

LAFCO MEMORANDUM

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION

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

September 1, 2022 (Agenda)

TO: Each Member of the Commission

FROM: Mike Prater
Executive Officer

SUBJECT: **Report on the 2022 CALAFCO Legislative Committee Meetings – July 29, 2022
& Quarterly Report**

This is an Informational Report. No Action is Necessary

DISCUSSION

The CALAFCO Legislative Committee convened one meeting on July 29, 2022. Your Executive Officer participated by ZOOM. A copy of the Meeting Agendas is attached as **Attachment A**.

A number of the listed bills, have progressed through the legislative process since the July 29, 2022 meeting. Staff will verbally update the Commission on the status of these bills at the meeting. Also attached is the CALAFCO Quarterly Report for August that provides more details about CALAFCO tracked legislation, events, and activities. **Attachment B**.

Attachments

Attachment A – CALAFCO Legislative Committee Agenda- July 29, 2022

Attachment B – August 2022-CALAFCO Quarterly Report

Please contact the LAFCO office if you have any questions.

LEGISLATIVE COMMITTEE MEETING AGENDA

Friday, July 29, 2022 | 10:00 A.M. to 12:00 P.M.

Virtual Meeting

<https://us02web.zoom.us/j/3389504230?pwd=Nnp2L3doaxFzMlBFNGJUWtyOUtIzZ09>

Meeting ID: **338 950 4230**
Passcode: **395673**
Phone: **669-900-6833**

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- | | | |
|---|-------------------|----|
| 1. Convene and Roll Call | <i>R. LaRoche</i> | |
| 2. Approval of Minutes of the June 17, 2022 meeting | <i>R. LaRoche</i> | 3 |
| 3. Legislative Updates:* | | |
| a. AB 2957 – CALAFCO sponsored Omnibus bill | <i>R. LaRoche</i> | |
| b. SB 938 – CALAFCO sponsored protest provisions legislation | <i>R. LaRoche</i> | |
| 4. Discussion and Potential Action on Legislation Affecting LAFCos | <i>R. LaRoche</i> | 5 |
| Priority One Bills: | | |
| a. SB 739 (Cortese) - Private golf courses: conversion to housing
(Watch Recommendation) | <i>R. LaRoche</i> | 9 |
| Priority Two Bills: | | |
| b. SB 852 (Dodd) - Private golf courses: conversion to housing | | 26 |
| c. AB 1944 (Lee) Public Meetings – Brown Act (Watch) 7-5 | | 38 |
| d. AB 2449 (Rubio) – Public Meetings – Brown Act (Watch) | | 53 |
| e. AB 2647 (Levine) – Public Meetings – Brown Act (Watch) | | 57 |
| Priority Three Bills: NONE | | |
| 5. Receive the List of CALAFCO Tracked Bills | <i>R. LaRoche</i> | 61 |
| 6. Discussion and Direction Regarding 56133 Proposal | <i>R. LaRoche</i> | 79 |
| 7. Items for next meeting | | |
| 8. Good of the Order | | |
| 9. Adjournment to September 16, 2022 virtual meeting at 10:00 a.m. (Oct 7 th) | | |

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CALAFCO Legislative Committee
DRAFT ACTION MEETING MINUTES

Date: June 17, 2022
Location: Virtual
Participants: Clark Alsop, Scott Browne (arrived at 10:17 AM), **Bill Connelly**, Carolyn Emery, **Gay Jones**, **Chris Lopez**, René LaRoche, Steve Lucas, Kai Luoma, **Mike McGill**, **Jo MacKenzie**, **Margie Mohler**, **Anita Paque**, Luis Tapia, Jennifer Stephenson, and Gary Thompson
Alternates: Rob Fitzroy
Others present: Advisory Committee Members: Priscilla Allen, Tara Bravo (arrived at 10:44 AM), Crystal Craig, Brandon Fender, Sara Lytle-Pinhey, Erica Sanchez, Jim Simon (RSG), and Luis Tapia
Guests: Jonathan Brinkmann (Monterey), and Mike Prater (Santa Barbara)
Recorder: René LaRoche

1. Welcome, Roll Call

10:05 AM: The meeting was called to order by René LaRoche. Roll call was taken and a quorum was established.

2. Approval of minutes of the April 29, 2022 meeting

ACTION: *Approved as presented. Mike McGill (M); Jo MacKenzie (S). Approved unanimously.*

3. Legislative Updates:

- a. **AB 2957 Omnibus (ALGC)**
- b. **SB 938 (Hertzberg) Protest Provisions**

René LaRoche advised of the current status of both bills.

4. Discussion and potential action on legislation affecting LAFcos

Priority One Bills: None

Priority Two Bills:

- a. **AB 1944** (Lee) Public Meetings – Brown Act

The committee took no action on this bill, thus, maintaining the Watch position.

- b. **AB 2449** (Rubio) – Public Meetings – Brown Act

The committee took no action on this bill, thus, maintaining the Watch position.

- c. **AB 2647** (Levine) – Public Meetings – Brown Act

The committee took no action on this bill, thus, maintaining the Watch position.

- d. **SB 1100** (Cortese) – Public Meetings – Brown Act

ACTION: *Change CALAFCO's position from a Watch to Support. Bill Connelly (M); Clark Alsop (S). Approved unanimously.*

Priority Three Bills:

- e. [SB 1449](#) (Caballero) – OPR Grant/annexations incentive

ACTION: *Change CALAFCO's position from a Watch to Support. Gary Thompson (M); Margie Mohler (S). Approved unanimously.*

5. **Update of other CALAFCO tracked bills**

René LaRoche provided an update on the bills being tracked.

6. **Old Business:**

- a. Continued Discussion and Possible Direction Regarding §56133 Proposal from San Diego

René LaRoche and Priscilla Allen gave the staff report. The committee discussed the matter and concurred with a recommendation to the Board of proceed.

ACTION: *Recommend the Board commit the resources to pursue updates to Government Code Section 56133. Anita Paque (M); Jo MacKenzie (S). Approved unanimously.*

7. **Items for Next Meeting**

There were no additions to AB 1944, AB 2449, AB 2647, which will be held over from this meeting.

8. **Good of the Order**

None.

9. **Adjournment to July 29, 2022 meeting at 10:00 a.m.**

11:16 AM: René LaRoche adjourned the meeting, noting the next meeting date and time.

DRAFT

LEGISLATIVE COMMITTEE MEETING STAFF REPORT

Agenda Item No. 4 Discussion and Potential Action on Legislation Affecting LAFcos

Meeting Date: July 29 2022

Prepared By: René LaRoche, Chair

RECOMMENDATIONS

Consider bills that may have an impact on LAFcos and take positions as appropriate

DISCUSSION

Currently, CALAFCO is monitoring five bills; four are Priority Two bills, and one is Priority One.

AB 1944 (Lee), AB 2449 (Rubio), and AB 2647 (Levine) all have to do with amendments to the Brown Act, and all have been monitored by the committee for some time with a Watch position.

New bills outlined in this report are SB 739 (Cortese) (Priority One), and SB 852 (Dodd) (Priority Two).

Priority One Bills:

a) **SB 739 (Cortese) - Private golf courses: conversion to housing**

Before being gutted and amended, SB 739 was originally crafted to be a pilot project to provide universal basic income to foster care youth. In its new form, SB 739 seeks to create a streamlined process for the annexation of unused golf courses, and then for the conversion of the golf course land to high rise housing developments with 600 to 700 residential units.

The bill contains numerous proposed provisions that would require counties to ministerially approve the project. However, it also contains a provision that would require a LAFco to ministerially approve the annexation concurrent with the project approval (presumably the county's project approval.) The bill was re-referred back to the Natural Resources Committee but did not make the July 1st deadline for policy committees. Upon discussing the matter, Senator Cortese's Chief of Staff informed CALAFCO that she didn't think that the Senator would be proceeding with the bill but would, instead, float it among the legislators to see if anyone else wishes to carry it.

Supporters and Opposition on file are for the bill as introduced. None are noted for the gut and amend version.

RECOMMENDATION: Watch.

Priority Two Bills:

b) **SB 852 (Dodd) - Private golf courses: conversion to housing**

As introduced, the bill sought to create Climate Resilience Districts Act. The bill completely bypassed LAFco in the formation and oversight of those new districts because the districts were primarily being created as a funding mechanism for local climate resilience projects (as a TIF or tax increment finance district - for which LAFcos have no involvement).

Since then, staff has been approached by CSDA regarding the bill, with concerns that the bill would allow the provision of services beyond districts. However, it must be noted that CSDA is on

the record in support of the bill. Staff has listed the bill as a watch, but is requesting Committee analysis and further direction on the matter.

SUPPORTERS

(Of the 06/06/2022 bill version): California Department of Insurance; City of Thousand Oaks; American Planning Association, California Chapter; City of Encinitas; State Building and Construction Trades Council of California; County of Monterey; County of Humboldt; Sonoma County Regional Climate Protection Authority (RCPA); California Forward Action Fund; 350 Bay Area Action; Napa County Transportation and Planning Agency/Napa Valley Transportation Authority; The Climate Center; and CivicWell

(Of the 04/19/2022 bill version): City of Oakland; California Special Districts Association; County of Monterey; American Planning Association; California Chapter; Sonoma County Regional Climate Protection Authority (RCPA); California Forward Action Fund; 350 Bay Area Action; The Climate Center; Civic Well; Ricardo Lara, California Department of Insurance (co-source); Zach Hilton, Council Member, City of Gilroy; City/County Association of Governments of San Mateo County

(Of the 03/09/2022 bill version): City of Oakland; California Special Districts Association; County of Monterey; American Planning Association, California Chapter; Sonoma County Transportation Authority; California Forward Action Fund; Climate Resolve; The Climate Center; Ricardo Lara, California Department of Insurance; Civic Well; and Sonoma Co. Regional Climate Protection Authority.

OPPOSITION

(Of the 06/06/2022 bill version): California Chamber of Commerce; and California Taxpayers Association

(Of the 04/19/2022 bill version): California Association of Realtors; California Chamber of Commerce; State Building and Construction Trades Council of California

(Of the 03/09/2022 bill version): California Association of Realtors; and California Chamber of Commerce.

RECOMMENDATION: Watch.

Of the three Brown Act bills that remain on the Committee’s list, AB 1944 (Lee) and AB 2449 (Rubio) specifically address the Brown Act’s teleconferencing provisions, while AB 2647 would require documents received by an entity in the period between an agenda’s posting and a meeting to be posted on the entity’s website. Staff is recommending that the committee maintain its Watch position on all three bills.

- c) [AB 1944](#) (Lee) Public Meetings – Brown Act (Current position: Watch) 9

This is one of four bills intended to affect Brown Act changes. AB 1944 seeks to codify a relaxation of teleconferencing provisions similar to the emergency provisions enacted by Gubernatorial Executive Order during the pandemic. Normally, the Brown Act allows a member of a legislative body to teleconference from an off-site location only if the location is identified on the agenda and is open to the public. AB 1944 would allow a member of a legislative body to teleconference from a private location which would not need to be open to the public or identified on the agenda. The bill was amended on May 25, 2022, to note that the provision was only applicable when no less than a quorum of members meets at a publicly accessible and properly agendized location, which is situated within the jurisdiction of the legislative body.

Having failed to meet statutory deadlines, AB 1944 is now a dead bill.

RECOMMENDATION: Remove from Watch list

d) [AB 2449](#) (Rubio) – Public Meetings – Brown Act (Watch)

AB 2449 seeks to affect a change of the teleconferencing provisions of the Brown Act. It would codify teleconferencing provisions for states of emergency as previously contained in the Gubernatorial Executive Order to address COVID-19. This bill has been amended several times. Currently, AB 2449 has passed out of the Assembly, and is waiting to be scheduled before Senate Governance and Finance Committee.

SUPPORTERS

(Of the 06/06/2022 bill version):

Association of California Water Agencies; City of Carlsbad; Los Angeles Unified School District; San Diego County Water Authority; California Central Valley Flood Control Association; Metropolitan Water District of Southern California; Cucamonga Valley Water District; Eastern Municipal Water District; Elsinore Valley Municipal Water District; Three Valleys Municipal Water District; Western Municipal Water District; Central Basin Municipal Water District; Inland Empire Utilities Agency; Upper San Gabriel Valley Municipal Water District; Solano County Water Agency; California Municipal Utilities Association; Calleguas Municipal Water District; Water Replenishment District of Southern California; Solano County Board of Supervisors; San Gabriel Valley Economic Partnership; El Dorado Irrigation District; City of Cupertino; Desert Water Agency; Central Contra Costa Sanitary District; San Gabriel Valley Council of Governments; San Gabriel Basin Water Quality Authority; Walnut Valley Water District; Regional Council of Southern California Association of Governments; Foothill Municipal Water District; Santa Margarita Water District; San Bernardino Valley Water Conservation District; San Gabriel Valley Water Association; Suburban Water Systems; San Gabriel Valley Municipal Water District; Valley County Water District; Rowland Water District; Palmdale Water District; Rancho Palos Verdes; Mesa Water District; Regional Water Authority; Sacramento Regional Builders Exchange; Los Angeles County LAFCO; Santa Clarita Valley Water Agency; Southern California Water Coalition; California Builders Alliance; San Bernardino Municipal Water Department; Public Risk Innovation, Solutions and Management; Municipal Water District Orange County; and Regional Chamber of Commerce, San Gabriel Valley.

OPPOSITION:

Association of California School Administrators; County of Santa Barbara; League of California Cities; Association of California HealthCare Districts; City Clerks Association of California (CCAC); First Amendment Coalition; Rural County Representatives of California (RCRC); Leadership Counsel for Justice & Accountability; Urban Counties of California; ACLU California Action; and Californians Aware: The Center for Public Forum Rights.

RECOMMENDATION: Continue to Watch

e) [AB 2647](#) (Levine) – Public Meetings – Brown Act (Watch)

This bill, as introduced, would amend the law to make clear that writings that have been distributed to a majority of a local legislative body less than 72 hours before a meeting can be posted online in order to satisfy the law. The bill was amended on April 19, 2022, to add a provision that agendas will note the physical location from which hard copies of such post-agenda documents can be retrieved.

The time required to post documents on a website could be onerous to small LAFCOs with limited staff, especially when a large number of documents is received.

AB 2647 passed out of the Senate Governance and Finance Committee on June 29. Due to the summer recess, no new date is yet available. The bill has broad support and no opposition.

SUPPORTERS:

Association of California Water Agencies; League of California Cities; Los Angeles Unified School District; California Special Districts Association; California State Association of Counties; Yorba Linda Water District; Solano County Water Agency; Association of California HealthCare Districts;

California Association of Joint Powers Authorities (CAJPA); Water Replenishment District of Southern California; El Dorado Irrigation District; Desert Water Agency; California Charter Schools Association; Oceanside, City of; San Gabriel Valley Council of Governments; Walnut Valley Water District; California Association of Public Authorities for In-Home Supportive Services; City Clerks Association of California (CCAC); Orange County Local Agency Formation Commission; Marin County Council of Mayors and Councilmembers; North Orange County Community College District; Valley County Water District; Rowland Water District; Palmdale Water District; Rural County Representatives of California (RCRC); Santa Clara Valley Open Space Authority; Urban Counties of California; and Association of California School Administrators.

OPPOSITION:

None.

RECOMMENDATION: Continue to Watch

ATTACHMENTS

- 4. a. – SB 739 (Cortese)
- 4. b. – SB 852 (Dodd)
- 4. c. – AB 1944 (Lee)
- 4. d. – AB 2449 (Rubio)
- 4. e. – AB 2647 (Levine)

AMENDED IN ASSEMBLY JUNE 13, 2022

AMENDED IN ASSEMBLY JUNE 23, 2021

AMENDED IN SENATE MAY 27, 2021

SENATE BILL

No. 739

Introduced by Senator Cortese

(Principal coauthors: ~~Assembly Members Chiu and Low~~)

(Coauthors: Senators Hurtado, Kamlager and Wiener)

(Coauthors: ~~Assembly Members Bryan, Arambula, Carrillo, Gipson,
and Stone~~)

February 19, 2021

~~An act to add and repeal Chapter 13 (commencing with Section 18992) of Part 6 of Division 9 of the Welfare and Institutions Code, relating to public social services. An act to add and repeal Chapter 13 (commencing with Section 66310) of Division 1 of Title 7 of the Government Code, relating to land use.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 739, as amended, Cortese. ~~California Universal Basic Income for Transition-Age Youth pilot project. Private golf courses: conversion to housing.~~

The Planning and Zoning Law, until January 1, 2026, authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards. Existing law specifies that a development is consistent with the objective planning standards if there is substantial evidence that

would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

This bill, until January 1, 2030, would authorize a development proponent to submit an application to convert land that was previously used as a golf course to market-rate and affordable housing and would provide that the application is subject to a streamlined, ministerial approval process, and not subject to a conditional use permit, if the development satisfies specified objective planning standards. In this regard, the bill would require a development subject to the provisions to be located on a site that was used as a golf course, but has been closed for at least 5 years before the effective date of these provisions and would require that the development include at least 600 housing units. The bill would require the development to dedicate at least 30% of the new housing units to lower income households and persons and families of moderate income, as specified. By requiring local governments to approve development applications submitted under these provisions, the bill would impose a state-mandated local program.

The bill would require a development proponent subject to the streamlined, ministerial approval process under the bill to certify to the local government that all contractors and subcontractors performing work on the project pay prevailing wages and that all workers employed to perform work in an apprenticeable occupation in the building and construction trades comply with specified apprenticeship requirements. By requiring a development proponent to certify certain information under penalty of perjury, the bill would impose a state-mandated local program.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA does not apply to the ministerial approval of projects.

This bill, by requiring approval of certain development projects as a use by right, would expand the exemption for ministerial approval of projects under CEQA.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

~~Existing law establishes the State Department of Social Services and requires the department to administer various public social services programs, including the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals, and the CalFresh program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county.~~

~~This bill would require the department, commencing January 1, 2022, and subject to an appropriation by the Legislature, to administer the California Universal Basic Income for Transition-Age Youth pilot project, under which a California resident who ages out of the Extended Foster Care Program at 21 years of age during the year of 2022 would receive a universal basic income of \$1,000 per month for 3 years, regardless of what age they entered the Extended Foster Care Program. The bill would define universal basic income to mean unconditional cash payments of equal amounts issued monthly to individual residents of California with the intention of ensuring the economic security of recipients. The bill would exempt the universal basic income, to the extent permissible under federal law, from being considered income for eligibility and benefit amount determination purposes for specified public social services, programs, and financial aid. The bill would require the department to work with at least one independent, research-based institution to identify existing, and establish additional, outcome measurements, and to submit a specified report relating to the pilot project to the Legislature after the conclusion of each year of the pilot program. The bill would authorize the department to accept in-kind contributions, including, but not limited to, financial mentorship services for recipients. The bill would authorize the department to implement, interpret, or make specific the provisions by means of a departmental directive or similar instruction.~~

~~This bill would repeal these provisions on January 1, 2027.~~

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

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

1 SECTION 1. Chapter 13 (commencing with Section 66310) is
2 added to Division 1 of Title 7 of the Government Code, to read:

3
4
5
6

CHAPTER 13. CONVERSION OF PRIVATE GOLF COURSES TO
HOUSING

7 66310. The Legislature finds and declares:

8 (a) The State of California is experiencing a housing crisis and
9 continues to fail in the production of an adequate supply of housing
10 to meet demand, resulting in a lack of all housing types that
11 continues to negatively affect the supply and affordability of
12 housing.

13 (b) Cities continue to fail in meeting their regional housing
14 needs allocation goals established by the state.

15 (c) A key impediment to housing production is the availability
16 of land suitable for housing.

17 (d) Idle vacant land exists within cities and throughout the state
18 that has been designated for nonhousing uses and that, after failure
19 and closure of the existing businesses and uses onsite, remain
20 undeveloped and underutilized, thereby limiting the land available
21 for housing.

22 (e) Land exists that is suitable for the production of housing
23 and that could generate a substantial amount of new housing units
24 to assist cities and counties in meeting their regional housing needs
25 assessment goals.

26 (f) Making these lands available for housing through a
27 streamlined, by-right process is a state priority and will therefore
28 make these lands available for housing.

29 (g) Making these lands available for housing will enable cities
30 and counties to better meet their regional housing needs assessment
31 goals by eliminating barriers to land use designations that have
32 made these lands inaccessible for housing.

33 66311. For purposes of this chapter:

34 (a) "Department" means the Department of Housing and
35 Community Development.

36 (b) "Infill site" has the same meaning as set forth in Section
37 21061.3 of the Public Resources Code.

1 (c) “Local government” means a city, including a charter city,
2 county, city and county, or special district and excludes any state
3 agency, board, or commission.

4 (d) “Lower income households” has the same meaning as set
5 forth in Section 50079.5 of the Health and Safety Code.

6 (e) “Major transit stop” has the same meaning as set forth in
7 Section 21064.3 of the Public Resources Code.

8 (f) “Persons and families of moderate income” has the same
9 meaning as set forth in Section 50093 of the Health and Safety
10 Code.

11 (g) “Project labor agreement” has the same meaning as set
12 forth in paragraph (1) of subdivision (b) of Section 2500 of the
13 Public Contract Code.

14 66312. (a) A private entity that owns land that was previously
15 used as a golf course shall be entitled by right to convert the golf
16 course to market-rate and affordable housing subject to a
17 streamlined, ministerial approval process and not subject to a
18 conditional use permit, as provided in subdivision (c), if the
19 proposed development satisfies all of the following objective
20 planning standards:

21 (1) The golf course property has been closed for a minimum of
22 five years before the effective date of this chapter and, after
23 closure, the property has not been redeveloped for any other
24 purpose.

25 (2) The site that is on a legal parcel or parcels located either
26 in a city, the boundaries of which include some portion of either
27 an urbanized area or urban cluster, as designated by the United
28 States Census Bureau, or in an unincorporated area and wholly
29 within the boundaries of an urbanized area or urban cluster, as
30 designated by the United States Census Bureau.

31 (3) At least 75 percent of the perimeter of the site adjoins parcels
32 that are developed with urban uses. For the purposes of this
33 section, parcels that are only separated by a street or highway
34 shall be considered to be adjoined.

35 (4) The development includes a minimum of 600 housing units.

36 (5) The development dedicates at least 30 percent of the new
37 housing units to affordable housing consistent with the following:

38 (A) The development shall dedicate at least 15 percent of the
39 total number of new onsite units to housing affordable to lower
40 income households.

1 (B) The development shall dedicate 15 percent of the new onsite
2 units to housing affordable to persons and families of moderate
3 income. The moderate income units developed pursuant to this
4 subparagraph shall not be subject to subdivision (b).

5 (6) At least 10 percent of the net developable land, excluding
6 streets and public right-of-way and nonresidential uses, is
7 dedicated publicly accessible open-space land. Space used as a
8 golf course shall not be considered open space for purposes of
9 this paragraph.

10 (7) No more than 10 percent of the square footage of the net
11 developable land, excluding the portion reserved for open space,
12 public streets, and public right-of-way, is dedicated to
13 nonresidential uses. For purposes of this paragraph, parking and
14 commercial uses shall be considered nonresidential uses.

15 (8) The site is an infill site and is within one mile of an existing
16 or future planned major transit stop.

17 (9) The site is located in a jurisdiction for which the department
18 has determined that the number of units that have been issued
19 building permits, as shown on the most recent production report
20 received by the department, is less than the jurisdiction’s share of
21 the regional housing needs, by income category, for the two
22 previous reporting cycles.

23 (10) The development meets the requirements of Sections 66313
24 and 66314.

25 (b) (1) If rental units are developed pursuant to this section,
26 the units shall be subject to a recorded deed restriction of 55 years
27 that provides that the units designated for use by lower income
28 households are continuously available to or occupied by lower
29 income households at rents that do not exceed those prescribed
30 by Section 50053 of the Health and Safety Code, or, to the extent
31 that the terms of federal, state, or local financing or financial
32 assistance conflicts with Section 50053 of the Health and Safety
33 Code, rents that do not exceed those prescribed by the terms of
34 the financing or financial assistance. The deed restriction shall
35 authorize the local government to monitor the development for
36 compliance with its terms.

37 (2) (A) If ownership units are developed pursuant to this section,
38 the units shall be subject to a recorded deed restriction of 45 years
39 that provides that the units designated for use by lower income
40 households are continuously available to lower income households

1 at affordable housing costs that do not exceed those prescribed
2 by Section 50052.5 of the Health and Safety Code, or, to the extent
3 that the terms of federal, state, or local financing or financial
4 assistance conflicts with Section 50052.5 of the Health and Safety
5 Code, affordable housing costs that do not exceed those prescribed
6 by the terms of the financing or financial assistance. The deed
7 restriction shall authorize the local government to monitor the
8 development for compliance with its terms.

9 (B) If ownership units are developed pursuant to this section,
10 the units shall be subject to an equity sharing agreement consistent
11 with paragraph (2) of subdivision (c) of Section 65915, and the
12 local government shall utilize any proceeds received from an equity
13 sharing agreement for programs to facilitate lower income home
14 ownership.

15 (c) (1) If a local government determines that a development
16 submitted pursuant to this section is in conflict with any of the
17 objective planning standards specified in subdivision (a), it shall
18 provide the development proponent written documentation of which
19 standard or standards the development conflicts with, and an
20 explanation of the reason or reasons the development conflicts
21 with that standard or standards, as follows:

22 (A) Within 60 days of submittal of the development to the local
23 government pursuant to this section if the development contains
24 between 600 and 700 housing units.

25 (B) Within 90 days of submittal of the development to the local
26 government pursuant to this section if the development contains
27 more than 700 housing units.

28 (2) If the local government fails to provide the required
29 documentation pursuant to paragraph (1), the development shall
30 be deemed to satisfy the objective planning standards specified in
31 subdivision (a) and shall be deemed approved.

32 (3) If the local government provides the required documentation
33 pursuant to paragraph (1), the development proponent shall have
34 up to 60 days to respond. If after complete submittal the
35 development satisfies the objective planning standards specified
36 in subdivision (a), the development shall be deemed approved.

37 (4) For a development that satisfies the requirements of
38 subdivision (a), that is an unincorporated island fully surrounded
39 by a city, and that requires local governmental approval for
40 annexation from the local agency formation commission under

1 *Division 3 (commencing with Section 56000) of Title 5 because*
2 *the development is in a county jurisdiction or has secured*
3 *entitlements in a county jurisdiction, the annexation shall be*
4 *ministerially approved concurrent with the approval of the project.*
5 *All local agencies, including special districts and private utilities*
6 *that provide urban services, shall be required to provide such*
7 *services to an approved development that meets the objective*
8 *planning standards in subdivision (a), as deemed appropriate by*
9 *the local agency formation commission.*

10 *(d) If an application for a development is submitted to the local*
11 *government pursuant to this section, the local government shall*
12 *post a notice on its internet website at least 30 days before a*
13 *decision to approve the development.*

14 *(e) The department may review, adopt, amend, and repeal*
15 *guidelines to implement uniform standards or criteria that*
16 *supplement or clarify the terms, references, or standards set forth*
17 *in this chapter. Any guidelines adopted pursuant to this chapter*
18 *shall not be subject to Chapter 3.5 (commencing with Section*
19 *11340) of Part 1 of Division 3 of Title 2.*

20 *66313. A development project approved by a local government*
21 *pursuant to this chapter and subject to a streamlined, ministerial*
22 *approval process shall satisfy all of the following labor standards*
23 *in addition to those in Section 66314:*

24 *(a) The development proponent shall require that all*
25 *construction contracts, including multifamily and single-family*
26 *homes, commercial retail, office and apartments, high-rise office,*
27 *and high-rise residential, comply with this section and Section*
28 *66314 and shall certify to the local government that the standards*
29 *specified in this section will be met in project construction.*

30 *(b) A development that is not in its entirety a public work subject*
31 *to the prevailing wage requirements of Chapter 1 (commencing*
32 *with Section 1720) of Part 7 of Division 2 of the Labor Code and*
33 *that is approved by a local government pursuant to this chapter*
34 *shall be subject to all of the following with respect to all portions*
35 *of the project that are not a public work:*

36 *(1) All construction workers employed in building said*
37 *development shall be paid at least the general prevailing rate of*
38 *per diem wages for the type of work and geographic area, as*
39 *determined by the Director of Industrial Relations pursuant to*
40 *Sections 1773 and 1773.9 of the Labor Code, except that*

1 apprentices registered in programs approved by the Chief of the
2 Division of Apprenticeship Standards may be paid at least the
3 applicable apprentice prevailing rate.

4 (2) The development proponent shall ensure that the prevailing
5 wage requirement is included in all contracts for the performance
6 of the work.

7 (3) All contractors and subcontractors shall comply with both
8 of the following:

9 (A) Pay to all construction workers employed in the execution
10 of the work at least the general prevailing rate of per diem wages,
11 except that apprentices registered in programs approved by the
12 Chief of the Division of Apprenticeship Standards may be paid at
13 least the applicable apprentice prevailing rate.

14 (B) Maintain and verify payroll records pursuant to Section
15 1776 of the Labor Code and make those records available for
16 inspection and copying as provided in that section. This
17 subparagraph does not apply if all contractors and subcontractors
18 performing work on the development are subject to a project labor
19 agreement that includes the local building and construction trades
20 council as a party, that requires the payment of prevailing wages
21 to all construction workers employed in the execution of the
22 development, and that provides for enforcement of that obligation
23 through an arbitration procedure.

24 (c) (1) The obligation of the contractors and subcontractors to
25 pay prevailing wages pursuant to subdivision (b) may be enforced
26 by any of the following:

27 (A) The Labor Commissioner through the issuance of a civil
28 wage and penalty assessment pursuant to Section 1741 of the Labor
29 Code, which may be reviewed pursuant to Section 1742 of the
30 Labor Code, within 18 months after the completion of the
31 development.

32 (B) An underpaid worker through an administrative complaint
33 or civil action.

34 (C) A joint labor-management committee through a civil action
35 under Section 1771.2 of the Labor Code.

36 (2) If a civil wage and penalty assessment is issued pursuant to
37 this section, the contractor, subcontractor, and surety on a bond
38 or bonds issued to secure the payment of wages covered by the
39 assessment shall be liable for liquidated damages pursuant to
40 Section 1742.1 of the Labor Code.

1 (3) This subdivision does not apply if all contractors and
2 subcontractors performing work on the development are subject
3 to a project labor agreement that requires the payment of
4 prevailing wages to all construction workers employed in the
5 execution of the development and provides for enforcement of that
6 obligation through an arbitration procedure.

7 (d) Notwithstanding subdivision (c) of Section 1773.1 of the
8 Labor Code, the requirement that employer payments not reduce
9 the obligation to pay the hourly straight time or overtime wages
10 found to be prevailing does not apply to those portions of
11 development that are not a public work if otherwise provided in a
12 bona fide collective bargaining agreement covering the worker.

13 (e) The requirement of this section to pay at least the general
14 prevailing rate of per diem wages does not preclude use of an
15 alternative workweek schedule adopted pursuant to Section 511
16 or 514 of the Labor Code on those portions of the project that are
17 not a public work.

18 66314. A development project approved by a local government
19 pursuant to this chapter and subject to a streamlined, ministerial
20 approval process shall satisfy all of the following labor standards
21 in addition to those in Section 66313:

22 (a) All workers employed to perform work in an apprenticeable
23 occupation in the building and construction trades shall meet one
24 or more of the following requirements:

25 (1) The worker is registered in an apprenticeship program for
26 the occupation that is approved by the Chief of the Division of
27 Apprenticeship Standards.

28 (2) The worker graduated from an apprenticeship program for
29 the occupation that was approved by the chief.

30 (3) The worker has at least as many hours of on-the-job
31 experience in the occupation as would be required to graduate
32 from an apprenticeship program for the occupation that is
33 approved by the chief.

34 (b) Each contractor and subcontractor employing workers to
35 perform work in an apprenticeable occupation in the building and
36 construction trades shall individually meet the following
37 requirements:

38 (1) (A) Except as provided in paragraphs (2), (3), and (4), for
39 work performed after January 1, 2023, at least 30 percent of the
40 workers employed to perform work on the project who are not

1 registered apprentices shall be graduates of an apprenticeship
2 program for the applicable occupation that was approved by the
3 chief or that is located outside California and approved for federal
4 purposes pursuant to the apprenticeship regulations adopted by
5 the United States Secretary of Labor.

6 (B) Except as provided in paragraphs (2), (3), and (4), for work
7 performed after January 1, 2024, at least 40 percent of the workers
8 employed to perform work on the project who are not registered
9 apprentices shall be graduates of an apprenticeship program for
10 the applicable occupation that was approved by the chief or that
11 is located outside California and approved for federal purposes
12 pursuant to the apprenticeship regulations adopted by the United
13 States Secretary of Labor.

14 (C) Except as provided in paragraphs (2), (3), and (4), for work
15 performed after January 1, 2025, at least 50 percent of the workers
16 employed to perform work on the project who are not registered
17 apprentices shall be graduates of an apprenticeship program for
18 the applicable occupation that was approved by the chief or that
19 is located outside California and approved for federal purposes
20 pursuant to the apprenticeship regulations adopted by the United
21 States Secretary of Labor.

22 (D) Except as provided in paragraphs (2), (3), and (4), for work
23 performed after January 1, 2026, at least 60 percent of the workers
24 employed to perform work on the project who are not registered
25 apprentices shall be graduates of an apprenticeship program for
26 the applicable occupation that was approved by the chief or that
27 is located outside California and approved for federal purposes
28 pursuant to the apprenticeship regulations adopted by the United
29 States Secretary of Labor.

30 (2) Notwithstanding paragraph (1), regardless of when the work
31 is performed, at least 30 percent of the workers employed to
32 perform work on the project who are not registered apprentices
33 shall be graduates of an apprenticeship program for the applicable
34 occupation that was approved by the chief or that is located outside
35 California and approved for federal purposes pursuant to the
36 apprenticeship regulations adopted by the United States Secretary
37 of Labor. This paragraph shall apply to the professions of
38 acoustical installer, bricklayer, carpenter, cement mason, drywall
39 installer or lather, marble mason, finisher, or setter, modular
40 furniture or systems installer, operating engineer, pile driver,

1 *plasterer, roofer or waterproofer, stone mason, surveyor, terrazzo*
2 *worker or finisher, and tile layer, setter, or finisher.*

3 *(3) For work performed in an apprenticeable occupation in*
4 *which no apprenticeship program had been approved by the chief*
5 *before January 1, 1995, up to one-half of the graduation*
6 *percentage requirements of paragraph (1) may be satisfied by*
7 *workers who commenced working in the apprenticeable occupation*
8 *before the chief’s approval of an apprenticeship program for that*
9 *occupation in the county in which the project is located.*

10 *(4) The requirements of this subdivision shall not apply to work*
11 *performed in the occupation of teamster.*

12 *(c) (1) The apprenticeship graduation percentage requirements*
13 *of subdivision (b) are satisfied if, in a particular calendar month,*
14 *either of the following is true:*

15 *(A) At least the required percentage of the nonapprentices*
16 *employed by the contractor or subcontractor to perform work on*
17 *the project meet the graduation percentage requirement.*

18 *(B) For the hours of work performed by nonapprentices*
19 *employed by the contractor or subcontractor on the project, the*
20 *percentage of hours performed by workers who met the graduation*
21 *requirement is at least equal to the required graduation percentage.*

22 *(2) The contractor or subcontractor need not meet the*
23 *apprenticeship graduation requirements of subdivision (b) if,*
24 *during the calendar month, the contractor or subcontractor*
25 *employs workers to perform fewer than 10 hours of work on the*
26 *project.*

27 *(3) A subcontractor need not meet the apprenticeship graduation*
28 *requirements of subdivision (b) if both of the following*
29 *requirements are met:*

30 *(A) The subcontractor was not a listed subcontractor under*
31 *Section 4104 of the Public Contract Code or a substitute for a*
32 *listed subcontractor.*

33 *(B) The subcontract does not exceed one-half of 1 percent of*
34 *the price of the prime contract.*

35 *(d) A contractor or subcontractor is not in violation of the*
36 *apprenticeship graduation requirements of subdivision (b) if all*
37 *of the following requirements are satisfied:*

38 *(1) All contractors and subcontractors performing work on the*
39 *development are subject to a project labor agreement that includes*
40 *the local building and construction trades council as a party, that*

1 *requires compliance with the apprenticeship graduation*
2 *requirements of subdivision (b), and that provides for enforcement*
3 *of that obligation through an arbitration procedure.*

4 *(2) The project labor agreement requires the contractor or*
5 *subcontractor to request the dispatch of workers for the project*
6 *through a hiring hall or referral procedure.*

7 *(3) The contractor or subcontractor is unable to obtain sufficient*
8 *workers to meet the apprenticeship graduation percentage*
9 *requirement within 48 hours of its request, not including Saturdays,*
10 *Sundays, and holidays.*

11 *(e) (1) Except as provided in paragraph (2), the proponent of*
12 *the development project shall provide to the local agency, on a*
13 *monthly basis while the project is being performed, a report*
14 *demonstrating compliance with this section. A monthly report*
15 *provided to the local government shall be a public record under*
16 *the California Public Records Act (Chapter 3.5 (commencing with*
17 *Section 6250) of Division 7 of Title 1) and shall be open to public*
18 *inspection. A proponent that fails to provide a monthly report*
19 *demonstrating compliance with this section shall be subject to a*
20 *civil penalty of ten thousand dollars (\$10,000) per month for each*
21 *month for which the report has not been provided. Any contractor*
22 *or subcontractor that fails to comply with this section shall be*
23 *subject to a civil penalty of two hundred dollars (\$200) per day*
24 *for each worker employed in contravention of this section.*
25 *Penalties may be assessed by the Labor Commissioner within 18*
26 *months of completion of the project using the same procedures for*
27 *issuance of civil wage and penalty assessments under Section 1741*
28 *of the Labor Code, and may be reviewed under the same*
29 *procedures in Section 1742 of the Labor Code. Penalties shall be*
30 *paid to the State Public Works Enforcement Fund.*

31 *(2) Paragraph (1) does not apply if all contractors and*
32 *subcontractors performing work on the development are subject*
33 *to a project labor agreement that includes the local building and*
34 *construction trades council as a party, that requires compliance*
35 *with this section, and that provides for enforcement of that*
36 *obligation through an arbitration procedure.*

37 *66315. (a) Except as provided in subdivision (b), the provisions*
38 *of this chapter are severable. If any provision of this chapter or*
39 *its application is held invalid, that invalidity shall not affect other*

1 provisions or applications that can be given effect without the
2 invalid provision or application.

3 (b) Notwithstanding subdivision (a), if any requirements of
4 Section 66313 or 66314 are held to be invalid or unenforceable,
5 the remaining provisions of this chapter shall not apply to
6 development projects that have not yet been approved pursuant
7 to this chapter. The Legislature finds and declares that the labor
8 standards provided in Section 66313 and 66314 are a necessary
9 requirement for projects to receive the procedures and benefits of
10 this chapter.

11 66316. The Legislature finds and declares that this chapter
12 addresses a matter of statewide concern rather than a municipal
13 affair as that term is used in Section 5 of Article XI of the
14 California Constitution. Therefore, this chapter applies to all cities,
15 including charter cities.

16 66317. This chapter shall remain in effect only until January
17 1, 2030, and as of that date is repealed.

18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 a local agency or school district has the authority to levy service
21 charges, fees, or assessments sufficient to pay for the program or
22 level of service mandated by this act or because costs that may be
23 incurred by a local agency or school district will be incurred
24 because this act creates a new crime or infraction, eliminates a
25 crime or infraction, or changes the penalty for a crime or
26 infraction, within the meaning of Section 17556 of the Government
27 Code, or changes the definition of a crime within the meaning of
28 Section 6 of Article XIII B of the California Constitution.

29 ~~SECTION 1. Chapter 13 (commencing with Section 18992)~~
30 ~~is added to Part 6 of Division 9 of the Welfare and Institutions~~
31 ~~Code, to read:~~

32

33 ~~CHAPTER 13. CALIFORNIA UNIVERSAL BASIC INCOME FOR~~
34 ~~TRANSITION-AGE YOUTH PILOT PROJECT~~

35

36 ~~18992. (a) Subject to an appropriation by the Legislature for~~
37 ~~this purpose, the State Department of Social Services shall~~
38 ~~administer the California Universal Basic Income for~~
39 ~~Transition-Age Youth pilot project with the goal of improving~~
40 ~~outcomes for foster youth. The pilot project shall commence on~~

1 January 1, 2022, and end on December 31, 2025. Under the pilot
2 project, a California resident who ages out of the Extended Foster
3 Care Program at 21 years of age during the year of 2022, regardless
4 of what age they entered the Extended Foster Care Program, shall
5 be eligible for the program and shall receive a universal basic
6 income of one thousand dollars (\$1,000) per month for three years.

7 ~~(b) This section shall become inoperative on January 1, 2026.~~

8 18992.1. For purposes of this chapter, “universal basic income”
9 means unconditional cash payments of equal amounts issued
10 monthly to eligible individuals with the intention of ensuring the
11 economic security of recipients. To the extent authorized under
12 federal law, the universal basic income provided by this project
13 shall not be considered income or resources for purposes of
14 determining eligibility to receive benefits or the amount of those
15 benefits under the following public social services, programs, and
16 financial aid:

17 ~~(a) CalWORKs.~~

18 ~~(b) CalFresh.~~

19 ~~(c) Transitional Housing Placement Plus.~~

20 ~~(d) California Earned Income Tax Credit (California EITC).~~

21 ~~(e) Medi-Cal.~~

22 ~~(f) State and federal financial aid and college support programs,~~
23 ~~including, but not limited to, all of the following:~~

24 ~~(1) Grants from the California State University under the State~~
25 ~~University Grant program or a successor to that program.~~

26 ~~(2) Benefits provided to veterans of the Armed Forces of the~~
27 ~~United States pursuant to Title 38 of the United States Code.~~

28 ~~(3) The Cal Grant Program (Chapter 1.7 (commencing with~~
29 ~~Section 69430) of Part 42 of Division 5 of Title 3 of the Education~~
30 ~~Code).~~

31 ~~(4) Chafee grant awards (Section 69519 of the Education Code).~~

32 ~~(5) Community College Extended Opportunity Programs and~~
33 ~~Services (Article 8 (commencing with Section 69640) of Chapter~~
34 ~~2 of Part 42 of Division 5 of Title 3 of the Education Code).~~

35 ~~(6) Pell Grants (Subpart 1 (commencing with Section 1070a)~~
36 ~~of Title 20 of the United States Code).~~

37 ~~(7) The State University Educational Opportunity Program~~
38 ~~(Article 6 (commencing with Section 89250) of Chapter 2 of Part~~
39 ~~55 of Division 8 of Title 3 of the Education Code).~~

1 ~~(8) The Middle Class Scholarship Program (Article 22~~
2 ~~(commencing with Section 70020) of Chapter 2 of Part 42 of~~
3 ~~Division 5 of Title 3 of the Education Code):~~

4 ~~18992.2. (a) The department shall work with at least one~~
5 ~~independent, research-based institution to identify existing, and~~
6 ~~establish additional, outcome measurements. These measurements~~
7 ~~shall inform an evaluation report that shall be provided to the~~
8 ~~Legislature after the conclusion of each year of the pilot program.~~
9 ~~The evaluation shall include outcomes for the foster youth served~~
10 ~~under the California Universal Basic Income for Transition-Age~~
11 ~~Youth Pilot Project, models utilized, and measures specific to the~~
12 ~~objectives of the project. Notwithstanding any other law, the~~
13 ~~department may accept and expend funds from nongovernment~~
14 ~~sources for the evaluation, for a longitudinal study of the California~~
15 ~~Universal Basic Income for Transition-Age Youth Pilot Project~~
16 ~~that is in addition to the evaluation, or for both. The report shall~~
17 ~~include, but not be limited to, all of the following information,~~
18 ~~with respect to the period of evaluation:~~

19 ~~(1) Starting income of the participant before receiving monthly~~
20 ~~Universal Basic Income (UBI) payments under the California~~
21 ~~Universal Basic Income for Transition-Age Youth Pilot Project.~~

22 ~~(2) Geographic indicators, including county of residence, city,~~
23 ~~and ZIP Code.~~

24 ~~(3) Employment status of the participant before receiving~~
25 ~~monthly UBI payments.~~

26 ~~(4) Housing status of the participant before receiving monthly~~
27 ~~UBI payments.~~

28 ~~(5) Additional descriptive and outcome indicators, as~~
29 ~~appropriate.~~

30 ~~(b) A report to be submitted pursuant to subdivision (a) shall~~
31 ~~be submitted in compliance with Section 9795 of the Government~~
32 ~~Code.~~

33 ~~(c) For purposes of administering the pilot program established~~
34 ~~by Section 18992, the department may accept in-kind contributions,~~
35 ~~including, but not limited to financial mentorship services for~~
36 ~~recipients.~~

37 ~~18992.3. Notwithstanding Chapter 3.5 (commencing with~~
38 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~
39 ~~Code the department may, without taking any further regulatory~~

1 action, implement, interpret, or make specific this chapter by means
2 of departmental directives or similar instructions.
3 ~~18992.4. (a) This chapter shall become operative on January~~
4 ~~1, 2022.~~
5 ~~(b) This chapter shall remain in effect only until January 1,~~
6 ~~2027, and as of that date is repealed.~~

O

AMENDED IN ASSEMBLY JUNE 6, 2022

AMENDED IN SENATE MAY 18, 2022

AMENDED IN SENATE MAY 2, 2022

AMENDED IN SENATE APRIL 19, 2022

AMENDED IN SENATE MARCH 9, 2022

SENATE BILL

No. 852

**Introduced by Senator Dodd
(Coauthors: Senators Caballero and Stern)**

January 18, 2022

An act to add Division 6 (commencing with Section 62300) to Title 6 of the Government Code, relating to climate resilience districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 852, as amended, Dodd. Climate resilience districts: formation: funding mechanisms.

Existing law authorizes certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area, as defined, to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. Existing law provides for the financing of these activities by, among other things, the issuance of bonds serviced by property tax increment revenues, and requires the authority to adopt a community revitalization and investment plan for the community revitalization and investment area that includes elements describing and governing revitalization activities.

Existing law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance, including projects that enable communities to adapt to the impacts of climate change. Existing law also requires the legislative body to establish a public financing authority, defined as the governing board of the enhanced infrastructure financing district, prior to the adoption of a resolution to form an enhanced infrastructure district and adopt an infrastructure financing plan.

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

This bill would impose certain requirements on a project undertaken or financed by a district. In this regard, the bill would require a district to obtain an enforceable commitment from the developer that contractors and subcontractors performing the work use a skilled and trained workforce, in accordance with specified provisions. These certifications would expand the crime of perjury, thereby imposing a state-mandated local program.

This bill would authorize specified local entities to adopt a resolution allocating tax revenues to the district, subject to certain requirements. The bill would provide for the financing of the activities of the district by, among other things, levying a benefit assessment, special tax, property-related fee, or other service charge or fee consistent with the requirements of the California Constitution. The bill would require each district to prepare an annual expenditure plan and an operating budget and capital improvement budget, which must be adopted by the governing body of the district and subject to review and revision at least annually. By imposing duties on counties in the administration of tax

revenues and elections of a climate resilience district, the bill would impose a state-mandated local program.

Existing law creates the Sonoma County Regional Climate Protection Authority, requires the authority to be governed by the same board as that governing the Sonoma County Transportation Authority, and imposes certain duties on the authority. Existing law authorizes the authority to apply for and to receive grants of funds to carry out its functions.

This bill would deem the Sonoma County Regional Climate Protection Authority as a climate resilience district and grant the authority all of the powers available to such a district, except that the authority may not use any tax increment revenue unless it complies with the requirements for receiving and using tax increment revenue applicable to a new climate resilience district.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Division 6 (commencing with Section 62300) is
2 added to Title 6 of the Government Code, to read:

3

4 DIVISION 6. CLIMATE RESILIENCE DISTRICTS

5

6 62300. This division shall be known, and may be cited, as the
7 Climate Resilience Districts Act.

8 62301. It is the intent of the Legislature in enacting this division
9 to provide the ability for local governments to create districts for
10 the purpose of addressing climate change effects and impacts
11 through activities and actions that include mitigation and

1 adaptation, as necessary and appropriate, to achieve all of the
2 following:

3 (a) Providing a sustained and certain level and source of funding
4 at the local level.

5 (b) Allowing activities and actions on an appropriate geographic
6 basis.

7 (c) Facilitating the receipt and use of federal, state, local, and
8 private funds.

9 62302. For purposes of this division:

10 (a) “District” means a climate resilience district formed pursuant
11 to this division.

12 (b) (1) “Eligible project” means a project, including a capital
13 project, that is designed and implemented to address climate change
14 mitigation, adaptation, or resilience, including, but not limited to,
15 all of the following:

16 (A) A project that addresses river, bay, or sea level rise, or rising
17 groundwater, including wetlands or marsh restoration, vegetated
18 dunes, living shorelines, erosion control, or levees.

19 (B) A project that addresses extreme heat or the urban heat
20 island effect, including increasing shade, deploying cool building
21 and surface materials, using cool pavements; constructing,
22 improving, or modifying new or existing facilities; or increasing
23 access to cooling opportunities.

24 (C) A project that addresses extreme cold, rain, or snow,
25 including constructing, improving, or modifying new or existing
26 facilities.

27 (D) A project that addresses the risk of wildfire, including
28 establishing fire breaks, prescribed burning, structure hardening,
29 or vegetation control.

30 (E) A project that addresses drought, including multiuse land
31 repurposing, groundwater replenishment, groundwater storage, or
32 conjunctive use.

33 (F) A project that addresses the risk of flooding, including
34 structure elevation or relocation, wetlands restoration, flood
35 easements or bypasses, or levees.

36 (2) At a minimum, a district shall give priority to a project that
37 does any of the following:

38 (A) Utilizes natural infrastructure, as defined in paragraph (3)
39 of subdivision (c) of Section 71154 of the Public Resources Code,

1 to address climate change adaptation or resilience based upon the
2 best available science.

3 (B) Addresses the needs of under-resourced communities, as
4 defined in subdivision (g) of Section 71130 of the Public Resources
5 Code, or vulnerable communities, as defined in subdivision (d) of
6 Section 71340 of the Public Resources Code.

7 (3) A district may adopt additional priorities for projects.

8 (4) A district shall seek the input of the communities specified
9 in subparagraph (B) of paragraph (2) in the planning, development,
10 and implementation of projects.

11 (c) “Participating entity” means a city, county, or special district
12 within a climate resilience district that adopts a resolution directing
13 the county auditor or auditor-controller to allocate its share of
14 property tax increment within the area covered by the district to
15 the district pursuant to subdivision (d) of Section 62304.

16 (d) (1) “Property tax increment” means that portion of the ad
17 valorem taxes, as defined under subdivision (a) of Section 1 of
18 Article XIII A of the California Constitution, excluding any ad
19 valorem taxes or assessments levied pursuant to subdivision (b)
20 of Section 1 of Article XIII A of the California Constitution,
21 divided pursuant to Section 53398.75.

22 (2) Except as otherwise specified in this division, a district
23 formed pursuant to this division is hereby deemed to also be an
24 enhanced infrastructure financing district pursuant to Chapter 2.99
25 (commencing with Section 53398.50) of Part 1 of Division 2 of
26 Title 5 and shall be subject to statutory provisions for enhanced
27 infrastructure financing districts.

28 62303. (a) (1) A city, county, city and county, or a
29 combination of any of those entities may form a climate resilience
30 district pursuant to this division.

31 (2) The boundaries of the district shall be one of the following:

32 (A) Coterminous with the city, county, or city and county
33 forming the district.

34 (B) Within a city, county, or city and county forming the district.

35 (C) Across two or more cities, counties, or cities and counties
36 that are forming the district.

37 (D) A special district may join a district initiated by a city,
38 county, city and county, or a combination of cities and counties.

1 (b) (1) A district shall be formed for the purpose of raising and
2 allocating funding for eligible projects and the operating expenses
3 of eligible projects.

4 (2) Operating expenses may include any of the following:

5 (A) The expenses of operating the district.

6 (B) The planning of eligible projects.

7 (C) The operational expenses of any eligible project.

8 (3) A district shall finance only projects described in subdivision
9 (b) of Section 53398.52 if the project meets the definition of an
10 eligible project.

11 (4) A district shall use the proceeds of bonds issued by a district
12 to finance only eligible projects that meet the requirements of
13 subdivision (a) of Section 53398.52.

14 (c) A district shall be deemed to be an “agency” described in
15 subdivision (b) of Section 16 of Article XVI of the California
16 Constitution only for purposes of receiving property tax increment
17 revenues.

18 62303.5. (a) Notwithstanding the procedures for establishing
19 a district under this division, the authority shall be deemed a
20 climate resilience district and is hereby granted all of the powers
21 described in Section 62307, except as provided in subdivision (c).

22 (b) Notwithstanding subdivision (a) of Section 62305, the
23 legislative body of the district formed pursuant to this section shall
24 be the legislative body of the authority.

25 (c) This section shall not grant the district the power to use any
26 tax increment revenues unless it complies with the requirements
27 for receiving and using tax increment revenue pursuant to
28 subdivision (d) of Section 62304.

29 (d) For purposes of this section, “authority” means the Sonoma
30 County Regional Climate Protection Authority created pursuant
31 to Division 19.1 (commencing with Section 181000) of the Public
32 Utilities Code.

33 62304. Proceedings for the establishment of a district shall be
34 instituted by the adoption of a resolution of intention to establish
35 the proposed district and shall do all of the following:

36 (a) State that a district is proposed to be established pursuant to
37 this division and describe the boundaries of the proposed district,
38 which may be accomplished by reference to a map on file in the
39 office of the clerk of the city or in the office of the recorder of the
40 county, as applicable.

1 (b) State the type of eligible projects proposed to be financed
2 or assisted by the district.

3 (c) State the need for the district and the goals the district
4 proposes to achieve.

5 (d) The city, county, or city and county, shall not enact a
6 resolution providing for the division of taxes of any participating
7 entity unless it follows the procedures for the preparation and
8 adoption of an infrastructure financing plan described in Sections
9 53398.59 to 53398.74, inclusive. A district that completes these
10 procedures shall follow the procedures for the division of taxes
11 and issuance of tax increment bonds described in Sections 53398.75
12 to 53398.88, inclusive.

13 62305. (a) A district shall be governed by a board that has the
14 same membership as a public financing authority as described in
15 Section 53398.51.1. The board shall have the same powers and
16 requirements as a public financing authority, unless otherwise
17 specified.

18 (b) The legislative body shall ensure the district board is
19 established at the same time that it adopts a resolution of intention
20 pursuant to Section 62304.

21 62306. (a) A minimum of 95 percent of the allocated tax
22 increment revenues pursuant to subdivision (d) of Section 62304
23 shall be used to fund eligible projects.

24 (b) Not more than 5 percent of allocated revenues may be used
25 for administration.

26 62307. In addition to the powers granted to an enhanced
27 infrastructure financing district pursuant to Chapter 2.99
28 (commencing with Section 53398.50) of Part 1 of Division 2 of
29 Title 5, a district has the power to do all of the ~~following~~: *following*
30 *within the territorial jurisdiction of a city, county, or city and*
31 *county that is a participating entity pursuant to this division and*
32 *is represented on the governing board in accordance with Section*
33 *62305:*

34 (a) (1) Levy a benefit assessment, special tax levied pursuant
35 to Article 3.5 (commencing with Section 50075) of Chapter 1 of
36 Part 1 of Division 1 of Title 5, or property-related fee or other
37 service charge or fee consistent with the requirements of Articles
38 XIII A, XIII C, and XIII D of the California Constitution,
39 including, but not limited to, a benefit assessment levied pursuant
40 to paragraph (2).

- 1 (2) The district may levy a benefit assessment for any of the
 2 purposes authorized by this division pursuant to any of the
 3 following:
- 4 (A) The Improvement Act of 1911 (Division 7 (commencing
 5 with Section 5000) of the Streets and Highways Code).
- 6 (B) The Improvement Bond Act of 1915 (Division 10
 7 (commencing with Section 8500) of the Streets and Highways
 8 Code).
- 9 (C) The Municipal Improvement Act of 1913 (Division 12
 10 (commencing with Section 10000) of the Streets and Highways
 11 Code).
- 12 (D) The Landscaping and Lighting Act of 1972 (Part 2
 13 (commencing with Section 22500) of Division 15 of the Streets
 14 and Highways Code), notwithstanding Section 22501 of the Streets
 15 and Highways Code.
- 16 (E) Any other statutory authorization.
- 17 (b) Apply for and receive grants from federal and state agencies.
- 18 (c) Solicit and accept gifts, fees, grants, and allocations from
 19 public and private entities.
- 20 (d) Issue revenue bonds for any of the purposes authorized by
 21 this division pursuant to the Revenue Bond Law of 1941 (Chapter
 22 6 (commencing with Section 54300) of Part 1 of Division 2 of
 23 Title 5), subject to any applicable constitutional requirements.
- 24 (e) Incur general obligation bonded indebtedness for the
 25 acquisition or improvement of real property or for funding or
 26 refunding of any outstanding indebtedness, subject to any
 27 applicable constitutional requirements.
- 28 (f) Receive and manage a dedicated revenue source.
- 29 (g) Deposit or invest moneys of the district in banks or financial
 30 institutions in the state in accordance with state law.
- 31 (h) Sue and be sued, except as otherwise provided by law, in
 32 all actions and proceedings, in all courts and tribunals of competent
 33 jurisdiction.
- 34 (i) Engage counsel and other professional services.
- 35 (j) Enter into and perform all necessary contracts.
- 36 (k) Enter into joint powers agreements pursuant to the Joint
 37 Exercise of Powers Act (Chapter 5 (commencing with Section
 38 6500) of Division 7 of Title 1).
- 39 (l) Hire staff, define their qualifications and duties, and provide
 40 a schedule of compensation for the performance of their duties.

1 (m) Use interim or temporary staff provided by local agencies
2 that are a members of the district. A person who performs duties
3 as interim or temporary staff shall not be considered an employee
4 of the district.

5 62308. (a) If a district proposes a measure that will generate
6 revenues for the district that requires voter approval pursuant to
7 the California Constitution, the board of supervisors of the county
8 or counties in which the district has determined to place the
9 measure on the ballot shall call a special election on the measure.
10 The special election shall be consolidated with the next regularly
11 scheduled statewide election and the measure shall be submitted
12 to the voters in the appropriate counties, consistent with the
13 requirements of Articles XIII A, XIII C, and XIII D, or Article
14 XVI of, the California Constitution, as applicable.

15 (b) A district shall be deemed a district for purposes of Section
16 317 of the Elections Code. A measure proposed by a district that
17 requires voter approval shall be submitted to the voters within the
18 boundaries of the district in accordance with the provisions of the
19 Elections Code applicable to districts, including the provisions of
20 Chapter 4 (commencing with Section 9300) of Division 9 of the
21 Elections Code.

22 (c) The district shall file with the board of supervisors of each
23 county in which the measure shall appear on the ballot a resolution
24 of the district requesting consolidation, and setting forth the exact
25 form of the ballot question, in accordance with Section 10403 of
26 the Elections Code.

27 (d) The legal counsel for the district shall prepare an impartial
28 analysis of the measure. The impartial analysis prepared by the
29 legal counsel for the district shall be subject to review and revision
30 by the county counsel of the county that contains the largest
31 population, as determined by the most recent federal decennial
32 census, among those counties in which the measure will be
33 submitted to the voters.

34 (e) Each county included in the measure shall use the exact
35 ballot question, impartial analysis, and ballot language provided
36 by the district. If two or more counties included in the measure
37 are required to prepare a translation of ballot materials into the
38 same language other than English, the county that contains the
39 largest population, as determined by the most recent federal
40 decennial census, among those counties that are required to prepare

1 a translation of ballot materials into the same language other than
2 English shall prepare the translation and that translation shall be
3 used by the other county or counties, as applicable.

4 (f) Notwithstanding Section 13116 of the Elections Code, if a
5 measure proposed by a district pursuant to this division is submitted
6 to the voters of the district in two or more counties, the elections
7 officials of those counties shall mutually agree to use the same
8 letter designation for the measure.

9 (g) The county clerk of each county shall report the results of
10 the special election to the authority. If two-thirds of all voters
11 voting on the question at the special election vote affirmatively,
12 or a different approval threshold required by the California
13 Constitution at the time the election is achieved, the measure shall
14 take effect in the counties in which the measure appeared on the
15 ballot within the timeframe specified in the measure.

16 (h) The county clerk of each county shall report the results of
17 the special election to the district.

18 62309. (a) Each district shall prepare an annual expenditure
19 plan that identifies and describes the operations and eligible
20 projects undertaken by the district. The expenditure plan shall be,
21 after public review and hearing, adopted by the governing body
22 of the district and subject to review and revision at least annually.

23 (b) Each district shall also prepare and adopt an annual operating
24 budget and capital improvement budget. The annual operating
25 budget and capital improvement budget shall be, after public review
26 and hearing, adopted by the governing body of the district and
27 subject to review and revision at least annually.

28 62310. (a) A district shall provide for regular audits of its
29 accounts and records, maintain accounting records, and report
30 accounting transactions in accordance with generally accepted
31 accounting principles adopted by the Governmental Accounting
32 Standards Board of the Financial Accounting Foundation for both
33 public reporting purposes and for reporting of activities to the
34 Controller.

35 (b) A district shall provide for annual financial reports and make
36 copies of the annual financial reports available to the public.

37 (c) Commencing in the calendar year in which a district has
38 allocated a cumulative total of more than one million dollars
39 (\$1,000,000) in property tax increment revenues under this division
40 or other revenues pursuant to subdivision (b) of Section 62253,

1 including any proceeds of a debt issuance, and each year thereafter,
2 the district shall contract for an independent audit conducted in
3 accordance with generally accepted governmental auditing
4 standards.

5 62311. (a) All meetings of the district shall be subject to the
6 Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)
7 of Part 1 of Division 2 of Title 5).

8 (b) All records prepared, owned, used, or retained by the district
9 are public records for purposes of the California Public Records
10 Act (Division 10 (commencing with Section 7920.000) of Title
11 1).

12 62312. (a) The following requirements shall apply to a project
13 that is undertaken or financed by a district:

14 (1) Construction, alteration, demolition, installation, and repair
15 work on the project shall be deemed a public work for which
16 prevailing wages must be paid for purposes of Chapter 1
17 (commencing with Section 1720) of Part 7 of Division 2 of the
18 Labor Code.

19 (2) The district shall obtain an enforceable commitment from
20 the developer or general contractor that the developer or general
21 contractor and all its contractors and subcontractors at every tier
22 will individually use a skilled and trained workforce, in accordance
23 with Chapter 2.9 (commencing with Section 2600) of Part 1 of
24 Division 2 of the Public Contract Code, to perform all work on
25 the project that falls within an apprenticeable occupation in the
26 building and construction trades.

27 (3) Paragraph (2) shall not apply if all contractors and
28 subcontractors at every tier performing the work will be bound by
29 a project labor agreement that requires the use of a skilled and
30 trained workforce and provides for enforcement of that obligation
31 through an arbitration procedure.

32 (b) For purposes of this section:

33 (1) "Project labor agreement" has the same meaning as set forth
34 in paragraph (1) of subdivision (b) of Section 2500 of the Public
35 Contract Code.

36 (2) "Skilled and trained workforce" has the same meaning as
37 set forth in subdivision (d) of Section 2601 of the Public Contract
38 Code.

39 SEC. 2. The Legislature finds and declares that the allocation
40 of revenues derived from a sales and use tax or a transactions and

1 use tax to a climate resilience district pursuant to Division 6
2 (commencing with Section 62300) of Title 6 to the Government
3 Code, as added by this act, is not subject to Section 29 of Article
4 XIII of the California Constitution because a district is not a city,
5 county, or city and county within the meaning of that provision,
6 but is rather a separate political entity as described in subdivision
7 (c) of Section 62303 of the Government Code, as added by this
8 act.

9 SEC. 3. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution for certain
11 costs that may be incurred by a local agency or school district
12 because, in that regard, this act creates a new crime or infraction,
13 eliminates a crime or infraction, or changes the penalty for a crime
14 or infraction, within the meaning of Section 17556 of the
15 Government Code, or changes the definition of a crime within the
16 meaning of Section 6 of Article XIII B of the California
17 Constitution.

18 However, if the Commission on State Mandates determines that
19 this act contains other costs mandated by the state, reimbursement
20 to local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.

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AMENDED IN ASSEMBLY MAY 25, 2022

AMENDED IN ASSEMBLY APRIL 18, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1944

Introduced by Assembly Members Lee and Cristina Garcia
(Coauthors: Senators Becker, Cortese, and Stern)

February 10, 2022

An act to amend, repeal, and add Section 54953 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 1944, as amended, Lee. Local government: open and public meetings.

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

the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health.

This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely. The bill would also require an updated agenda reflecting all of the members participating in the meeting remotely to be posted, if a member of the legislative body elects to participate in the meeting remotely after the agenda is posted.

~~This bill would authorize, under specified circumstances and~~ *authorize*, upon a determination by a majority vote of the legislative body, a member to be exempt from identifying the address of the member's teleconference location in the notice and agenda or having the location be accessible to the public, if the member elects to teleconference from a location that is not a public ~~place~~. *place, including, beginning January 1, 2024, that at least a quorum of members of the legislative body participates from a single physical location that is clearly identified on the agenda, open to the public, and situated within the boundaries of the territory over which the local agency has jurisdiction.*

This bill would require all open and public meetings of a legislative body that elects to use teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option.

This bill would repeal these provisions on January 1, 2030.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open

meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 54953 of the Government Code, as
2 amended by Section 3 of Chapter 165 of the Statutes of 2021, is
3 amended to read:

4 54953. (a) All meetings of the legislative body of a local
5 agency shall be open and public, and all persons shall be permitted
6 to attend any meeting of the legislative body of a local agency,
7 except as otherwise provided in this chapter.

8 (b) (1) Notwithstanding any other law, the legislative body of
9 a local agency may use teleconferencing for the benefit of the
10 public and the legislative body of a local agency in connection
11 with any meeting or proceeding authorized by law. The
12 teleconferenced meeting or proceeding shall comply with all
13 otherwise applicable requirements of this chapter and all otherwise
14 applicable provisions of law relating to a specific type of meeting
15 or proceeding.

16 (2) Teleconferencing, as authorized by this section, may be used
17 for all purposes in connection with any meeting within the subject
18 matter jurisdiction of the legislative body. All votes taken during
19 a teleconferenced meeting shall be by rollcall.

20 (3) (A) If the legislative body of a local agency elects to use
21 teleconferencing, it shall post agendas at all teleconference
22 locations and conduct teleconference meetings in a manner that
23 protects the statutory and constitutional rights of the parties or the
24 public appearing before the legislative body of a local agency.

25 (B) Each teleconference location shall be identified in the notice
26 and agenda of the meeting or proceeding, and each teleconference
27 location shall be accessible to the public, except as provided in
28 subparagraph (E).

29 (C) The agenda shall identify any member of the legislative
30 body that will participate in the meeting remotely. If a member of
31 the legislative body elects to participate in the meeting remotely
32 after the agenda is posted, an updated agenda shall be posted. In

1 the time between the start of the meeting and 72 hours before a
2 regular meeting, in accordance with Section 54954.2, and 24 hours
3 before a special meeting, in accordance with Section 54956, a
4 legislative body shall only update the agenda to reflect the members
5 participating in the meeting remotely.

6 (D) During the teleconference, at least a quorum of the members
7 of the legislative body shall participate from locations within the
8 boundaries of the territory over which the local agency exercises
9 jurisdiction, except as provided in subdivisions (d) and (e). The
10 agenda shall provide an opportunity for members of the public to
11 address the legislative body directly pursuant to Section 54954.3
12 at each teleconference location, except as provided in subparagraph
13 (E).

14 (E) If a member of a legislative body elects to teleconference
15 from a location that is not a public place, the legislative body shall
16 be exempt from identifying the address of the location in the notice
17 and agenda and from having the location be accessible to the public
18 in both of the following circumstances:

19 (i) The legislative body holds its first teleconferenced meeting
20 after passage of the act that added this subparagraph, for the
21 purpose of determining, by a majority vote, whether members will
22 not be required to identify the address of any private location from
23 which the member elects to teleconference. This determination
24 remains applicable to the legislative body until such time as the
25 legislative body votes otherwise.

26 (ii) The legislative body holds a meeting and has previously
27 determined, by majority vote, that members will not be required
28 to identify the address of any private location from which the
29 member elects to teleconference.

30 (F) If a legislative body elects to use teleconferencing as
31 authorized by this section, it shall provide both of the following:

- 32 (i) A video stream accessible to members of the public.
- 33 (ii) An option for members of the public to address the body
34 remotely during the public comment period through an audio-visual
35 or call-in option.

36 (4) For the purposes of this section, “teleconference” means a
37 meeting of a legislative body, the members of which are in different
38 locations, connected by electronic means, through either audio or
39 video, or both. Nothing in this section shall prohibit a local agency
40 from providing the public with additional teleconference locations.

1 (5) For the purposes of this section, “video stream” means a
2 medium in which the data from a live filming or a video file is
3 continuously delivered via the internet to a remote user, allowing
4 a video to be viewed online by the public without being
5 downloaded on a host computer or device.

6 (c) (1) No legislative body shall take action by secret ballot,
7 whether preliminary or final.

8 (2) The legislative body of a local agency shall publicly report
9 any action taken and the vote or abstention on that action of each
10 member present for the action.

11 (3) Prior to taking final action, the legislative body shall orally
12 report a summary of a recommendation for a final action on the
13 salaries, salary schedules, or compensation paid in the form of
14 fringe benefits of a local agency executive, as defined in
15 subdivision (d) of Section 3511.1, during the open meeting in
16 which the final action is to be taken. This paragraph shall not affect
17 the public’s right under the California Public Records Act (Division
18 10 (commencing with Section 7920.000) of Title 1) to inspect or
19 copy records created or received in the process of developing the
20 recommendation.

21 (d) (1) Notwithstanding the provisions relating to a quorum in
22 paragraph (3) of subdivision (b), if a health authority conducts a
23 teleconference meeting, members who are outside the jurisdiction
24 of the authority may be counted toward the establishment of a
25 quorum when participating in the teleconference if at least 50
26 percent of the number of members that would establish a quorum
27 are present within the boundaries of the territory over which the
28 authority exercises jurisdiction, and the health authority provides
29 a teleconference number, and associated access codes, if any, that
30 allows any person to call in to participate in the meeting and the
31 number and access codes are identified in the notice and agenda
32 of the meeting.

33 (2) Nothing in this subdivision shall be construed as
34 discouraging health authority members from regularly meeting at
35 a common physical site within the jurisdiction of the authority or
36 from using teleconference locations within or near the jurisdiction
37 of the authority. A teleconference meeting for which a quorum is
38 established pursuant to this subdivision shall be subject to all other
39 requirements of this section.

1 (3) For purposes of this subdivision, a health authority means
 2 any entity created pursuant to Sections 14018.7, 14087.31,
 3 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
 4 and Institutions Code, any joint powers authority created pursuant
 5 to Article 1 (commencing with Section 6500) of Chapter 5 of
 6 Division 7 for the purpose of contracting pursuant to Section
 7 14087.3 of the Welfare and Institutions Code, and any advisory
 8 committee to a county-sponsored health plan licensed pursuant to
 9 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
 10 Health and Safety Code if the advisory committee has 12 or more
 11 members.

12 (e) (1) A local agency may use teleconferencing without
 13 complying with the requirements of paragraph (3) of subdivision
 14 (b) if the legislative body complies with the requirements of
 15 paragraph (2) of this subdivision in any of the following
 16 circumstances:

17 (A) The legislative body holds a meeting during a proclaimed
 18 state of emergency, and state or local officials have imposed or
 19 recommended measures to promote social distancing.

20 (B) The legislative body holds a meeting during a proclaimed
 21 state of emergency for the purpose of determining, by majority
 22 vote, whether, as a result of the emergency, meeting in person
 23 would present imminent risks to the health or safety of attendees.

24 (C) The legislative body holds a meeting during a proclaimed
 25 state of emergency and has determined, by majority vote, pursuant
 26 to subparagraph (B), that, as a result of the emergency, meeting
 27 in person would present imminent risks to the health or safety of
 28 attendees.

29 (2) A legislative body that holds a meeting pursuant to this
 30 subdivision shall do all of the following:

31 (A) The legislative body shall give notice of the meeting and
 32 post agendas as otherwise required by this chapter.

33 (B) The legislative body shall allow members of the public to
 34 access the meeting and the agenda shall provide an opportunity
 35 for members of the public to address the legislative body directly
 36 pursuant to Section 54954.3. In each instance in which notice of
 37 the time of the teleconferenced meeting is otherwise given or the
 38 agenda for the meeting is otherwise posted, the legislative body
 39 shall also give notice of the means by which members of the public
 40 may access the meeting and offer public comment. The agenda

1 shall identify and include an opportunity for all persons to attend
2 via a call-in option or an internet-based service option. This
3 subparagraph shall not be construed to require the legislative body
4 to provide a physical location from which the public may attend
5 or comment.

6 (C) The legislative body shall conduct teleconference meetings
7 in a manner that protects the statutory and constitutional rights of
8 the parties and the public appearing before the legislative body of
9 a local agency.

10 (D) In the event of a disruption which prevents the public agency
11 from broadcasting the meeting to members of the public using the
12 call-in option or internet-based service option, or in the event of
13 a disruption within the local agency's control which prevents
14 members of the public from offering public comments using the
15 call-in option or internet-based service option, the body shall take
16 no further action on items appearing on the meeting agenda until
17 public access to the meeting via the call-in option or internet-based
18 service option is restored. Actions taken on agenda items during
19 a disruption which prevents the public agency from broadcasting
20 the meeting may be challenged pursuant to Section 54960.1.

21 (E) The legislative body shall not require public comments to
22 be submitted in advance of the meeting and must provide an
23 opportunity for the public to address the legislative body and offer
24 comment in real time. This subparagraph shall not be construed
25 to require the legislative body to provide a physical location from
26 which the public may attend or comment.

27 (F) Notwithstanding Section 54953.3, an individual desiring to
28 provide public comment through the use of an internet website, or
29 other online platform, not under the control of the local legislative
30 body, that requires registration to log in to a teleconference may
31 be required to register as required by the third-party internet
32 website or online platform to participate.

33 (G) (i) A legislative body that provides a timed public comment
34 period for each agenda item shall not close the public comment
35 period for the agenda item, or the opportunity to register, pursuant
36 to subparagraph (F), to provide public comment until that timed
37 public comment period has elapsed.

38 (ii) A legislative body that does not provide a timed public
39 comment period, but takes public comment separately on each
40 agenda item, shall allow a reasonable amount of time per agenda

1 item to allow public members the opportunity to provide public
2 comment, including time for members of the public to register
3 pursuant to subparagraph (F), or otherwise be recognized for the
4 purpose of providing public comment.

5 (iii) A legislative body that provides a timed general public
6 comment period that does not correspond to a specific agenda item
7 shall not close the public comment period or the opportunity to
8 register, pursuant to subparagraph (F), until the timed general
9 public comment period has elapsed.

10 (3) If a state of emergency remains active, or state or local
11 officials have imposed or recommended measures to promote
12 social distancing, in order to continue to teleconference without
13 compliance with paragraph (3) of subdivision (b), the legislative
14 body shall, not later than 30 days after teleconferencing for the
15 first time pursuant to subparagraph (A), (B), or (C) of paragraph
16 (1), and every 30 days thereafter, make the following findings by
17 majority vote:

18 (A) The legislative body has reconsidered the circumstances of
19 the state of emergency.

20 (B) Any of the following circumstances exist:

21 (i) The state of emergency continues to directly impact the
22 ability of the members to meet safely in person.

23 (ii) State or local officials continue to impose or recommend
24 measures to promote social distancing.

25 (4) For the purposes of this subdivision, “state of emergency”
26 means a state of emergency proclaimed pursuant to Section 8625
27 of the California Emergency Services Act (Article 1 (commencing
28 with Section 8550) of Chapter 7 of Division 1 of Title 2).

29 (f) This section shall remain in effect only until January 1, 2024,
30 and as of that date is repealed.

31 SEC. 2. Section 54953 of the Government Code, as added by
32 Section 4 of Chapter 165 of the Statutes of 2021, is amended to
33 read:

34 54953. (a) All meetings of the legislative body of a local
35 agency shall be open and public, and all persons shall be permitted
36 to attend any meeting of the legislative body of a local agency,
37 except as otherwise provided in this chapter.

38 (b) (1) Notwithstanding any other law, the legislative body of
39 a local agency may use teleconferencing for the benefit of the
40 public and the legislative body of a local agency in connection

1 with any meeting or proceeding authorized by law. The
2 teleconferenced meeting or proceeding shall comply with all
3 requirements of this chapter and all otherwise applicable provisions
4 of law relating to a specific type of meeting or proceeding.

5 (2) Teleconferencing, as authorized by this section, may be used
6 for all purposes in connection with any meeting within the subject
7 matter jurisdiction of the legislative body. All votes taken during
8 a teleconferenced meeting shall be by rollcall.

9 (3) (A) If the legislative body of a local agency elects to use
10 teleconferencing, it shall post agendas at all teleconference
11 locations and conduct teleconference meetings in a manner that
12 protects the statutory and constitutional rights of the parties or the
13 public appearing before the legislative body of a local agency.

14 (B) Each teleconference location shall be identified in the notice
15 and agenda of the meeting or proceeding, and each teleconference
16 location shall be accessible to the public, except as provided in
17 subparagraph (E).

18 (C) The agenda shall identify any member of the legislative
19 body that will participate in the meeting remotely. If a member of
20 the legislative body elects to participate in the meeting remotely
21 after the agenda is posted, an updated agenda shall be posted. In
22 the time between the start of the meeting and 72 hours before a
23 regular meeting, in accordance with Section 54954.2, and 24 hours
24 before a special meeting, in accordance with Section 54956, a
25 legislative body shall only update the agenda to reflect the members
26 participating in the meeting remotely.

27 (D) During the teleconference, at least a quorum of the members
28 of the legislative body shall participate from locations within the
29 boundaries of the territory over which the local agency exercises
30 jurisdiction, except as provided in subdivision (d). The agenda
31 shall provide an opportunity for members of the public to address
32 the legislative body directly pursuant to Section 54954.3 at each
33 teleconference location, except as provided in subparagraph (E).

34 (E) If a member of a legislative body elects to teleconference
35 from a location that is not a public place, the legislative body shall
36 be exempt from identifying the address of the location in the notice
37 and agenda and from having the location be accessible to the public
38 ~~in both of the following circumstances: if both of the following~~
39 *circumstances are present:*

1 ~~(i) The legislative body holds its first teleconferenced meeting~~
 2 ~~after passage of the act that added this subparagraph, for the~~
 3 ~~purpose of determining, by a majority vote, whether members will~~
 4 ~~not be required to identify the address of any private location from~~
 5 ~~which the member elects to teleconference. This determination~~
 6 ~~remains applicable to the legislative body until such time as the~~
 7 ~~legislative body votes otherwise.~~

8 (ii)
 9 (i) The legislative body holds a meeting and has ~~previously~~
 10 determined, by majority vote, that members will not be required
 11 to identify the address of any private location from which the
 12 member elects to teleconference. *A determination described by*
 13 *this clause shall remain applicable to the legislative body until*
 14 *the legislative body votes otherwise.*

15 (ii) *At least a quorum of members of the legislative body*
 16 *participates from a single physical location that is clearly identified*
 17 *on the agenda, open to the public, and situated within the*
 18 *boundaries of the territory over which the local agency has*
 19 *jurisdiction.*

20 (F) If a legislative body elects to use teleconferencing as
 21 authorized by this section, it shall provide both of the following:

- 22 (i) A video stream accessible to members of the public.
- 23 (ii) An option for members of the public to address the body
- 24 remotely during the public comment period through an audio-visual
- 25 or call-in option.

26 (4) For the purposes of this section, “teleconference” means a
 27 meeting of a legislative body, the members of which are in different
 28 locations, connected by electronic means, through either audio or
 29 video, or both. Nothing in this section shall prohibit a local agency
 30 from providing the public with additional teleconference locations.

31 (5) For the purposes of this section, “video stream” means a
 32 medium in which the data from a live filming or a video file is
 33 continuously delivered via the internet to a remote user, allowing
 34 a video to be viewed online by the public without being
 35 downloaded on a host computer or device.

36 (c) (1) No legislative body shall take action by secret ballot,
 37 whether preliminary or final.

38 (2) The legislative body of a local agency shall publicly report
 39 any action taken and the vote or abstention on that action of each
 40 member present for the action.

1 (3) Prior to taking final action, the legislative body shall orally
2 report a summary of a recommendation for a final action on the
3 salaries, salary schedules, or compensation paid in the form of
4 fringe benefits of a local agency executive, as defined in
5 subdivision (d) of Section 3511.1, during the open meeting in
6 which the final action is to be taken. This paragraph shall not affect
7 the public's right under the California Public Records Act (Division
8 10 (commencing with Section 7920.000) of Title 1) to inspect or
9 copy records created or received in the process of developing the
10 recommendation.

11 (d) (1) Notwithstanding the provisions relating to a quorum in
12 paragraph (3) of subdivision (b), if a health authority conducts a
13 teleconference meeting, members who are outside the jurisdiction
14 of the authority may be counted toward the establishment of a
15 quorum when participating in the teleconference if at least 50
16 percent of the number of members that would establish a quorum
17 are present within the boundaries of the territory over which the
18 authority exercises jurisdiction, and the health authority provides
19 a teleconference number, and associated access codes, if any, that
20 allows any person to call in to participate in the meeting and the
21 number and access codes are identified in the notice and agenda
22 of the meeting.

23 (2) Nothing in this subdivision shall be construed as
24 discouraging health authority members from regularly meeting at
25 a common physical site within the jurisdiction of the authority or
26 from using teleconference locations within or near the jurisdiction
27 of the authority. A teleconference meeting for which a quorum is
28 established pursuant to this subdivision shall be subject to all other
29 requirements of this section.

30 (3) For purposes of this subdivision, a health authority means
31 any entity created pursuant to Sections 14018.7, 14087.31,
32 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
33 and Institutions Code, any joint powers authority created pursuant
34 to Article 1 (commencing with Section 6500) of Chapter 5 of
35 Division 7 for the purpose of contracting pursuant to Section
36 14087.3 of the Welfare and Institutions Code, and any advisory
37 committee to a county-sponsored health plan licensed pursuant to
38 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
39 Health and Safety Code if the advisory committee has 12 or more
40 members.

- 1 (e) This section shall become operative January 1, 2024.
- 2 (f) This section shall remain in effect only until January 1, 2030,
- 3 and as of that date is repealed.

4 SEC. 3. Section 54953 is added to the Government Code, to
 5 read:

6 54953. (a) All meetings of the legislative body of a local
 7 agency shall be open and public, and all persons shall be permitted
 8 to attend any meeting of the legislative body of a local agency,
 9 except as otherwise provided in this chapter.

10 (b) (1) Notwithstanding any other provision of law, the
 11 legislative body of a local agency may use teleconferencing for
 12 the benefit of the public and the legislative body of a local agency
 13 in connection with any meeting or proceeding authorized by law.
 14 The teleconferenced meeting or proceeding shall comply with all
 15 requirements of this chapter and all otherwise applicable provisions
 16 of law relating to a specific type of meeting or proceeding.

17 (2) Teleconferencing, as authorized by this section, may be used
 18 for all purposes in connection with any meeting within the subject
 19 matter jurisdiction of the legislative body. All votes taken during
 20 a teleconferenced meeting shall be by rollcall.

21 (3) If the legislative body of a local agency elects to use
 22 teleconferencing, it shall post agendas at all teleconference
 23 locations and conduct teleconference meetings in a manner that
 24 protects the statutory and constitutional rights of the parties or the
 25 public appearing before the legislative body of a local agency.
 26 Each teleconference location shall be identified in the notice and
 27 agenda of the meeting or proceeding, and each teleconference
 28 location shall be accessible to the public. During the teleconference,
 29 at least a quorum of the members of the legislative body shall
 30 participate from locations within the boundaries of the territory
 31 over which the local agency exercises jurisdiction, except as
 32 provided in subdivision (d). The agenda shall provide an
 33 opportunity for members of the public to address the legislative
 34 body directly pursuant to Section 54954.3 at each teleconference
 35 location.

36 (4) For the purposes of this section, “teleconference” means a
 37 meeting of a legislative body, the members of which are in different
 38 locations, connected by electronic means, through either audio or
 39 video, or both. Nothing in this section shall prohibit a local agency

1 from providing the public with additional teleconference ~~locations~~
2 *locations*.

3 (c) (1) No legislative body shall take action by secret ballot,
4 whether preliminary or final.

5 (2) The legislative body of a local agency shall publicly report
6 any action taken and the vote or abstention on that action of each
7 member present for the action.

8 (3) Prior to taking final action, the legislative body shall orally
9 report a summary of a recommendation for a final action on the
10 salaries, salary schedules, or compensation paid in the form of
11 fringe benefits of a local agency executive, as defined in
12 subdivision (d) of Section 3511.1, during the open meeting in
13 which the final action is to be taken. This paragraph shall not affect
14 the public's right under the California Public Records Act (Division
15 10 (commencing with Section 7920.000) of Title 1) to inspect or
16 copy records created or received in the process of developing the
17 recommendation.

18 (d) (1) Notwithstanding the provisions relating to a quorum in
19 paragraph (3) of subdivision (b), if a health authority conducts a
20 teleconference meeting, members who are outside the jurisdiction
21 of the authority may be counted toward the establishment of a
22 quorum when participating in the teleconference if at least 50
23 percent of the number of members that would establish a quorum
24 are present within the boundaries of the territory over which the
25 authority exercises jurisdiction, and the health authority provides
26 a teleconference number, and associated access codes, if any, that
27 allows any person to call in to participate in the meeting and the
28 number and access codes are identified in the notice and agenda
29 of the meeting.

30 (2) Nothing in this subdivision shall be construed as
31 discouraging health authority members from regularly meeting at
32 a common physical site within the jurisdiction of the authority or
33 from using teleconference locations within or near the jurisdiction
34 of the authority. A teleconference meeting for which a quorum is
35 established pursuant to this subdivision shall be subject to all other
36 requirements of this section.

37 (3) For purposes of this subdivision, a health authority means
38 any entity created pursuant to Sections 14018.7, 14087.31,
39 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
40 and Institutions Code, any joint powers authority created pursuant

1 to Article 1 (commencing with Section 6500) of Chapter 5 of
2 Division 7 for the purpose of contracting pursuant to Section
3 14087.3 of the Welfare and Institutions Code, and any advisory
4 committee to a county-sponsored health plan licensed pursuant to
5 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
6 Health and Safety Code if the advisory committee has 12 or more
7 members.

8 (e) This section shall become operative January 1, 2030.

9 SEC. 4. The Legislature finds and declares that Sections 1, 2,
10 and 3 of this act, which amend, repeal, and add Section 54953 of
11 the Government Code, further, within the meaning of paragraph
12 (7) of subdivision (b) of Section 3 of Article I of the California
13 Constitution, the purposes of that constitutional section as it relates
14 to the right of public access to the meetings of local public bodies
15 or the writings of local public officials and local agencies. Pursuant
16 to paragraph (7) of subdivision (b) of Section 3 of Article I of the
17 California Constitution, the Legislature makes the following
18 findings:

19 This act is necessary to ensure minimum standards for public
20 participation allowing for greater public participation in
21 teleconference meetings.

22 SEC. 5. (a) The Legislature finds and declares that during the
23 COVID-19 public health emergency, certain requirements of the
24 Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)
25 of Part 1 of Division 2 of Title 5 of the Government Code) and the
26 Bagley-Keene Open Meeting Act (Article 9 (commencing with
27 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
28 the Government Code) were suspended by Executive Order No.
29 N-29-20. Audio and video teleconference were widely used to
30 conduct public meetings in lieu of physical location meetings, and
31 public meetings conducted by teleconference during the COVID-19
32 public health emergency have been productive, have increased
33 public participation by all members of the public regardless of
34 their location in the state and ability to travel to physical meeting
35 locations, have protected the health and safety of civil servants
36 and the public, and have reduced travel costs incurred by members
37 of state bodies and reduced work hours spent traveling to and from
38 meetings.

39 (b) The Legislature finds and declares that Sections 1, 2, and 3
40 of this act, which amend, repeal, and add Section 54953 of the

1 Government Code, impose a potential limitation on the public's
2 right of access to the meetings of public bodies or the writings of
3 public officials and agencies within the meaning of Section 3 of
4 Article I of the California Constitution. Pursuant to that
5 constitutional provision, the Legislature makes the following
6 findings to demonstrate the interest protected by this potential
7 limitation and the need for protecting that interest:

8 By removing the requirement for each teleconference location
9 to be identified in the notice and agenda, including the member's
10 private home address, and by providing exceptions to the
11 requirements that each teleconference location must be accessible
12 to the public and that members of the public be given the
13 opportunity to address the legislative body directly at each
14 teleconference location, this act protects the personal, private
15 information and location of public officials and their families while
16 preserving the public's right to access information concerning the
17 conduct of the people's business.

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AMENDED IN ASSEMBLY APRIL 19, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2647

Introduced by Assembly Member Levine

February 18, 2022

An act to amend Section 54957.5 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2647, as amended, Levine. Local government: open meetings.

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

Existing law requires a local agency to make those writings distributed to the members of the governing board *less than 72 hours before a meeting* available for public ~~inspection~~ *inspection, as specified*, at a public office or location that the agency designates. Existing law also requires the local agency to list the address of the office or location on the agenda for all meetings of the legislative body of the agency. Existing law authorizes a local agency to post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public

inspection at a public office or location that the agency designates ~~or post~~ and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency’s internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 54957.5 of the Government Code, as
2 amended by Section 208 of Chapter 615 of the Statutes of 2021,
3 is amended to read:

4 54957.5. (a) ~~Notwithstanding Section 7922.000 or any other~~
5 ~~law, agendas~~ Agendas of public meetings ~~and any other writings,~~
6 ~~when distributed to all, or a majority of all, of the members of a~~
7 ~~legislative body of a local agency by any person in connection~~
8 ~~with a matter subject to discussion or consideration at an open~~
9 ~~meeting of the body,~~ are disclosable public records under the
10 California Public Records Act (Division 10 (commencing with
11 Section 7920.000) of Title 1), and shall be made available ~~upon~~
12 ~~request without delay.~~ pursuant to subdivision (b). However, this
13 section shall not include any writing exempt from public disclosure
14 under Section 7924.100, 7924.105, 7924.110, 7924.510, 7924.700,
15 7926.205, 7927.410, 7927.605, 7928.300, or 7928.710, or any
16 provision listed in Section 7920.505; apply to a writing, or portion
17 thereof, that is exempt from public disclosure.

18 (b) (1) If a writing that is a public record under subdivision (a),
19 and that relates related to an agenda item for an open session of a
20 regular meeting of the legislative body of a local ~~agency,~~ agency
21 and is distributed to all, or a majority of all, of the members of a

1 *legislative body of a local agency by a person in connection with*
2 *a matter subject to discussion or consideration at an open meeting*
3 *of the body less than 72 hours ~~prior to~~ before that meeting, the*
4 *writing shall be made available for public inspection pursuant to*
5 *paragraph (2) at the time the writing is distributed to all, or a*
6 *majority of all, of the members of the body.*

7 (2) (A) Except as provided in subparagraph (B), a local agency
8 shall comply with both of the following requirements:

9 (i) A local agency shall make any writing described in paragraph
10 (1) available for public inspection at a public office or location
11 that the agency shall designate for this purpose.

12 (ii) ~~Each~~ A local agency shall list the address of ~~this~~ *the* office
13 or location *designated pursuant to clause (i)* on the agendas for
14 all meetings of the legislative body of that agency.

15 (B) A local agency shall not be required to comply with *the*
16 requirements of subparagraph (A) if ~~both~~ *all* of the following
17 requirements are met:

18 (i) The local agency ~~shall post~~ *immediately posts* any writing
19 described in paragraph (1) on the local agency's internet website
20 in a position and manner that makes it clear that the writing relates
21 to an agenda item for an upcoming meeting.

22 (ii) The local agency ~~shall list~~ *lists* the web address of the local
23 agency's internet website on the agendas for all meetings of the
24 legislative body of that agency.

25 (iii) *The local agency makes physical copies available for public*
26 *inspection, beginning the next regular business hours for the local*
27 *agency, at a public office or location that the agency shall*
28 *designate for this purpose.*

29 (c) Writings that are public records ~~under subdivision (a)~~
30 *described in subdivision (b)* and ~~that are~~ distributed during a public
31 meeting shall be made available for public inspection at the meeting
32 if prepared by the local agency or a member of its legislative body,
33 or after the meeting if prepared by some other person. These
34 writings shall be made available in appropriate alternative formats
35 upon request by a person with a disability, as required by Section
36 202 of the Americans with Disabilities Act of 1990 (42 U.S.C.
37 Sec. 12132), and the federal rules and regulations adopted in
38 implementation thereof.

39 (d) This chapter shall not be construed to prevent the legislative
40 body of a local agency from charging a fee or deposit for a copy

1 of a public record pursuant to Section 7922.530, except that a
2 surcharge shall not be imposed on persons with disabilities in
3 violation of Section 202 of the Americans with Disabilities Act of
4 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations
5 adopted in implementation thereof.

6 (e) This section shall not be construed to limit or delay the
7 public’s right to inspect or obtain a copy of any record required to
8 be disclosed under the requirements of the California Public
9 Records Act (Division 10 (commencing with Section 7920.000)
10 of Title 1). ~~This 1),~~ *including, but not limited to, the ability of the*
11 *public to inspect public records pursuant to Section 7922.525 and*
12 *obtain copies of public records pursuant to either subdivision (b)*
13 *of Section 7922.530 or Section 7922.535. This chapter shall not*
14 *be construed to require a legislative body of a local agency to place*
15 *any paid advertisement or any other paid notice in any publication.*

16 SEC. 2. The Legislature finds and declares that Section 1 of
17 this act, which amends Section 54957.5 of the Government Code,
18 furthers, within the meaning of paragraph (7) of subdivision (b)
19 of Section 3 of Article I of the California Constitution, the purposes
20 of that constitutional section as it relates to the right of public
21 access to the meetings of local public bodies or the writings of
22 local public officials and local agencies. Pursuant to paragraph (7)
23 of subdivision (b) of Section 3 of Article I of the California
24 Constitution, the Legislature makes the following findings:

25 Because this act would authorize local agencies to make public
26 documents available by posting the public documents on the local
27 agency’s internet website, thus making the public documents
28 available by local agencies more quickly and cost effectively, this
29 act furthers the purpose of Section 3 of Article I of the California
30 Constitution.

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AMENDED IN ASSEMBLY APRIL 19, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2647

Introduced by Assembly Member Levine

February 18, 2022

An act to amend Section 54957.5 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2647, as amended, Levine. Local government: open meetings.

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

Existing law requires a local agency to make those writings distributed to the members of the governing board *less than 72 hours before a meeting* available for public ~~inspection~~ *inspection, as specified*, at a public office or location that the agency designates. Existing law also requires the local agency to list the address of the office or location on the agenda for all meetings of the legislative body of the agency. Existing law authorizes a local agency to post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public

inspection at a public office or location that the agency designates ~~or post~~ and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency’s internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 54957.5 of the Government Code, as
2 amended by Section 208 of Chapter 615 of the Statutes of 2021,
3 is amended to read:

4 54957.5. (a) ~~Notwithstanding Section 7922.000 or any other~~
5 ~~law, agendas~~ Agendas of public meetings ~~and any other writings,~~
6 ~~when distributed to all, or a majority of all, of the members of a~~
7 ~~legislative body of a local agency by any person in connection~~
8 ~~with a matter subject to discussion or consideration at an open~~
9 ~~meeting of the body,~~ are disclosable public records under the
10 California Public Records Act (Division 10 (commencing with
11 Section 7920.000) of Title 1), and shall be made available ~~upon~~
12 ~~request without delay.~~ pursuant to subdivision (b). However, this
13 section shall not include any writing exempt from public disclosure
14 under Section 7924.100, 7924.105, 7924.110, 7924.510, 7924.700,
15 7926.205, 7927.410, 7927.605, 7928.300, or 7928.710, or any
16 provision listed in Section 7920.505; apply to a writing, or portion
17 thereof, that is exempt from public disclosure.

18 (b) (1) If a writing that is a public record under subdivision (a),
19 and that relates related to an agenda item for an open session of a
20 regular meeting of the legislative body of a local ~~agency,~~ agency
21 and is distributed to all, or a majority of all, of the members of a

1 *legislative body of a local agency by a person in connection with*
2 *a matter subject to discussion or consideration at an open meeting*
3 *of the body less than 72 hours ~~prior to~~ before that meeting, the*
4 *writing shall be made available for public inspection pursuant to*
5 *paragraph (2) at the time the writing is distributed to all, or a*
6 *majority of all, of the members of the body.*

7 (2) (A) Except as provided in subparagraph (B), a local agency
8 shall comply with both of the following requirements:

9 (i) A local agency shall make any writing described in paragraph
10 (1) available for public inspection at a public office or location
11 that the agency shall designate for this purpose.

12 (ii) ~~Each~~A local agency shall list the address of ~~this~~ the office
13 or location *designated pursuant to clause (i)* on the agendas for
14 all meetings of the legislative body of that agency.

15 (B) A local agency shall not be required to comply with *the*
16 requirements of subparagraph (A) if ~~both~~ all of the following
17 requirements are met:

18 (i) The local agency ~~shall post~~ *immediately posts* any writing
19 described in paragraph (1) on the local agency's internet website
20 in a position and manner that makes it clear that the writing relates
21 to an agenda item for an upcoming meeting.

22 (ii) The local agency ~~shall list~~ *lists* the web address of the local
23 agency's internet website on the agendas for all meetings of the
24 legislative body of that agency.

25 (iii) *The local agency makes physical copies available for public*
26 *inspection, beginning the next regular business hours for the local*
27 *agency, at a public office or location that the agency shall*
28 *designate for this purpose.*

29 (c) Writings that are public records ~~under subdivision (a)~~
30 *described in subdivision (b)* and ~~that are~~ distributed during a public
31 meeting shall be made available for public inspection at the meeting
32 if prepared by the local agency or a member of its legislative body,
33 or after the meeting if prepared by some other person. These
34 writings shall be made available in appropriate alternative formats
35 upon request by a person with a disability, as required by Section
36 202 of the Americans with Disabilities Act of 1990 (42 U.S.C.
37 Sec. 12132), and the federal rules and regulations adopted in
38 implementation thereof.

39 (d) This chapter shall not be construed to prevent the legislative
40 body of a local agency from charging a fee or deposit for a copy

1 of a public record pursuant to Section 7922.530, except that a
2 surcharge shall not be imposed on persons with disabilities in
3 violation of Section 202 of the Americans with Disabilities Act of
4 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations
5 adopted in implementation thereof.

6 (e) This section shall not be construed to limit or delay the
7 public’s right to inspect or obtain a copy of any record required to
8 be disclosed under the requirements of the California Public
9 Records Act (Division 10 (commencing with Section 7920.000)
10 of Title 1). ~~This 1~~, including, but not limited to, the ability of the
11 public to inspect public records pursuant to Section 7922.525 and
12 obtain copies of public records pursuant to either subdivision (b)
13 of Section 7922.530 or Section 7922.535. This chapter shall not
14 be construed to require a legislative body of a local agency to place
15 any paid advertisement or any other paid notice in any publication.

16 SEC. 2. The Legislature finds and declares that Section 1 of
17 this act, which amends Section 54957.5 of the Government Code,
18 furthers, within the meaning of paragraph (7) of subdivision (b)
19 of Section 3 of Article I of the California Constitution, the purposes
20 of that constitutional section as it relates to the right of public
21 access to the meetings of local public bodies or the writings of
22 local public officials and local agencies. Pursuant to paragraph (7)
23 of subdivision (b) of Section 3 of Article I of the California
24 Constitution, the Legislature makes the following findings:

25 Because this act would authorize local agencies to make public
26 documents available by posting the public documents on the local
27 agency’s internet website, thus making the public documents
28 available by local agencies more quickly and cost effectively, this
29 act furthers the purpose of Section 3 of Article I of the California
30 Constitution.

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**CALAFCO List of Current Bills
7/22/2022**

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

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

Introduced: 2/18/2021

Last Amend: 5/18/2022

Status: 6/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (June 29). Re-referred to Com. on APPR.

Location: 6/29/2022-S. APPR.

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

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

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

Position

Subject

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

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

As amended on 5-24-21, the bill changes the water rights provision now requiring approval by the water Board; uses the definitions of "at risk system" and "at risk domestic well" found in SB 403 (Gonzalez) as well as the 3,300 connect cap; requires the commissioner appointed by the board to be from the local area; requires the commissioner to do certain things prior to completing the regional plan; and requires the commissioner to apply to LA LAFCo for extension of service, consolidation or dissolution as appropriate. The bill also creates a pilot program for LA LAFCo giving them the authority to take action rather than the water board, providing it is within 120 days of receipt of a completed application. If the LAFCo fails to take action within that time, the matter goes to the water board for their action.

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

waived, provides full LAFCo indemnification and funding.

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

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

THIS IS NOW A 2-YEAR BILL.

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

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

1

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

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

Introduced: 3/2/2022

Last Amend: 4/18/2022

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

Location: 6/21/2022-A. CHAPTERED

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

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires an applicant seeking a change of organization or reorganization to submit a plan for providing services within the affected territory. Current law requires a petitioner or legislative body desiring to initiate proceedings to submit an application to the executive officer of the local agency formation commission, and requires the local agency formation commission, with regard to an application that includes an incorporation, to immediately notify all affected local agencies and any applicable state agency, as specified. This bill would define the term "successor agency," for these purposes to mean the local agency a commission designates to wind up the affairs of a dissolved district.

Position
Sponsor

Subject
CKH General
Procedures

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

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

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

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

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

Introduced: 2/19/2021

Last Amend: 6/13/2022

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

Location: 6/20/2022-A. NAT. RES.

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

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

Position

Oppose unless amended

Subject

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

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

The Fact Sheet can be found in the attachments section.

SB 938

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

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

Introduced: 2/8/2022

Last Amend: 6/9/2022

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

Location: 7/1/2022-S. CHAPTERED

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

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

Position

Sponsor

Subject

CKH General

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

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

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

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

The proposed process is:

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

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

SB 1490

(Committee on Governance and Finance) Validations.

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

Introduced: 2/28/2022

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

Location: 7/1/2022-S. CHAPTERED

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

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

Position
Support

Subject
LAFCo

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

SB 1491 (Committee on Governance and Finance) Validations.

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

Introduced: 2/28/2022

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

Location: 7/1/2022-S. CHAPTERED

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

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

Position

Support

Subject

LAFCo
Administration

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

SB 1492 (Committee on Governance and Finance) Validations.

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

Introduced: 2/28/2022

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

Location: 7/1/2022-S. CHAPTERED

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

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

Position

Support

Subject

LAFCo
Administration

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

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

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

Introduced: 1/12/2022

Last Amend: 5/19/2022

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

Location: 6/28/2022-S. APPR.

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

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

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

Position

Support

Subject

Climate Change

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

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

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

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

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

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

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

Introduced: 2/3/2022

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

Location: 5/4/2022-A. APPR. SUSPENSE FILE

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

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

Position

Support

Subject

Ag Preservation
- Williamson

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

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

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

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

Introduced: 2/10/2022

Last Amend: 5/25/2022

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

Location: 7/5/2022-S. DEAD

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

Summary: The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative

body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely.

Position
Watch

Subject
Brown Act

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

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

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

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

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

Introduced: 2/14/2022

Last Amend: 5/12/2022

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

Location: 6/21/2022-S. THIRD READING

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

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

Position
Oppose

Subject
Water

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

CALAFCO opposed AB 1361 in 2017 as the process requires LAFCo to approve the extension of service, requires the district to extend the service, and does not require annexation upon extension of service. CALAFCO reached out to the author's office requesting information as to the reason for the extension and we have not been given a reason.

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

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

Current Text: Amended: 6/30/2022 [html](#) [pdf](#)

Introduced: 2/17/2022

Last Amend: 6/30/2022

Status: 7/13/2022-In committee: Hearing postponed by committee.

Location: 6/29/2022-S. APPR.

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

Summary: Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. This bill contains other related provisions and other existing laws.

Position

Watch

Subject

Brown Act

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

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

AB 2647

(Levine D) Local government: open meetings.

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

Introduced: 2/18/2022

Last Amend: 4/19/2022

Status: 6/30/2022-From committee: Amend, and do pass as amended. (Ayes 5. Noes 0.) (June 29).

Location: 5/25/2022-S. GOV. & F.

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

Summary: Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board less than 72 hours before a meeting available for public inspection, as specified, at a public office or location that the agency designates. Current law also requires the local agency to list the address of the office or location on the agenda for all meetings of the legislative body of the agency. Current law authorizes a local agency to post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

Position

Watch

Subject

Brown Act

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

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

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

SB 852

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

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

Introduced: 1/18/2022

Last Amend: 6/6/2022

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

Location: 6/27/2022-A. APPR.

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

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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

Position

Watch

Subject

Special District

Principle Acts

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

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

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

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

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

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

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

Introduced: 2/16/2022

Last Amend: 6/6/2022

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

Location: 6/22/2022-A. THIRD READING

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

Summary: Current law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Current law authorizes the legislative body to adopt reasonable regulations to ensure that the intent of the provisions relating to this public comment

requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Current law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. This bill would authorize the presiding member of the legislative body conducting a meeting to remove an individual for disrupting the meeting.

Position

Support

Subject

Brown Act

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

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

The CALAFCO support letter is in the attachments section.

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

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

Introduced: 2/18/2022

Last Amend: 4/19/2022

Status: 6/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (June 29). Re-referred to Com. on APPR.

Location: 6/29/2022-A. APPR.

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

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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

Position

Support

Subject

Annexation Proceedings

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

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

LAFCos added in to assist OPR develop the program guidelines.

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

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

Current Text: Amended: 7/14/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amend: 7/14/2021

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

Location: 8/27/2021-S. 2 YEAR

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

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

Position

Support

Subject

Climate Change

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

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

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

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

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

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

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

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

AB 903

(Frazier D) Los Medanos Community Healthcare District.

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

Introduced: 2/17/2021

Last Amend: 4/19/2021

Status: 7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. 2 YEAR on 7/14/2021)

Location: 7/5/2022-S. DEAD

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

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

Position

Watch

Subject

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

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

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

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

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

AB 975

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

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

Introduced: 2/18/2021

Last Amend: 6/16/2022

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

Location: 6/28/2022-S. THIRD READING

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

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

Position

Watch

Subject

FPPC

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

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

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

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

AB 1757 (Haney D) Groundwater sustainability agency.

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

Introduced: 2/2/2022

Last Amend: 5/10/2022

Status: 7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. N.R. & W. on 6/1/2022)

Location: 7/5/2022-S. DEAD

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

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

Position

Watch

Subject

Water

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

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

Introduced: 2/14/2022

Last Amend: 4/18/2022

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

Location: 5/20/2022-A. DEAD

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

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

Position

Watch

Subject

Water

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

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

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

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

Introduced: 2/15/2022

Last Amend: 6/22/2022

Status: 6/30/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 3. Noes 1.) (June 29). Re-referred to Com. on APPR.

Location: 6/30/2022-S. APPR.

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

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

Position

Watch

Subject

Water

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

3/17/2022: As amended, this bill now seeks to add a new section into the Water Code that would require, after July 1, 2023, designated extraction facilities to procure permits from the Department of Water Resources (DWR.) Extraction facilities are defined as those located in a basin that has already been designated by DWR as subject to critical overdraft conditions. It would also define times when permits are not needed, including for "de minimis extractors" (as defined by Section 10721), for replacement extractors, when drinking water is needed by a water system for public health purposes, for habitat and wetlands conservation, for photovoltaic or wind energy generation when less than 75 acre feet of groundwater is needed annually, when required by an approved CEQA document, and for facilities constructed to ensure a sustain water supply to consolidated public water systems. This bill would also require groundwater sustainability agencies (GSAs) to develop a process for the issuance of groundwater extraction permits which considers demonstrations of need, adherence to a groundwater sustainability plan, a showing that the extraction will not contribute to an undesirable result, and other procedural requirements. Additionally, the bill would require notification to all groundwater users within one mile of the proposed groundwater extraction facility, and to the DWR when the proposed extraction is within one mile of a disadvantaged community or a domestic well user, and other procedural steps. Also allows those GSAs in a basin not designated as subject to critical conditions of overdraft to adopt an ordinance that establishes their own process, in accordance with this section, for the issuance of groundwater extraction permits, and allows imposition of fees as long as they do not exceed reasonable agency costs. DWR shall provide technical assistance to assist GSA implement this section. This bill would further amend Water Code Section 10728 to require annual reports by GSA to include information regarding the number, location, and volume of water encompassed by permits issued under this section.

Unfunded mandate, now reimbursements provided. Keyed: fiscal.

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

AB 2442 (Rivas, Robert D) Climate change.

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

Introduced: 2/17/2022

Last Amend: 6/22/2022

Status: 6/30/2022-From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 4. Noes 1.) (June 29).

Location: 6/30/2022-S. APPR.

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

Summary: The California Disaster Assistance Act, requires the Director of Emergency Services to authorize the replacement of a damaged or destroyed facility, whenever a local agency and the director determine that the general public and state interest will be better served by replacing a damaged or destroyed facility with a facility that will more adequately serve the present and future public needs than would be accomplished merely by repairing or restoring the damaged or destroyed facility. Current law also authorizes the director to implement mitigation measures when the director determines that the measures are cost effective and substantially reduce the risk of future damage,

hardship, loss, or suffering in any area where a state of emergency has been proclaimed by the Governor.. This bill would specify that mitigation measures for climate change and disasters related to climate, may include, but are not limited to, measures that reduce emissions of greenhouse gases and investments in natural infrastructure, as defined, including, but not limited to, the preservation of open space, improved forest management, and wildfire risk reduction measures.

Position
Watch

Subject
Ag/Open Space
Protection

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

SB 12

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

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

Introduced: 12/7/2020

Last Amend: 6/6/2022

Status: 7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was A. H. & C.D. on 5/24/2022)

Location: 7/5/2022-A. DEAD

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

Summary: The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among others, a housing element and a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic and seismic hazards, flooding, and wildland and urban fires. Current law requires the housing element to be revised according to a specific schedule. Current law requires the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element. Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse

Position
Watch

Subject
Growth
Management,
Planning

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

SB 418

(Laird D) Pajaro Valley Health Care District.

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

Introduced: 2/12/2021

Last Amend: 1/24/2022

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

Location: 2/4/2022-S. CHAPTERED

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

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

Position
Watch

Subject
Special District
Principle Acts

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

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

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

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

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

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

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

Introduced: 2/10/2022

Last Amend: 3/2/2022

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

Location: 7/1/2022-S. CHAPTERED

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

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

Position
Watch

Subject
Other

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

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

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

Introduced: 2/18/2022

Last Amend: 4/18/2022

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

Location: 6/20/2022-A. THIRD READING

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

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

Position
Watch

Subject
Other

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

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

Introduced: 2/18/2022

Last Amend: 4/18/2022

Status: 6/30/2022-Read second time. Ordered to third reading.

Location: 6/30/2022-A. THIRD READING

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

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

Position
Watch

Subject
Other

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

Current Text: Amended: 6/20/2022 [html](#) [pdf](#)

Introduced: 2/28/2022

Last Amend: 6/20/2022

Status: 6/29/2022-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 8. Noes 0.) (June 29). Re-referred to Com. on APPR.

Location: 6/29/2022-A. APPR.

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

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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

Position
Watch

Subject

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

Total Measures: 29

Total Tracking Forms: 29

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LEGISLATIVE COMMITTEE MEETING STAFF REPORT

Agenda Item No. 6 Receive Report of Board Discussion Regarding 56133 Proposal and Possibly Provide Direction

Meeting Date: July 29 2022

Prepared By: René LaRoche, Chair

RECOMMENDATIONS

Receive Report of Board Discussion Regarding 56133 Proposal and Possibly Provide Direction.

DISCUSSION

As the committee will recall, the main topic of the April 29, 2022, and June 17, 2022, Legislative Committee meetings concerned the Proposal to Amend Government Code Section 56133 that had been previously supplied by San Diego LAFCo. At its June 17th meeting, the Committee unanimously reaffirmed its recommendation to the Board to include the proposal in CALAFCO's legislative efforts going forward.

On July 22, 2022, the CALAFCO Board of Directors considered all of the information, and authorized the proposal to move forward. It also took two other actions: the first to accept San Diego's offer to co-sponsor the amendment and to provide funding and other resources; the second to approve the White Paper.

Direction is now needed as to next steps.

ATTACHMENTS

- a. Proposal from San Diego
- b. 2021 Proposal Fact Sheet

Explanation of GC 56133 Proposal

Specific language proposed for change are:

Amend C-K-H Government Code Section 56133:

#1

Add clarifying wording in subsection (e) that “*as determined by the commission when exemptions are applicable*” for providing new or extended services, and,

#2

Add reference to “*functions*” in Section 56133 so that all references to “new or extended services” will read “new or extended services or *functions*”.

Background Description

The Cortese-Knox-Hertzberg Act (CKH) requires LAFCos to exercise authority over functions and services, in a number of sections of the Government Code (GC). For instance, when updating or amending a sphere of influence (SOI), “the commission shall establish the nature, location, and extent of any *functions* or classes of services provided by existing districts” (56425(i)). The Commission has authority over the “exercise of new or different *functions* or classes of services...” (56824.10). A “latent service or power” is defined as “those services, facilities, *functions*, or powers...” (Section 56050.5). Clearly, 56133 at the time of expanding the importance of establishing SOI’s and conducting municipal service reviews (MSRs), the reviews and authorization by a commission was intended to and does apply to both functions and services for cities and special districts.

In 1992 when GC 56133 was enacted and subsection (e) was included, commissions and agencies had not kept close oversight of SOI’s and boundaries by service category. While commissions were provided authority to initiate consolidations, the caveat was that a special study (or later revised after 2001), a MSR had to have been completed with specific determinations and findings. The additional authority for LAFCo was tempered by AB 1335 (Gotch) which exempted from 56133, or “grandfathered in”, existing services that predated January 1, 1993. Additional exceptions/exemptions were included such as contracts between public agencies for services that were presently authorized or existing. In 2000 as a result of the Commission on Governance for the 21st Century report, AB 2484 (Hertzberg) rewrote the Cortese-Knox Act into the Cortese-Knox-Hertzberg Act of 2000 that included a host of new and modified responsibilities for commissions including MSRs, added requirements for establishing and updating SOI’s, and consideration of urban-suburban sprawl impacts upon open space and agricultural lands.

Since 2001, three cycles of MSR’s and SOI reviews have been implemented in various levels for counties, cities and special districts. Added legislation for hospital districts, water agencies and fire districts has been adopted for specific situations (A partial list is attached). Functional and structural reorganizations and consolidations have been

implemented resulting in over 200 special districts being restructured or dissolved, primarily to provide for more efficient and cost-effective service delivery.

Over the past two to five years, Executive Officers of several LAFCos have been experiencing increased situations of agencies seeking to be more efficient and/or expand services to achieve more productivity and serve areas interested in various services. Pressures to develop fringe or non-municipal areas have increased for services such as water, wastewater and fire protection and often in areas not wanting to be annexed to a city or special district. A number of these situations have been identified during completion of MSRs.

Since the responsibilities of conducting MSRs and establishing/reviewing SOIs have been established for commissions, it follows that the oversight and awareness of changes in service areas and levels are essential duties of commissions. In recent years, the added emphasis of identifying and responding to needs of Disadvantaged Unincorporated Communities (DUC's) throughout the state (over 400 identified) for essential services of water, wastewater and storm water management has brought to light areas of services outside of established city and special district SOI's. The increased uses of Joint Power Authority (JPA) structures and Memorandum of Understanding (MOU) agreements as contracts for facilities and services have also added to the blurring of organizational structure lines that by some are believed to be exempted contracts for services while resulting in expansion of capacity and service areas beyond those currently being provided.

The Proposal

The proposal from CALAFCO is to amend GC Section 56133 in CKH and its provisions governing the LAFCo approval process for cities and districts to provide new or extended services outside their jurisdictional boundaries. Two distinct components underlie the amendments:

1. The first and most pertinent component clarifies LAFCos' authority under subdivision (e). It would add to subdivision (e) the phrase, "*as determined by the commission*" to clarify that it is LAFCo that makes the determination when a proposed new or extended service meets one of the exemptions listed under subdivision (e), and,
2. The second component adds the term "function" to the statute to ensure consistency with other sections of CKH and the distinction between service, function and class.

Why the Proposal?

CALAFCO believes the proposed amendments to GC Section 56133 will measurably clarify that it's within a LAFCos' intended role to review and regulate new or extended services and functions outside an agency's jurisdictional boundaries. The amendments

do not expand or limit LAFCos' current authority. Most notably, the amendments clarify that LAFCo possesses the sole authority to determine whether a new or extended service can be considered exempt from LAFCo review and approval. This protects against a city or district "self-exempting" a contract or agreement for a new or extended service that would otherwise merit commission review. Adding the term "function" also makes the statute consistent with other areas in CKH.

What are some of the issues addressed by the Proposal?

GC section 56036 (a) defines a District or special district as "an agency of the state, formed pursuant to general law or special act, *for the local performance of governmental or proprietary functions within limited boundaries and in areas outside district boundaries when authorized by the commission pursuant to Section 56133*" (emphasis added)

Section 56375(p) provides a power to "To authorize a city or district to provide new or extended services outside its jurisdictional boundaries pursuant to Section 56133" (emphasis added).

Additionally, Sections 56425(a), (e), (i) and (j) delineate a commission's authority and requirements to adopt and review city and special district SOIs for services and "shaping the logical and orderly development and coordination of local governmental agencies subject to the jurisdiction of the commission to advantageously provide for the present and future needs of the county and its communities...." This includes to "establish the nature, location, and extent of any functions or classes of services provided by existing districts" (emphasis added).

A related issue is that for extension of services or spheres, a commission is to consider impacts under GC 56668(d), (e), (j) and (k), et al. Without submittal of a proposed service to a property, LAFCo is unable to carry out its directed legislative mandates of oversight of logical service boundaries and levels. SOIs are the accepted planning tool for considering plans for future services by agencies. When areas are served outside of boundaries and SOIs without LAFCo review, such studies and determinations are not made and applicable for future consideration. The potentials for suburban sprawl and impact upon agricultural lands are always a primary focus of a commission on expansion of service areas.

By adding the proposed wording to GC 56133 of "functions" and under Section (e) "as determined by the commission", clarification is provided to reinforce the authority and purpose of CKH as noted above. Executive Officers and staff find that many city and special district staff who are new to their agencies in the past 5-15 years are not fully familiar with various sections of CKH. It is proposed that adding the wording as proposed will help provide reference and clarity for reviewing parties.

How does LAFCo become Aware of Non-approved Outside Agency Service (OAS) Situations?

There are several general sources or reasons that a LAFCo would become aware of non-authorized Outside Agency Service situations. Some situations have been described by various Executive Officers from their experience:

- 1) An agency undergoes a MSR review for SOI or annexation proposals. An inventory of services provided and areas served through a questionnaire reveals services provided outside the agency boundary and/or SOI that have not been previously documented.
- 2) A property or properties contact LAFCo concerning possible annexation to a city or special district and it is learned that service(s) is already being provided to some or all of the properties without prior review and approval of LAFCo.
- 3) During a MSR or special study, alternative services reviews are undertaken and it is learned that service is being provided by another agency(s) than the proposing one.
- 4) An agency contacts LAFCo to propose study of an area for annexation that includes some properties already served by the agency without prior review and authorization by LAFCo.

How are these Unauthorized OAS Situations Resolved?

Each situation must be evaluated and studied on the merits of the situation. LAFCo generally has an annual plan of services projected so these situations add workload that may not have been considered in the annual budget. Additionally, the agency and/or property owner(s) may be expected to fund the review and processing of the resolution through staff and the Commission. The staff often and usually attempt to develop a plan to resolve the service issue retroactively and process a report to the commission with applicable determinations and conditions of approval for future long-term service to the affected properties and communities. Occasionally no acceptable agreement can be reached with the involved agency and the commission must take a final action instituting determinations and conditions. Hours of effort are often expended resolving one case that draws upon limited resources of the commission. LAFCo is not an enforcement type agency so legal enforcement or litigation is always a last resort action due to time and cost impacts plus time lost on other projects.

Discussion of subsection of GC 56133 (e) exemption issues

Current language in CKH Section 56133(e) This section does not apply to any of the following:

- (1) Two or *more public* agencies where the public service or function to be provided is an alternative to, or substitute for, public services or functions *already being provided by an existing public service provider and where the level of service to be provided is consistent with the*

level of service or function contemplated by the existing service provider. (Emphasis added)

While a pure contract situation between two agencies substituting existing services was contemplated in the original legislation, with added emphasis upon contracting to reduce costs or gain efficiencies, the role of understanding what services are provided by whom and the planned long-term implications is a function of LAFCo. Verifying that a substitution and not a change to revise or expand service or area is a responsibility of LAFCo, so knowledge of proposed changes should be maintained such as in a MSR or SOI update. Therefore the added proposed wording: “as determined by the commission” is proposed – It is anticipated that *a notification to LAFCo and review for concurrence should be an administrative action possible by staff unless a difference of opinion is a result as determined by the commission.*

Examples:

(1) San Diego LAFCo

Agency A (possibly a water agency) is required to implement environmental mitigation for a project by developing habitat within or outside its SOI. Agency A proposes to contract with Agency B (possible RCD) to install and/or maintain the habitat area for a period of time or ongoing. While Agency B may be in the function of providing that service, to do so in Agency A’s area or outside either agencies’ areas as a new or expanded service should be subject to review and authorization by LAFCo.

(2) Ventura LAFCo

The sale of “surplus” treated water.

Historically this area of function has been left for the service providers to manage and has not been of great concern. However, with recent drought conditions and expansion of State water management including SGMA and DUC situations, the need for added coordination and planning appears to be occurring. Also providing “surplus water” outside of a city or special district for use when a drought situation is existing negates the justification of “surplus water.”

Additionally, MSR’s now include review of factors including timely availability of water supplies (GC 56668 (I)) and facilities for SOI reviews. Increased emphasis is being placed by commissions on documentation of these services for long-term water reliability planning.

The provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. This appears to be adequately addressed that commission approval is required.

(3) Butte LAFCo

The City of Chico had extended wastewater service to a number of residential parcels outside of the city in early 2000-2005 timeframe. Butte LAFCo became aware of these situations while some parcel owners began to seek annexations to the city and by review of County Health Department septic system destruction permit records. The City claimed exemption under section of contracting with County but no contract existed. The City and LAFCo eventually settled the potential litigation through an agreement requiring an annexation plan and eventual annexation of involved parcels over time. This situation could have been prevented or minimized if the language in 56133 were clearer requiring commission approval of outside area services.

(4) Alameda LAFCo

In 2016 the commission staff became aware of a city serving over 60 customers outside of the city with wastewater services with no prior approval. After negotiation and review the commission approved the outside services retroactively and adopted a local policy assigning review and approval delegated by the commission to EO for such situations.

Summary:

The proposal provides for clarification of the LAFCos' existing responsibility and duty to determine exemptions under subsection (e); no new powers are proposed for LAFCos. The proposal similarly adds a reference to "functions" in overseeing new and extended services in the statute and in doing so provides consistency with recent amendments to CKH Act. The proposal brings focus to the role and responsibilities of LAFCo to carry out its mission and purpose under the CKH Act. By bringing this to forefront of purpose in the Government Code, local agencies should be more aware and prepared to coordinate projects and services with their respective commissions and staff.



Proposed Amendment to

GOVERNMENT CODE SECTION

56133 (e)



SUMMARY

This bill would make explicit in statute that Local Agency Formation Commissions (LAFCOs) are authorized to oversee the approval process for agencies to provide new or extended services outside their boundaries. This includes – importantly – clarifying LAFCOs or their executive officers determine when allowable exemptions apply.

BACKGROUND

The Legislature created LAFCOs in 1963 to discourage urban sprawl, preserve open space and prime agricultural lands, encourage the orderly formation and development of local agencies, and to ensure the efficient delivery of government services. LAFCOs authority is currently codified under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (AB 2838, Hertzberg) (The Act) which delegates the Legislature's power to coordinate and oversee the boundaries of cities and special districts to LAFCOs. LAFCOs are governed by a board of locally elected officials, including city council members, county supervisors, representatives from special districts (in 31 of the 58 LAFCOs), and at least one member of the public appointed by the other members.

Coordinating and overseeing city and special district boundaries means LAFCOs in each of the 58 counties have direct oversight on the timing and location of development and the type of services that are and are not available to support the development.

LAFCOs are required under state law to oversee the approval process for cities and special districts intending to provide new or extended services outside their boundaries by contracts. These contracts are typically a result of when annexations are not feasible and/or desired given local conditions.

State law identifies certain contract scenarios as exempt from requiring LAFCOs approval, including contracts between two or more local agencies where the intended new or extended service is an equal alternative or substitute for service already provided. California Government Code Section 56133 outlines the requirement for LAFCO review and the exemptions are listed within subsection (e).

THE PROBLEM

Some local agencies have entered into contracts to provide new or extended services outside their boundaries. Unfortunately this practice creates numerous problems including:

1. Unintentionally creating conflict between local agencies when encroaching into others' jurisdictions and competing for customers.
2. In some instances, failing to annex territory – including island areas – upon the extension of service, thereby creating unordered boundaries.
3. Conflicts with existing Government Code Section 56133(b) that states the extension may be authorized in anticipation of a later change of organization.
4. Undermining LAFCOs ability to coordinate the orderly delivery of municipal services in concert with community needs and in step with regional growth management objectives. These problems create unnecessary costs and liabilities that are otherwise completely avoidable.

SOLUTION

To make explicit in statute that LAFCOs – not local agencies – are authorized to oversee the approval process for agencies to provide new or extended services outside their boundaries, and in doing so closes a current loophole in state law. The addition of nine words to 56133(e) as a preface to its listing of exemptions is proposed to read "as determined by the commission or the executive officer."

[Contacts]

This legislative effort is co-sponsored by CALAFCO and San Diego LAFCO

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CALAFCO

NEWSLETTER

August, 2022 Edition

BOARDROOM Brief

AT ITS VIRTUAL meeting on July 22, the Board received the year-end financial reports from our accountant, considered a revised FY 22-23 budget, and resumed their discussion of the Government Code Section 56133 legislative amendment proposal.

The Fourth Quarter financial report found that the association is sound financially. It also disclosed an FY 21-22 net balance that was slightly larger than had been expected in April. Consequently, a revised FY 22-23 budget was also presented to the Board to capture the higher carryover, as well as to remove an erroneously duplicated stipend calculation from the Executive Director's salary line for the upcoming year. Those adjustments, along with another that the Board made to the payroll tax line, resulted in a revised FY 22-23 budget. The differences from the original version approved in April were increased carryover and contingency lines, and reductions to the ED salary and payroll tax lines. The revised budget can be found on the Board meeting portion of the website.

The last action item considered was the reconsideration of the legislative proposal from San Diego LAFCo regarding Government Code §56133. As many will recall, the topic has been a continuing one having been discussed and tabled at the January and April Board meetings. In April, the Board sent the proposal back to the Legislative Committee to complete additional research. Ultimately, the Board approved adding the endeavor to the list of CALAFCO projects, as well as approving a White Paper to guide the effort.

Reports were also received regarding CALAFCO U and the fall conference - including Elections. It was noted that Achievement Awards have an upcoming **deadline of AUGUST 12TH** - so get those nomination packets in ASAP!

The next Board meeting is scheduled for October 21st during the conference.

All agendas, staff reports, and minutes can be found on the CALAFCO website at www.calafco.org. Any questions should be directed to the Executive Director at rlaroche@calafco.org.

SBA 938 Chaptered



Screen shot of Senator Hertzberg presenting SB 938 on the Senate Floor on June 23, 2022

AS MOST of you already know, SB 938 (the Protest Provisions bill) has been successfully concluded. It passed the Senate Floor on June 23rd with a 38-0 vote, and was signed by the Governor on July 1st.

Thank you to the many LAFCOs who rushed to get letters submitted to the Governor after that June 23rd passage.

Given that this is the culmination of an effort that began in 2017, special thanks must again go to the Protest Provisions Working Group members for the YEARS of work on this bill.

The Board of Directors - and all of CALAFCO - extends its sincerest thanks and gratitude to **Jo MacKenzie, José Henriquez, Kai Luoma, Steve Lucas, Paul Novak, Holly Whatley** and, of course, **Pamela Miller** (who stayed on to work the bill in a volunteer capacity.)

Other Legislative Updates

AB 2957, the CALAFCO sponsored Omnibus bill has also been successfully completed. It was passed by the Senate on June 9th, and signed by the Governor on June 21, 2022. Thank you to all of the Legislative Committee members and EOs who submitted proposed changes for the bill. Special thanks to Joe Serrano who had the unenviable task of logging all of those changes!

See **OTHER UPDATES** on Page 3



A Message from the
Executive Director

It's been a busy few months in the office.

We've held two successful and well-received CALAFCO U webinars. Like much of what we do, these could not exist without the volunteerism of our panelists. Thanks to Carolyn Emery (OC), Alison Alpert (BB&K), and Gary Phillips (Bob Murray and Associates) for participating in our June webinar on recruitments and hiring in a post pandemic world. Also, kudos to David Ruderman (Colantuono, Highsmith & Whatley) for organizing our July offering regarding R&T 99, with thanks to panelists José Henriquez (Sacramento), Israel Guevara (OC Auditor-Controller) and Holly Whatley (CHW). I hear time and again how much our members appreciate these offerings!

Our next CALAFCO U is scheduled in September, then they will go on hiatus through the conference and holidays. The target month for our first session in 2023 is February. Thanks to Dawn Mittleman Longoria (Napa) who has been my wing person on these. I could NOT have made it without her!!

Jeni and I are now in full conference mode. Registration opened on July 5th and they have been coming in steadily. If you missed the July 31st Early Bird deadline, the next date to watch is **August 31st** which will be the last day to get the Standard Registration Fee. After that it will be Late Fee only.

Sponsorship packets were sent out and we're seeing some new and returning sponsors already! However, I would ask and encourage you all to send a packet to those in your networks as well.

Our conference planning committee is working hard and the program is taking shape. Many thanks to José Henriquez who is spearheading that effort. Look for more specifics to be announced soon.

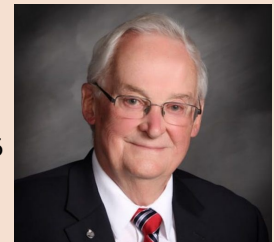
Also, a reminder that **ACHIEVEMENT AWARD NOMINATIONS** are due no later than **August 12th at 5:00 PM** so

See **ED**, column right

IN MEMORIAM

JERRY GLADBACH, Los Angeles LAFCo Commissioner

Sad news from Los Angeles LAFCo who lost long-time commissioner, Jerry Gladbach, on July 14th. Commissioner Gladbach was a representative of the Santa Clarita Valley Water Agency and had held a seat on the L.A. LAFCo where he had served as its Chair for 16 years. Commissioner Gladbach also served as a CALAFCO Director from 2005 to 2013, held the position of CALAFCO Board Chair in 2012, received the Most Outstanding Commissioner Award in 2013, as well as the prestigious and well-deserved Lifetime Achievement Award in 2021.



A resident of the Santa Clarita Valley since 1968, Commissioner Gladbach was a do-er who had also served on boards of the National Water Resources Association and the California Water Agencies Joint Powers Insurance Authority. He was renowned for his knowledge, dedication, kindness, and friendliness and will be missed by all.

CALAFCO sends its deepest condolences to Commissioner Gladbach's family, friends, and co-workers.



Contra Costa LAFCo bid farewell to Commissioner Igor Skaredoff

(Contra Costa Resource Conservation District) who served as a Special District member since 2014. During Commissioner Skaredoff's tenure, Contra Costa LAFCo competed numerous Municipal Service Reviews covering fire/emergency medical, reclamation, healthcare, parks & recreation, cemetery, and city services; and acted on over 75 proposals including dozens of boundary changes and reorganizations, and four district dissolutions. Also, during Commissioner Skaredoff's tenure, Contra Costa LAFCO Commissioners were named "Most Effective Commission" at the 2019 annual CALAFCO conference.

See **CONNECTIONS** on Page 4

ED, Continued from left column

get those nominations in to Steve Lucas today!

Another date to note is **September 19th** at 5:00 PM - which is when Director Nominations, Requests for Absentee/Electronic Ballots, and names of voting delegates must be **received**.

And if that wasn't enough, Absentee Ballots are due **October 14th**.

Lastly, a special shout out to Gary Thompson (Riverside) who will be presenting at the CSDA conference in balmy Palm Desert on August 24th. Many thanks, Gary!

Okay, folks, I know that's a lot of dates but you'll also find them all on the Calendar of Events on Page 3.

As usual, please feel free to reach out to me any time that you have any questions or concerns. Enjoy the summer, be safe, and see you at the Conference!!

Upcoming EVENTS

CALAFCO 2022 ANNUAL CONFERENCE

October 19 - 21, 2022

Join us at the **Hyatt Regency Newport Beach John Wayne Airport** on



October 19-21, 2022 for our long-awaited, long-overdue Annual Conference! The program planning committee is finalizing what is sure to be a great program. Go

to calafco.org for more details. *See you in Newport Beach!*

2023 STAFF WORKSHOP

April 26 - 28, 2023

Learn technical topics in a beautiful setting! Don't miss next year's Staff Workshop on the beautiful grounds of Ironstone Vineyards in Murphys, California.



CALAFCO U explores topics of interest to LAFcos and are offered at no cost to our members.

Sep. 19, 2022: **Two Agencies in Dispute: LAFco's Role in Assisting in Resolving the Conflict**
1:00 PM

TBD, 2023: **The Dirty Dozen: Things I Wish I Knew About The Act**

BOARD MEETINGS:

Oct. 21, 2022 LOCATION: Newport Beach (Conference)

Dec. 2, 2022 LOCATION: Virtual

LEGISLATIVE COMMITTEE MEETINGS:

Sept. 16, 2022 **CANCELLED**

Oct. 7, 2022 LOCATION: Virtual

Nov. 4, 2022 LOCATION: TBD

OTHER IMPORTANT DATES:

Aug. 12, 2022 ACHIEVEMENT AWARD NOMINATIONS DUE

Sept. 19, 2022 BOARD OF DIRECTOR NOMINATIONS DUE

Sept. 19, 2022 ABSENTEE/ELECTRONIC BALLOT REQUESTS DUE

Sept. 19, 2022 NAME OF VOTING DELEGATE DUE

Oct. 14, 2022 ABSENTEE BALLOTS ARE DUE

Oct. 20, 2022 ELECTIONS

OTHER UPDATES

Continued from Page 1

CALAFCO is currently tracking a total of 29 bills. Included among those are:

- AB 897** (Mullin), establishment of a regional climate network. This bill has stalled and is in its second year.
- AB 1640** (Ward), would authorize the creation of regional climate networks, as well as set up guidelines. Referred to the Senate Appropriations suspense file.
- AB 1773** (Patterson), return of Williamson Act subvention funding. Held under submission in Assembly Appropriations on May 19th.
- SB 739** (Cortese), was a gut and amend seeking to create ministerial processes for the annexations of unused golf courses to be used for the development of high rise buildings with 600-700 residences. The author's office notes that it will not be pursuing this bill this year.
- SB 852** (Dodd), is similar to AB 1640 in that it addresses the formation of climate resilience districts, however, this bill focuses on enhanced infrastructure financing to fund public capital facilities including projects that address climate change impacts. Scheduled for third reading in the Assembly on August 8th.
- SB 1100** (Cortese), which would amend the Brown Act to include provisions and procedures regarding meeting disruptions has passed both houses and is now in Engrossing and Enrolling.
- SB 1490, 1491, and 1492**, the annual Validation Acts, have now been chaptered.

The legislative season is now nearing a close with August 12th being the last day for fiscal committees to meet and report bills. After that, the remainder of the month will be Floor sessions only, with August 25th being the last day to amend bills on the floor. August 31st is the deadline for each house to pass bills, and the Final Recess will begin upon adjournment on that date.

It is fitting to note at this time that this important work does not happen in a vacuum. The Legislative Committee is composed of 32 members who have committed to give generously of their time and expertise. CALAFCO could not do what it does without them, so our sincerest thanks to the following:

Board Appointees - Bill Connelly, Gay Jones, Mike Kelley, Chris Lopez, Jo MacKenzie, Daron McDaniel, Mike McGill, Margie Mohler, Anita Paque, and Josh Susman.

Staff Voting Members - Clark Alsop, Gary Bell, Mark Bramfitt, Scott Browne, Carolyn Emery, René LaRoche, Steve Lucas, Kai Luoma, Jennifer Stephenson, and Gary Thompson.

Staff Alternates - Rob Fitzroy, Paula Graf, Joe Serrano, and Paula de Sousa.

Advisory - Tara Bravo, Crystal Craig, Brandon Fender, Sara Lytle-Pinhey, Priscilla Mumpower, Erica Sanchez, Jim Simon, and Luis Tapia.

CONNECTIONS

Continued from Page 2

Contra Costa also welcomed Commissioner Patricia Bristow in June as its new Special District member. Commissioner Bristow currently serves as Board Member on both the Byron-Brentwood-Knightsen Union Cemetery District and the Byron Sanitary District and serves on the Contra Costa County Transportation Authority Citizen Advisory. Commissioner Bristow has lived in Brentwood and Byron her entire life and was a teacher and counselor in the Brentwood Unified School District for 34 years. Her family has farmed in the community for over 100 years.

NEW Roles

LUIS TAPIA promotes to OC AEO

Orange County LAFCo announced the promotion of Luis Tapia to the Assistant Executive Officer position. Luis brings a great deal of experience to the role having been with Orange LAFCo since 2016 and is an Advisory member to the CALAFCO Legislative Committee.

NATASHA CARBAJAL hired as Santa Barbara's new Analyst-Clerk

Santa Barbara LAFCo is pleased to welcome Natasha Carbajal as its new Analyst/Clerk. Natasha had been providing clerking services for

about 10 months while she was with the Santa Barbara Clerk of the Board's Office. She comes to LAFCo with a broad range of skills and abilities, including great local government experience and all around good public service skills. Natasha has a Master of Public Administration from California State University Northridge and a Bachelor of Arts, Sociology from University Channel Islands.

MORGAN BING welcomed as SLO Clerk Analyst

Morgan Bing has joined San Luis Obispo LAFCo as their new Clerk Analyst. She comes to SLO LAFCo with a Bachelors and Masters degree from Cal Poly San Luis Obispo and four years of experience. SLO LAFCo is very excited to have her on their team!

SAFARINA MALUKI becomes Clerk in Monterey

Monterey LAFCo has welcomed Safarina Maluki as their new Clerk to the Commission/Office Administrator. Safarina has a wide range of responsibilities in support of the Commission and staff, and she looks forward to getting to know her colleagues around the State!

Congratulations one and all!

Associate Member SPOTLIGHT

The information below is provided by the Associate member upon joining the Association. All Associate Member information can be found in the CALAFCO Member Directory

E MULBERG & ASSOCIATES

Services include Municipal Service Reviews, Sphere of Influence updates, changes in organization, staff support, CEQA analysis, and assistance with applications to LAFCo.

To learn more about E Mulberg & Associates, visit their website at www.emulberg.com, or contact Elliot Mulberg at Elliot@emulberg.com.



LOS ANGELES COUNTY SANITATION DISTRICTS

Provides sewer service to 78 cities and unincorporated areas of LA County. Before a district can provide sewage service to a territory, it must be within its jurisdictional boundaries. Donna Curry administers the annexation program, including processing applications for annexation.

To learn more about LACSD visit their website at www.lacsd.org, or contact Donna Curry at dcurry@lacsd.org

CALAFCO wishes to thank all of our Associate Members for your ongoing support and partnership. We look forward to highlighting you all in future Newsletters.