not possible within the applicable timeframe and the issue is deemed important, or upon request of a Committee member or legislator or important party, such as the bill sponsor.
- 3.4. In time sensitive situations or in the absence of a timely meeting by the Committee or Board, the Executive Director may take a position or change a previously taken position on a bill ~~with concurrence of the Board Chair or Vice Chair~~. The Committee and Board shall be informed of such an action as soon as practically possible to ensure that the Committee and Board have up to date information on CALAFCO legislative positions. Such decisions should be made only when deemed necessary due to urgent issues or circumstances and when insufficient time exists to obtain formal consideration and a vote of the Committee and/or Board.
- 4.5. Positions on legislation and priorities may change throughout the legislative year or when amendments or policy positions are changed by sponsors or stakeholders. The Committee will be updated on the status of bills, usually by ~~discussion at the next scheduled Committee meeting~~, by email or on the CALAFCO website, and may change a position on a bill if the circumstances or priority warrant such an action.
- 5.6. For controversial bills, (such as bills objected to by a majority of Committee members from at least one Region of the Association or bills for which the vote on a position was split) the issue shall be presented to the Board for direction and/or final decision.
- 6.7. CALAFCO may sponsor a bill when an issue or proposal is of priority or direct concern to CALAFCO and a change in the law is desired by CALAFCO. Sponsoring a bill requires substantial resources of time and involvement of CALAFCO staff and members. The process involves close interaction with a legislator and staff of legislative committees. Board approval is required for CALAFCO to sponsor a bill.

SECTION IV. Propositions:

If a proposed statewide proposition is identified, and is of interest to CALAFCO members, the Executive Director shall present it to the Committee for review and determination of a position, if deemed appropriate. CALAFCO will

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generally not take a position on a proposition unless it will have a direct impact on the mission and purpose of CALAFCO or its ~~LAFCo~~ members LAFCos.

The Committee shall forward a recommendation of a position taken on any proposition to the Board, which shall review and make the final decision on taking a position on a proposition, taking into consideration the recommendation of the Committee.

SECTION V. Formal Positions on Legislation:

The Committee shall identify and review the issues presented by a proposed bill and consider taking a formal position ~~where as~~ deemed appropriate. The positions and resource priority categories are:

Position	Category Description
<u>Sponsor</u>	<u>A position given to bills for which CALAFCO is the sponsor or Co-Sponsor. Inherent in this position is CALAFCO's support of the bill. CALAFCO sponsored bills are deemed the highest priority and given the highest level of resources.</u>
Support	A position given to bills or propositions that the Committee believes are consistent with or would further CALAFCO policy positions or implementation of the Cortese-Knox-Hertzberg Act; benefits the membership of CALAFCO, and/or reflects good governance principles as public policy.
Neutral	A position given to bills that have no direct impact upon CALAFCO members or have been sufficiently amended to remove CALAFCO's support or opposition <u>and warrant no other position as a result of those amendments.</u> but the sponsor and/or author requests a position from CALAFCO.
Watch	A position given to bills of interest to CALAFCO or its members <u>that have no direct impact upon CALAFCO members or that do have an impact but do not warrant a position at that time given amendments are likely pending.</u> but do not directly affect CALAFCO at that time, including spot bills or <u>May include</u> two-year bills where the author has indicated the bill will be amended or the subject area may change to not impact CALAFCO or its members (also known as gut and amend bills). These bills will be tracked but do not warrant taking a position at that time.
<u>Watch with concerns</u>	<u>A position given to bills of interest to CALAFCO or its members that have a direct impact to CALAFCO or its members and for which CALAFCO has concerns. This position usually requires a letter to the author stating our concerns with suggestions for mitigating the concerns.</u>
<u>Placeholder – Spot Bill</u>	<u>A position given to a bill identified as a spot bill.</u>
Oppose	A position given to bills or propositions the Committee believes are detrimental to the policy positions of CALAFCO or its members or to good governance principles as public policy. <u>This position is taken when the Committee has deemed that no amount</u>

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Position	Category Description
	<u>of amendments would change the position and no negotiations are intended to be undertaken.</u>
Support Unless-If Amended or Oppose Unless Amended	A position given to bills for which a support or oppose position could be taken if amendments were made to address identified concerns of the Committee and/or Board. This may include changing a previously stated CALAFCO position. These positions can be changed by the Executive Director if identified amendments have been accepted and are either "pending" (e.g., the author has accepted or the Executive Director has seen legislative counsel mock-up) or are in print. Timeliness is usually important in responding to requests on these types of bills.
<u>Oppose pending amendments</u>	<u>A position given to bills when amendments that are opposed by CALAFCO are forthcoming that are not yet in print. This includes bills with pending amendments that may be heard in committee without being in print. Timeliness is usually a factor in taking this position.</u>
No Position <u>None at this time</u>	A position given to bills that either are of interest to or have an impact on CALAFCO or its members for which no adopted position is possible and for which there is a clear lack of consensus among the membership on the appropriate position. This may include situations in which a substantive number of member LAFcos have divergent positions or policy issues of concern with proposed legislation and no final consensus position is possible.

SECTION VI. Establishing Resource Priorities on Bills or Propositions

The time and resources of CALAFCO are limited. In other words, as a nonprofit association, CALAFCO can expend or allocate only a limited amount of effort and budget to legislative activities and there are only two part-time staff. Therefore, resource priorities may be assigned on legislative issues or bills to guide the activities of CALAFCO staff, Committee and Board. Member representatives may be called upon to write letters or testify on bills as determined beneficial by the Executive Director, Committee or Board.

Resource Priority Level	Level Description
Priority 1	Bills have major importance and a direct, <u>significant</u> impact on CALAFCO or its members statewide, <u>or set a policy precedent that impacts the mission and effectiveness of LAFcos statewide</u> . These bills receive primary attention and comprehensive advocacy by the Executive Director and Committee. Such advocacy may include letters of position, testimony in policy committees, direct communications with legislators, and grassroots mobilization to-of members and any combination of effort. This level requires the most <u>highest</u> resource commitment.
Priority 2	Bills have a <u>significant direct</u> impact on or are of interest to CALAFCO or its members; may set a policy precedent or have impact relevant to the mission of CALAFCO or its member LAFcos, or have a major importance to a CALAFCO member or group of members or constituents. These bills receive position letters

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Resource Priority Level	Level Description
	and testimony to policy committees as time permits or upon request of the author or sponsor.
Priority 3	Bills have an interest to CALAFCO or members, and <u>may have</u> a substantive effect but are deemed to be of a lower priority as to time and effort resources for advocacy. If requested by a CALAFCO member or stakeholder <u>and approved by the Committee</u> , CALAFCO will send a position letter but will not testify unless unusual circumstances arise and if time allows, so as to not conflict with other higher priorities. Minimal resources <u>will-are to</u> be committed to Priority 3 bills.

From time to time, impacts of and priorities on bills and issues may change. The Executive Director is empowered to use her/his discretion in evaluating such circumstances and, where applicable, if time is of the essence, may change position or priority on a bill when considered in the best interest of CALAFCO and consistent with adopted policy. Such action, including a description of the circumstances that led to the change, shall be communicated to the Committee and Board as soon as possible after such an action is taken. When timing allows a delay in considering a change of impact or priority on a bill or issue, the Executive Director shall obtain the input and action of the Committee.

SECTION VII. Definitions

Author: A member of the Legislature who introduces a legislative measure (bill).

Author/Sponsor: Legislator who is authoring or carrying the bill without a designated sponsor.

Bill: A proposed law, introduced during a session for consideration by the Legislature, and identified numerically in order of presentation; also, a reference that may include joint and concurrent resolutions and constitutional amendments.

Proposition: A direct initiative process which allows state citizens to bypass the Legislature and have a voice in directly adding, repealing or amending provisions of the California Constitution or statutes. Ballot propositions can be proposed either by the Legislature or citizens.

Sponsor: The private individual, or group who developed a piece of legislation and advocates its passage.

Spot Bill: A bill that proposes nonsubstantive amendments to a code section in a particular subject; introduced to assure that a bill will be available, subsequent to the deadline to introduce bills, for revision by amendments that are germane to the subject of the bill.

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LEGISLATIVE COMMITTEE MEETING STAFF REPORT

October 22, 2021

Agenda Item No. 4 2022 Omnibus Proposals

Prepared By: Joe Serrano, Omnibus Lead

Date: October 22, 2021

RECOMMENDATION

1. Review the legislative proposals for the 2022 Omnibus Bill and determine which proposals meet the Omnibus Bill criteria; and
2. Direct the CALAFCO Executive Director to submit the proposal(s) approved by the Legislative Committee to the Assembly Local Government Committee.

DISCUSSION

The Legislative Committee typically considers proposed changes to the Cortese-Knox-Hertzberg Act during this time of the year. The CALAFCO Executive Director requested submittals of any legislative changes on August 18 with a deadline of September 30. CALAFCO staff received a total of 5 proposed changes. A brief summary is shown below for each proposal. It is important that this Committee consider three factors before taking action: (1) What is the identified problem? (2) What is the proposed solution? (3) Does the proposal meet the Omnibus Bill criteria? Also, pursuant to adopted Committee guidelines, all Omnibus proposals must be unanimously approved in order to move forward.

Proposed Change #1: Effective Date Clarification

Government Code Sections (GCS) 56102 and 57202 both discuss the effective date of a proposal following the execution of a certificate of completion. The proposed change would make two edits: (1) replace the words “to be completed and in existence” with “take effect” under GCS 56102 and (2) delete subsection (b) under GCS 57202 due to a potential redundancy. Based on staff’s review, the proposed change to GCS 56102 would clarify when a proposal is finalized. However, the proposed change to GCS 57202 would delete a subsection may or may not be considered a substantial change and/or a controversial item by the State legislators or other public entities.

Proposed Change #2: General Plan Update and Pre-Zoning Requirements for Detachments

Although GCS 56375(a)(7) requires cities to update their general plan and pre-zoning designations when considering annexations of unincorporated lands, there is no requirement for counties when considering detachments of incorporated lands from cities. Additionally, the same code section requires cities to pre-zone the entire annexation area including public streets, roads, and alleys. The proposed change would amend this code section to require cities and counties to update their general plans and pre-zone designations when considering annexations or detachments and also clarify when rezoning is or is not required. Based on staff’s analysis, the proposal would add a new responsibility to counties and introduce new exemptions. Therefore, this proposal may be considered a substantial change and/or a controversial item by the State legislators or other public entities including but not limited to the California State Association of Counties.

Proposed Change #3: Successor Agency Definition

Although the term “successor agency” is mentioned frequently in GCSs 56451 through 57463, as well as GCS 56886(m), the term is not defined in the “Definitions” section of the CKH Act. The proposed change would add a definition of a “successor agency” under Chapter 2 (Definitions) in 56078.5 of the CKH Act. Based on staff’s analysis this would simply define the term and therefore may not be considered a substantial change or controversial item.

Proposed Change #4: Distinction between “Proposals” and “Applications”

LAFcos conduct boundary changes when an application is submitted by either an affected agency or affected residents (landowners or registered voters). Under LAFco law, applications transition to proposals once certain statutory steps are completed. GCS 56017.2 defines an application as a resolution or petition initiating a boundary change or a request by a local agency for Commission approval of an extension of services outside an agency’s jurisdictional boundaries. GCS 56069 defines a proposal as “a desired change of organization or reorganization initiated by a petition or by resolution of application of a legislative body or school district for which a certificate of filing has been issued. In short, an application becomes a proposal once a certificate of filing is issued. The proposed change would replace the word “proposal” with “application” under certain code sections to properly define the status of the requested boundary change. Based on staff’s analysis, the proposed change would simply identify the correct term under the specified code sections and therefore may not be considered a substantial change or controversial item.

ATTACHMENTS

- 4a – Omnibus proposal tracking log
- 4b – Proposal for 56102 & 57202(b)
- 4c – Proposal for 56375(a)(7)
- 4d – Proposal for 56078.5
- 4e – Proposal for 56653(a), 56654 (a), (b) and (c) and 56658(b)(1) and (b)(2)

2022 Omnibus Bill Items Tracking Log

Item No.	Person(s) Responsible	Government Code Section/ Proposed Change(s)	Actions	Due Date	Status
1	Steve Lucas & Paul Novak	<p><u>Current:</u> Government Code Section 56102: "...the change of organization or reorganization shall be deemed to be completed and in existence upon the date of execution of the certificate of completion."</p> <p><u>Proposed:</u> Replace "to be completed and in existence" with "take effect" under GCS 56102</p>			Received on 08/18/2021
2	Carolyn Emery & Paul Novak	<p><u>Current:</u> Government Code Section 56375(a)(7): "The decision of the commission with regard to a proposal to annex territory to a city shall be based upon the general plan and rezoning of the city..."</p> <p><u>Proposed:</u> Add language to GCS 56375(a)(7) requiring general plan updates and pre-zoning designations for counties when considering detachments of incorporated lands from cities, and specify when pre-zoning designations are required for both cities and counties.</p>			Received on 08/25/2021
3	Paul Novak	<p><u>Current:</u> Government Code Sections 56451 through 57463 and 57463 refer to a "successor agency"; No definition in Chapter 2 (Definitions; 56010 et seq.)</p> <p><u>Proposed:</u> Add Government Code Section 56078.5: "Successor Agency" means the local agency the Commission designates to wind up the affairs of a dissolved district.</p>			Received on 08/18/2021

4	Kai Luoma	<p>Current: Government Code Sections 56653(a), 56654(a), (b), and (c), and 56658(b)(1) and (b)(2) refer to a "proposal"; CKH Act defines the difference between "applications" under GCS 56017.2 and "proposals" under GCS 56069</p> <p><u>Proposed:</u> Replace "proposals" with "applications" within GCS 56653(a), 56654(a), (b), and (c), and 56658(b)(1) and (b)(2)</p>		Received on 09/27/2021
5	Steve Lucas & Paul Novak	<p><u>Current:</u> Government Code Section 57202(b): "The change of organization or reorganization shall be complete from the date of execution of the certificate of completion and effective from the dates specified in the terms and conditions of the commission resolution, unless no effective date has been fixed in those terms and conditions."</p> <p><u>Proposed:</u> Delete subsection (b) under GCS 57202</p>		Received on 08/18/2021

ATTACHMENT B

OMNIBUS BILL – PROPOSED CHANGE

**ITEM X.X – GCS 56102 AND 57202
(STEVE LUCAS AND PAUL NOVAK)**

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2022 Legislative Year

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

 XX 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 XX NO

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

YES NO N/A

If Yes, who is the legislator(s)?

PROPOSAL SUMMARY:

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

Revising existing Code Sections 56102 and 57202.

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

The proposal will assist in the clarification as to when a proposal is complete for the purposes of service transition and the transfer of any revenues.

Viability of Local Services

Support legislation that maintains or enhances 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 which provides LAFCo and local communities with options for local governance and service delivery to ensure efficient, effective, and quality service delivery. Support efforts which provide tools to local agencies to address aging infrastructure, fiscal challenges, the maintenance of services, and services to disadvantaged communities.

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2022 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.

In Section 56102, the words “be completed and in existence” are superfluous; in Section 57202, all of existing subsection “(b)” are unnecessary and repetitive.

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.

In Section 56102, the words “be completed and in existence” would be replaced with the words “take effect.”

In Section 57202, existing subsection “(b)” would be deleted.

3. ORGANIZATIONAL SUPPORT.

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

Given that the change is non-substantive, and provides clarity, support from many LAFCOs is anticipated.

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 existing language in both sections is superfluous, unnecessary, and may confuse the public.

5. ORGANIZATIONAL OPPOSITION.

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

Unknown at this time.

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.

The sponsor is unaware of any potential arguments in opposition to the proposal.

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2022 Legislative Year

7. CONTACT.

For information please contact:

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SLucas@buttecounty.net

56102. For the purpose of any action to determine or contest the validity of any change or organization or reorganization, the change of organization or reorganization shall be deemed to ~~be completed and in existence~~ take effect upon the date of execution of the certificate of completion.

57202. (a) If an effective date is fixed in the terms and conditions of the commission resolution, that date shall be the effective date.

An effective date shall not be fixed which is either of the following:

(1) Earlier than the date of execution of the certificate of completion.

(2) Later than nine months after the date of the election in which a majority voted in favor of the change of organization or reorganization.

~~(b) The change of organization or reorganization shall be complete from the date of execution of the certificate of completion and effective from the dates specified in the terms and conditions of the commission resolution, unless no effective date has been fixed in those terms and conditions.~~

~~(c)~~ (b) If no effective date has been fixed in any of the terms and conditions, the effective date of a change of organization or a reorganization shall be the date of the recordation made with the county recorder and, if filed with the recorder of more than one county, the date of the last such recordation.

~~(d)~~ (c) The commission shall set an effective date for any incorporation. The authority of the commission to set the date of incorporation shall be exclusive, except as provided in Section 57203.

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ATTACHMENT C

OMNIBUS BILL – PROPOSED CHANGE

ITEM X.X – GCS 56375(A)(7)
(CAROLYN EMERY AND PAUL NOVAK)

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2022 Legislative Year

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

 XX 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 XX NO

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

YES NO N/A

If Yes, who is the legislator(s)?

PROPOSAL SUMMARY:

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

This proposal would amend Code Section 56375(a)(7) to accomplish three objectives:

1. To clarify that rezoning is required and applies to the detachment of an area from a city to a county;
2. For a proposed annexation to a city, the proposal would clarify that rezoning does not apply to public streets, roads or alleys to the extent a city does not apply land use designations to its public streets, roads or alleys in its General Plan and Zoning Ordinance; and
3. For a proposed detachment from a city to a county, the proposal would clarify that rezoning does not apply to public streets, roads or alleys to the extent a county does not apply land use designations to its public streets, roads or alleys in its General Plan and Zoning Ordinance.

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

The proposal will clarify when rezoning is or is not required, which is consistent with the following CALAFCO legislative policy:

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Viability of Local Services

Support legislation that maintains or enhances 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 which provides LAFCo and local communities with options for local governance and service delivery to ensure efficient, effective, and quality service delivery. Support efforts which provide tools to local agencies to address aging infrastructure, fiscal challenges, the maintenance of services, and services to disadvantaged communities.

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 law requires a city to prezone affected territory when the city proposes to annex territory; this is a logical, accepted requirement for all city annexation proposals.

The fact that existing law applies to city annexations, but not to city detachments, is illogical. Either pre zoning is required for equivalent proposals, or it is not required for equivalent proposals. Because Government Code Section 56375 refers to LAFCO's authority involving change of organization and reorganization (annexation, detachment, etc.), the intent of the Act is that the requirement for pre zoning should apply to detachments.

This proposal would clarify the requirement of a county to prezone affected territory when a city proposes to detach that property to the county.

Many cities and counties do does not apply land use designations to streets, roads, and alleys in their respective General Plan and Zoning Ordinance; for those agencies, requiring pre zoning for the affected territory in an annexation (from a county a city) or a detachment (from a city to a county) should not be required. This proposal would also provide that the pre zoning requirement does not apply to the portion of territory in annexations and detachments which includes public streets, roads, and alleys for those agencies that do not apply land use designations to public streets, roads, and alleys within their respective General Plan and Zoning Ordinance.

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.

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This proposal would require a county to prezone affected territory when a city proposes to detach that property to the county.

This proposal would clarify that rezoning is not required for annexations (from a county to a city) and for detachments (from a city to a county) if the affected territory involves public roads, streets, or alleys for agencies that do not apply land use designations to public roads, streets, and alleys.

3. ORGANIZATIONAL SUPPORT.

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

The proposal is sponsored by Los Angeles LAFCO and Orange LAFCO.

Given that the proposal clarifies when rezoning is or is not required, and would treat equivalent proposals equally, support from many LAFCOs is anticipated.

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 fact that existing law applies to city annexations, but not to city detachments, is illogical. Either rezoning is required for equivalent proposals, or it is not required for equivalent proposals.

If a county or a city does not apply land use designations to public roads, streets, or alleys in its respective General Plan and Zoning Ordinance, it makes no sense for LAFCO to require these agencies to do so as a requirement of an annexation or detachment.

5. ORGANIZATIONAL OPPOSITION.

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

Opposition is unknown at this time. Potentially, the California State Association of Counties (CSAC), or an individual county, may raise a concern that the rezoning requirement for city detachments is burdensome to counties.

6. ARGUMENTS IN OPPOSITION.

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

Opposition is unknown at this time. Potentially, the California State Association of Counties (CSAC), or an individual county, may raise a concern that the rezoning requirement for city detachments is burdensome to counties.

7. CONTACT.

For information please contact:

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56375.

The commission shall have all of the following powers and duties subject to any limitations upon its jurisdiction set forth in this part:

- (a) (1) To review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.
- (2) The commission may initiate proposals by resolution of application for any of the following:
 - (A) The consolidation of a district, as defined in Section 56036.
 - (B) The dissolution of a district.
 - (C) A merger.
 - (D) The establishment of a subsidiary district.
 - (E) The formation of a new district or districts.
 - (F) A reorganization that includes any of the changes specified in subparagraph (A), (B), (C), (D), or (E).
 - (G) The dissolution of an inactive district pursuant to Section 56879.
- (3) A commission may initiate a proposal described in paragraph (2) only if that change of organization or reorganization is consistent with a recommendation or conclusion of a study prepared pursuant to Section 56378, 56425, or 56430, and the commission makes the determinations specified in subdivision (b) of Section 56881.
- (4) A commission shall not disapprove an annexation to a city, initiated by resolution, of contiguous territory that the commission finds is any of the following:
 - (A) Surrounded or substantially surrounded by the city to which the annexation is proposed or by that city and a county boundary or the Pacific Ocean if the territory to be annexed is substantially developed or developing, is not prime agricultural land as defined in Section 56064, is designated for urban growth by the general plan of the annexing city, and is not within the sphere of influence of another city.
 - (B) Located within an urban service area that has been delineated and adopted by a commission, which is not prime agricultural land, as defined by Section 56064, and is designated for urban growth by the general plan of the annexing city.
 - (C) An annexation or reorganization of unincorporated islands meeting the requirements of Section 56375.3.
- (5) As a condition to the annexation of an area that is surrounded, or substantially surrounded, by the city to which the annexation is proposed, the commission may require, where consistent with the purposes of this division, that the annexation include the entire island of surrounded, or substantially surrounded, territory.
- (6) A commission shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements.
- (7) The decision of the commission with regard to a proposal to annex territory to a city or to detach territory from a city shall be based upon the general plan and rezoning of the city or county. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. A commission shall require, as a condition to annexation, that a city prezone the territory to be annexed or present evidence satisfactory to the commission that the existing

development entitlements on the territory are vested or are already at build-out, and are consistent with the city's general plan. For detachments of territory from a city to the county, the county shall prezone the territory to be detached or present evidence satisfactory to the commission that the existing development within territory is vested or at build-out, and is consistent with the county's General Plan. However, the commission shall not specify how, or in what manner, the territory shall be prezoned by a city or a county. This section does not apply to that portion of the affected territory in city annexations which includes public roads, streets, and alleys if that city does not apply land use designations to public roads, streets, and alleys within its General Plan and Zoning Ordinance; nor does this section apply to that portion of the territory in city detachments which includes public roads, streets, and alleys if the county does not apply land use designations to public roads, streets, and alleys within its General Plan and Zoning Ordinance.

(8) (A) Except for those changes of organization or reorganization authorized under Section 56375.3, and except as provided by subparagraph (B), a commission shall not approve an annexation to a city of any territory greater than 10 acres, or smaller as determined by commission policy, where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community to the subject city has been filed with the executive officer.

(B) An application to annex a contiguous disadvantaged unincorporated community shall not be required if either of the following apply:

(i) A prior application for annexation of the same disadvantaged unincorporated community has been made in the preceding five years.

(ii) The commission finds, based upon written evidence, that a majority of the registered voters within the affected territory are opposed to annexation.

(C) This paragraph shall also apply to the annexation of two or more contiguous areas that take place within five years of each other and that are individually less than 10 acres but cumulatively more than 10 acres.

(b) With regard to a proposal for annexation or detachment of territory to, or from, a city or district or with regard to a proposal for reorganization that includes annexation or detachment, to determine whether territory proposed for annexation or detachment, as described in its resolution approving the annexation, detachment, or reorganization, is inhabited or uninhabited.

(c) With regard to a proposal for consolidation of two or more cities or districts, to determine which city or district shall be the consolidated successor city or district.

(d) To approve the annexation of unincorporated, noncontiguous territory, subject to the limitations of Section 56742, located in the same county as that in which the city is located, and that is owned by a city and used for municipal purposes and to authorize the annexation of the territory without notice and hearing.

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

(f) With respect to the incorporation of a new city or the formation of a new special district, to determine the number of registered voters residing within the proposed city or special district or, for a landowner-voter special district, the number of owners of land and the assessed value of their land within the territory proposed to be included in the new special district. The number of registered voters shall be calculated as of the time of the last report of voter registration by the county elections official to the Secretary of State prior to the date the first signature was affixed to the petition. The executive officer shall notify the petitioners of the number of registered voters resulting from this calculation. The assessed value of the land within the territory proposed to be included in a new landowner-voter special district shall be calculated as shown on the last equalized assessment roll.

(g) To adopt written procedures for the evaluation of proposals, including written definitions consistent with existing state law. The commission may adopt standards for any of the factors enumerated in Section 56668. Any standards adopted by the commission shall be written.

(h) To adopt standards and procedures for the evaluation of service plans submitted pursuant to Section 56653 and the initiation of a change of organization or reorganization pursuant to subdivision (a).

(i) To make and enforce regulations for the orderly and fair conduct of hearings by the commission.

(j) To incur usual and necessary expenses for the accomplishment of its functions.

(k) To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.

(l) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty of those boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, and other similar matters affecting the proposed boundaries.

(m) To waive the restrictions of Section 56744 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

(n) To waive the application of Section 22613 of the Streets and Highways Code if it finds the application would deprive an area of a service needed to ensure the health, safety, or welfare of the residents of the area and if it finds that the waiver would not affect the ability of a city to provide any service. However, within 60 days of the inclusion of the territory within the city, the legislative body may adopt a resolution nullifying the waiver.

(o) If the proposal includes the incorporation of a city, as defined in Section 56043, or the formation of a district, as defined in Section 2215 of the Revenue and Taxation Code, the commission shall determine the property tax revenue to be exchanged by the affected local agencies pursuant to Section 56810. If the proposal includes the disincorporation of a city, as defined in Section 56034, the commission shall determine the property tax revenue to be exchanged by the affected local agencies pursuant to Section 56813.

(p) To authorize a city or district to provide new or extended services outside its jurisdictional boundaries pursuant to Section 56133.

(q) To enter into an agreement with the commission for an adjoining county for the purpose of determining procedures for the consideration of proposals that may affect the adjoining county or where the jurisdiction of an affected agency crosses the boundary of the adjoining county.

(r) To approve with or without amendment, wholly, partially, or conditionally, or disapprove pursuant to this section the annexation of territory served by a mutual water company formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code that operates a public water system to a city or special district. Any annexation approved in accordance with this subdivision shall be subject to the state and federal constitutional prohibitions against the taking of private property without the payment of just compensation. This subdivision shall not impair the authority of a public agency or public utility to exercise eminent domain authority.

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ATTACHMENT D

OMNIBUS BILL – PROPOSED CHANGE

ITEM X.X – GCS 56078.5 (PAUL NOVAK)

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2022 Legislative Year

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

 XX 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 XX NO

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

YES NO N/A

If Yes, who is the legislator(s)?

PROPOSAL SUMMARY:

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

Adding a new Code Section (56078.5) to the “definitions” within “Chapter 2: Definitions” portion of the Act (Sections 56010 through 56081) to add a definition of “successor agency.”

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

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2022 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.

While the term “successor agency” is utilized throughout the Act (most notably for the dissolution a special district), the term is not defined in the “Definitions” section in the beginning of the Act.

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 add a definition of the term “successor agency” to the “Definitions” section of the Act.

3. ORGANIZATIONAL SUPPORT.

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

Given that the change is non-substantive, and provides clarity, support from many LAFCOs is anticipated.

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.

Although the term “successor agency” is mentioned frequently in Sections 56451 through 57463, as well as Section 56886(m), the term is not defined in the “Definitions” section of the Act.

5. ORGANIZATIONAL OPPOSITION.

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

Unknown at this time.

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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.

The sponsor is unaware of any potential arguments in opposition to the proposal.

7. CONTACT.

For information please contact:

Paul A. Novak, AICP
Executive Officer
Local Agency Formation Commission for the County of Los Angeles
80 South Lake Avenue
Suite 870
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pnovak@lalafco.org

56078. “Subsidiary district” means a district in which a city council is designated as, and empowered to act as, the ex officio board of directors of the district.

56078.5. “Successor agency” means the local agency the Commission designates to wind up the affairs of a dissolved district.

56079. [Repealed by Stats. 2011, Ch. 200]

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ATTACHMENT E

OMNIBUS BILL – PROPOSED CHANGE

**ITEM X.X – GCS 56653(a), 56654(a), (b),
and (c), and 56658(b)(1) and (b)(2)
(KAI LUOMA)**

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
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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 12:00 P.M., THURSDAY, SEPTEMBER 30, 2021.**

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
2022 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)?

YES NO

If Yes, who is the legislator(s)?

PROPOSAL SUMMARY:

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

56653(a), 56654(a),(b) and (c), and 56658(b)(1) and (b)(2) each contain references to a "proposal", however the references should be to an "application".

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

Authority of LAFCo

Support legislation that maintains or enhances LAFCo's authority to condition proposals 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, as well as to enact recommendations related to the delivery of services and the agencies providing them, including changes of organization and reorganizations.

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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.

An “application” and a “proposal” are two distinctly different things in CKH.

Section 56017.2(a) defines “Application” for a change of organization/reorganization to mean “A resolution of application or petition initiating a change of organization or reorganization with supporting documentation as required by the commission or executive officer.”

Section 56069 defines a “Proposal” to means “a desired change of organization or reorganization initiated by a petition or by resolution of application of a legislative body or school district for which a certificate of filing has been issued.”

An “application” becomes a “proposal” only once a certificate of filing has been issued.

The references to “proposal” in Sections 56553(a), 56654(a),(b) and (c), and 56658(b)(1) and (b)(2) are incorrect. They should be referencing an “application”.

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 problem would be resolved by replacing the incorrect references to “proposal” with the correct references to “application”.

3. ORGANIZATIONAL SUPPORT.

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

This is a non substantive correction.

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 references to “proposal” are incorrect. They should be corrected.

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5. ORGANIZATIONAL OPPOSITION.

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

None

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.

None known.

7. CONTACT.

For information please contact:

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56653. (a) If a proposal ~~an proposal~~ an application for a change of organization or reorganization is submitted pursuant to this part, the applicant shall submit a plan for providing services within the affected territory.

(b) The plan for providing services shall include all of the following information and any additional information required by the commission or the executive officer:

(1) An enumeration and description of the services currently provided or to be extended to the affected territory.

(2) The level and range of those services.

(3) An indication of when those services can feasibly be extended to the affected territory, if new services are proposed.

(4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.

(5) Information with respect to how those services will be financed.

(c) (1) In the case of a change of organization or reorganization initiated by a local agency that includes a disadvantaged, unincorporated community as defined in Section 56033.5, a local agency may include in its resolution of application for change of organization or reorganization an annexation development plan adopted pursuant to Section 99.3 of the Revenue and Taxation Code to improve or upgrade structures, roads, sewer or water facilities, or other infrastructure to serve the disadvantaged, unincorporated community through the formation of a special district or reorganization of one or more existing special districts with the consent of each special district's governing body.

(2) The annexation development plan submitted pursuant to this subdivision shall include information that demonstrates that the formation or reorganization of the special district will provide the following:

(A) The necessary financial resources to improve or upgrade structures, roads, sewer, or water facilities or other infrastructure. The annexation development plan shall also clarify the local entity that shall be responsible for the delivery and maintenance of the services identified in the application.

(B) An estimated timeframe for constructing and delivering the services identified in the application.

(C) The governance, oversight, and long-term maintenance of the services identified in the application after the initial costs are recouped and the tax increment financing terminates.

(3) If a local agency includes an annexation development plan pursuant to this subdivision, a local agency formation commission may approve the proposal for a change of organization or reorganization to include the formation of a special district or reorganization of a special district with the special district's consent, including, but not limited to, a community services district, municipal water district, or sanitary district, to provide financing to improve or upgrade structures, roads, sewer or water facilities, or other infrastructure to serve the disadvantaged, unincorporated community, in conformity with the requirements of the principal act of the district proposed to be formed and all required formation proceedings.

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(4) Pursuant to Section 56881, the commission shall include in its resolution making determinations a description of the annexation development plan, including, but not limited to, an explanation of the proposed financing mechanism adopted pursuant to Section 99.3 of the Revenue and Taxation Code, including, but not limited to, any planned debt issuance associated with that annexation development plan.

(d) This section shall not preclude a local agency formation commission from considering any other options or exercising its powers under Section 56375.

(e) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

56654. (a) ~~A proposal~~ **An application** for a change of organization or a reorganization may be made by the adoption of a resolution of application by the legislative body of an affected local agency, except as provided in subdivision (b).

(b) Notwithstanding Section 56700, ~~a proposal~~ **an application** for a change of organization that involves the exercise of new or different functions or classes of services, or the divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district, shall only be initiated by the legislative body of that special district in accordance with Sections 56824.10, 56824.12, and 56824.14.

(c) At least 21 days before the adoption of the resolution, the legislative body may give mailed notice of its intention to adopt a resolution of application to the commission and to each interested agency and each subject agency. The notice shall generally describe the ~~proposal~~ **application** and the affected territory.

(d) Except for the provisions regarding signers and signatures, a resolution of application shall contain all of the matters specified for a petition in Section 56700 and shall be submitted with a plan for services prepared pursuant to Section 56653.

56658. (a) Any petitioner or legislative body desiring to initiate proceedings shall submit an application to the executive officer of the principal county.

(b)(1) Immediately after receiving an application and before issuing a certificate of filing, the executive officer shall give mailed notice that the application has been received to each affected local agency, the county committee on school district organization, each school superintendent whose school district overlies the affected territory. The notice shall generally describe the ~~proposal~~ **application** and the affected territory. The executive officer shall not be required to give notice pursuant to this subdivision if a local agency has already given notice pursuant to subdivision (c) of section 56654.

(2) It is the intent of the Legislature that a proposal for incorporation or disincorporation shall be processed in a timely manner. With regard to an application that includes an incorporation or disincorporation, the executive officer shall immediately notify all affected local agencies and any applicable state agencies by mail and request the affected agencies to submit the required data to the commission within a reasonable timeframe established by the executive officer.

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Each affected agency shall respond to the executive officer within 15 days acknowledging receipt of the request. Each affected local agency and the officers and departments thereof shall submit the required data to the executive officer within the timelines established by the executive officer. Each affected state agency and the officers and departments thereof shall submit the required data to the executive officer within the timelines agreed upon by the executive officer - 74 - and the affected state departments.

(3) If a special district is, or as a result of a proposal will be, located in more than one county, the executive officer of the principal county shall immediately give the executive officer of each other affected county mailed notice that the application has been received. The notice shall generally describe the proposal and the affected territory.

(c) Except when a commission is the lead agency pursuant to Section 21067 of the Public Resources Code, the executive officer shall determine within 30 days of receiving an application whether the application is complete and acceptable for filing or whether the application is incomplete.

(d) 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). The executive officer shall not be required to comply with this subdivision in the case of an application which meets the requirements of Section 56662 or in the case of an application for which a local agency has already given notice pursuant to subdivision (c) of Section 56654.

(e) If the appropriate fees have been paid, an application shall be deemed accepted for filing if no determination has been made by the executive officer within the 30-day period. An executive officer shall accept for filing, and file, any application submitted in the form prescribed by the commission and containing all of the information and data required pursuant to Section 56652.

(f) When an application is accepted for filing, the executive officer shall immediately issue a certificate of filing to the applicant. A certificate of filing shall be in the form prescribed by the executive officer and shall specify the date upon which the proposal shall be heard by the commission. From the date of issuance of a certificate of filing, or the date upon which an application is deemed to have been accepted, whichever is earlier, an application shall be deemed filed pursuant to this division.

(g) If an application is determined not to be complete, the executive officer shall immediately transmit that determination to the applicant specifying those parts of the application which are incomplete and the manner in which they can be made complete.

(h) Following the issuance of the certificate of filing, the executive officer shall proceed to set the proposal for hearing and give published notice thereof as provided in this part. The date of the hearing shall be not more than 90 days after issuance of the certificate of filing or after the application is deemed to have been accepted, whichever is earlier. Notwithstanding Section 56106, the date for conducting the hearing, as determined pursuant to this subdivision, is mandatory.

LEGISLATIVE COMMITTEE MEETING STAFF REPORT

October 22, 2021

Agenda Item No. 5 2022 Proposal for CALAFCO Sponsored Legislation

Prepared By: Pamela Miller, Chair

Date: October 22, 2021

RECOMMENDATION

1. Review the 2022 legislative proposal received for CALAFCO sponsored legislation and determine a recommendation to the Board regarding whether or not CALAFCO should consider sponsoring this proposal in 2022.

DISCUSSION

The CALAFCO Executive Director requested submittals of any legislative proposals on August 18 with a deadline of September 30. We received one proposal for the Legislative Committee (Committee) to consider in terms of CALAFCO sponsored legislation in 2022.

San Diego LAFCo submitted a proposal to amend Government Code Section 56430 by adding subsections (f) and (g). The LAFCo notes they are attempting to solve two issues with the proposals:

- *There is no requirement for LAFCos to take up MSR per 56430 in noticed hearings. This diminishes the community's ability to provide timely input to LAFCos on local needs and priorities; and*
- *There is no requirement for local agencies to either take up the MSR and its determinations/recommendations in open session or otherwise provide responses to LAFCos. This diminishes the effectiveness in MSR to proactively address/remedy relevant growth management issues of the Legislature via LAFCos.*

The Committee needs to determine if the proposal is appropriate for CALAFCO to sponsor, and whether the Board should consider sponsoring the proposal in 2022 given the other legislative priorities identified by the Board. Based on the Committee's determinations, a recommendation should be made to the Board for their consideration on November 12, 2021.

ATTACHMENTS

5a – Proposal for 56430(f) and (g)

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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 12:00 P.M., THURSDAY, SEPTEMBER 30, 2021.**

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?*

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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)?

YES _____ NO

If Yes, who is the legislator(s)?

PROPOSAL SUMMARY:

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

56430.

Add two new subsections – (f) and (g). See attachment.

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

All apply.

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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.

Twofer...

Problem No. 1:

There is no requirement for LAFCOs to take up MSR per 56430 in noticed hearings. This diminishes the community's ability to provide timely input to LAFCOs on local needs and priorities.

Problem No 2:

There is no requirement for local agencies to either take up the MSR and its determinations/recommendations in open session or otherwise provide responses to LAFCOs. This diminishes the effectiveness in MSR to proactively address/remedy relevant growth management issues of the Legislature via LAFCOs.

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.

Provides new and clear baselines that collectively benefit the State and its interest for accountable and transparent government as part of the MSR process.

- It ensures LAFCOs take up MSR in noticed hearings.
- It ensures LAFCOs communicate on the record to the affected agencies of the final disposition of the MSR.
- It ensures MSR get su- lighted at public meetings of the affected agencies and they can choose to follow up with LAFCO as they see fit.

3. ORGANIZATIONAL SUPPORT.

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

San Diego LAFCO.

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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.

Creates a communicative loop in MSR statute between LAFCOs, public, and affected agencies where none presently exists.

5. ORGANIZATIONAL OPPOSITION.

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

N/A

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.

N/A

7. CONTACT.

For information please contact:

Keene Simonds
Executive Officer
San Diego LAFCO
keene.simonds@sdcounty.ca.gov

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56430.

(a) In order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. The commission shall include in the area designated for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

- (1) Growth and population projections for the affected area.
- (2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
- (3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.
- (4) Financial ability of agencies to provide services.
- (5) Status of, and opportunities for, shared facilities.
- (6) Accountability for community service needs, including governmental structure and operational efficiencies.
- (7) Any other matter related to effective or efficient service delivery, as required by commission policy.

(b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area. The commission may assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the sphere of influence, including, but not limited to, the consolidation of governmental agencies.

(c) In conducting a service review, the commission may include a review of whether the agencies under review, including any public water system as defined in Section 116275, are in compliance with the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12 of Division 104 of the Health and Safety Code). A public water system may satisfy any request for information as to compliance with that act by submission of the consumer confidence or water quality report prepared by the public water system as provided by Section 116470 of the Health and Safety Code.

(d) The commission may request information, as part of a service review under this section, from identified public or private entities that provide wholesale or retail supply of drinking water, including mutual water companies formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code, and private utilities, as defined in Section 1502 of the Public Utilities Code.

(e) The commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or 56426.5 or to update a sphere of influence pursuant to Section 56425.

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(f) The commission shall consider the municipal service review and written determinations prepared under subsection (a) at a public hearing consistent with the noticing provisions in Sections 56153 and 56154 unless specified otherwise in adopted policy. The public hearing notice shall also be provided to all affected agencies that provide one or more services evaluated in the municipal service review.

(g) The commission shall provide written notice to all affected agencies that provide one or more services evaluated in the municipal service review within 30 days following the commission's adoption, approval, and/or otherwise concluding action on the written determinations prepared under subsection (a). The notice shall include a listing of the written determinations made by the commission. All affected agencies shall include the notice and associated written determination made by the commission on their agenda for information and/or any related purposes at the next regular meeting in which publication can adequately be made.



LEGISLATIVE COMMITTEE MEETING STAFF REPORT

October 22, 2021

Agenda Item No. 6 CALAFCO Legislative Policies & Priorities

Prepared By: Pamela Miller, Chair

Date: October 22, 2021

RECOMMENDATION

1. Discuss the amendments/updates to the CALAFCO Legislative Policies and Priorities as recommended by the subcommittee; and
2. Make any appropriate recommendations to the CALAFCO Board for their consideration.

DISCUSSION

During the September 10, 2021 Legislative Committee (Committee) meeting, a subcommittee was formed to review the current CALAFCO Legislative Policies and Priorities, as is done annually. The subcommittee included Tom Murray, Carolyn Emery and Jennifer Stephenson.

The subcommittee is making several general/minor clean-up suggestions, and presenting several substantive changes for the Committee's consideration.

The Committee needs to determine which of the suggested amendments they approve. Based on the Committee's determination, a recommendation should be made to the Board for their consideration on November 12, 2021.

ATTACHMENTS

6a – Tracked version of proposed changes to CALAFCO Legislative Policies and Priorities

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CALAFCO 2021 Legislative Policies **DRAFT**

AMENDMENTS

As adopted by the Board of Directors on January 22, 2021

1. LAFCo Purpose and Authority

- 1.1. Support legislation ~~which-that~~ enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq., ~~and oppose~~ Oppose legislation ~~which-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, ~~and oppose~~ Oppose any limitations to that authority.
- 1.3. Oppose additional LAFCo responsibilities ~~which-that~~ require expansion of current local funding sources. Oppose unrelated responsibilities ~~which-that~~ dilute LAFCo ability to meet its primary mission.
- 1.4. Support alignment of responsibilities and authority of LAFCo and regional agencies ~~which-that~~ may have overlapping responsibilities in orderly growth, agricultural and open space preservation, and municipal service delivery, ~~and oppose~~ Oppose legislation or policies ~~which 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 ~~the independence of~~ 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 ~~which-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 ~~which-that~~ encourage cities, counties and special districts to direct-discourage development ~~away from on~~ all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.4. Support policies and tools ~~which-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 ~~management-planning~~ tool ~~pertaining to provide better planning of~~ growth and development, and ~~to the preserve 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, ~~and~~ 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 ~~the 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.~~
- ~~4.6.4.7.~~ 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, ~~including with a focus on~~ sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, ~~sustainable communities~~, 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 ~~which 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 ~~the creation or reorganization of local governments in~~ a deliberative, ~~and~~ open process ~~for the creation or reorganization of local governments that which will fairly~~ 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-LAFCos~~ that encourage opportunities for sharing of services, staff and facilities to provide more efficient and cost-effective services. ~~Support legislation which provides LAFCo with additional opportunities to encourage shared services.~~

2021 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, ~~as well as 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 ~~as well as to~~ 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 including 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 maintains or enhances 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 ~~which that~~ provides LAFCo and local communities with options for local governance ~~and service delivery to that~~ ensures efficient, effective, and quality service delivery. Support efforts ~~which that~~ provide tools to local agencies to address aging infrastructure, fiscal challenges, ~~the maintenance 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 ~~which is~~ at risk ~~of~~ for 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~~ expedited processes for inhabited annexations ~~should be consistent~~ with LAFCo law ~~and bethat include~~ fiscally viability. ~~To p~~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 ~~which 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 reviewsReviews, Spheres of Influence, and ~~other~~ 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.