

LAFCO MEMORANDUM

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION

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

October 5, 2023 (Agenda)

TO: Each Member of the Commission

FROM: Mike Prater
Executive Officer

SUBJECT: **Report on the 2023 CALAFCO Legislative Committee Meetings –July 28 & Aug 25, 2023**

This is an Informational Report. No Action is Necessary

DISCUSSION

The CALAFCO Legislative Committee convened two meetings on July 28 and August 25, 2023. Your Executive Officer participated the July meeting 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 28, and August 25, 2023 meetings. Staff will verbally update the Commission on the status of these bills at the meeting.

Attachments

Attachment A – CALAFCO Legislative Committee Agenda- July 28 & August 25, 2023

Please contact the LAFCO office if you have any questions.

CALAFCO Legislative Committee MEETING AGENDA

Friday, July 28, 2023 ♦ 9:00 am – 12:00 pm
Virtual via Zoom

<https://us02web.zoom.us/j/89548234611>

Phone: 669-900-6833

Passcode: 895 4823 4611

	Page
1. 9:00 A.M.: Convene and Roll Call	<i>R. LaRoche</i>
2. Approval of Minutes of the May 5, 2023 meeting	<i>R. LaRoche</i> 3
3. Approval of Minutes of the June 16, 2023 meeting	<i>R. LaRoche</i> 5
4. Legislation affecting LAFCos	<i>R. LaRoche</i> 7
New Bills:	
A. AB 399 (Boerner) County Water Authority Act: exclusion of territory.	<i>R. LaRoche</i> 13
Priority One Bills: (None)	
Priority Two Bills:	
1. AB 68 (Ward) Land use: streamlined housing approvals Subdivision, and utility approvals. (Watch)	<i>R. LaRoche</i> 17
2. AB 918 (Garcia) Health care district: Imperial (Oppose)	<i>R. LaRoche</i> 25
3. SB 360 (Blakespear) California Coastal Commission: member voting (Support)	<i>R. LaRoche</i>
Priority Three Bills:	
Brown Act:	
4. AB 557 (Hart) Brown Act (Watch)	<i>R. LaRoche</i> 29
5. AB 805 (Arambula) Drinking water consolidation: sewer service	<i>R. LaRoche</i> 35
6. AB 817 (Pacheco) Brown Act (Watch)	<i>R. LaRoche</i> 41
7. AB 1379 (Papan) Brown Act (Watch)	<i>R. LaRoche</i> 44
8. SB 411 (Portantino) Brown Act (Watch)	<i>R. LaRoche</i> 49
9. SB 537 (Becker) Brown Act (Watch)	<i>R. LaRoche</i> 53
5. Consider Legislative Proposals for the 2024 Year.	<i>Serrano/LaRoche</i> 61
6. Receive list of CALAFCO tracked bills	<i>R. LaRoche</i> 101
7. Good of the Order	<i>All</i>
8. Items for Next Meeting	<i>All</i>
9. Adjournment to August 25, 2023 at 9:00 a.m. – to be held virtually	

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CALAFCO Legislative Committee
DRAFT ACTION MEETING MINUTES

Date:	May 5, 2023
Location:	Held virtually
Present:	
BOARD MEMBERS:	
<input checked="" type="checkbox"/> CONNELLY , Bill (N)	<input checked="" type="checkbox"/> MacKENZIE , Jo (S)
<input checked="" type="checkbox"/> JONES , Gay (A/L)	<input checked="" type="checkbox"/> McGILL , Michael (Co)
<input type="checkbox"/> KELLEY , Michael (S, Alt)	<input checked="" type="checkbox"/> MOHLER , Margie (A/L, Alt)
	<input checked="" type="checkbox"/> PAQUE , Anita (Ce)
	<input type="checkbox"/> PARRA , Daniel (Ce, Alt)
	<input checked="" type="checkbox"/> ROOT ASKEW , Wendy (Co, Alt)
	<input type="checkbox"/> SUSMAN , Josh (N, Alt)
STAFF APPOINTMENTS:	
<input checked="" type="checkbox"/> ALSOP , Clark	<input type="checkbox"/> EMERY , Carolyn
<input type="checkbox"/> BELL , Gary	<input type="checkbox"/> LUCAS , Steve
<input checked="" type="checkbox"/> BRAMFITT , Mark (Sonoma)	<input checked="" type="checkbox"/> LaROCHE , René
<input type="checkbox"/> BROWNE , Scott	<input checked="" type="checkbox"/> LUOMA , Kai (Co, Ventura)
<input checked="" type="checkbox"/> de SOUSA , Paula	<input type="checkbox"/> LYTLE-PINHEY , Sara (Ce, Stanisl)
	<input checked="" type="checkbox"/> McINTYRE , Michelle (Ce, Alt, Placer)
	<input checked="" type="checkbox"/> ROMO , Adriana
	<input type="checkbox"/> SERRANO , Joe (Ce Alta, Santa Cruz)
	<input type="checkbox"/> STEPHENSON , Jennifer
	<input type="checkbox"/> THOMPSON , Gary
ADVISORY COMMITTEE:	
<input checked="" type="checkbox"/> CRAIG , Crystal	<input checked="" type="checkbox"/> SANCHEZ , Erica
<input type="checkbox"/> FITZROY , Rob	<input type="checkbox"/> SPAUNHURST , Brian
<input checked="" type="checkbox"/> MUMPOWER , Priscilla	<input checked="" type="checkbox"/> TAPIA , Luis
	<input type="checkbox"/> BRAVO , Tara
	<input checked="" type="checkbox"/> FENDER , Brandon
	<input type="checkbox"/> SIMON , Jim
GUESTS:	Jonathan Brinkmann (Monterey), Amanda Castro (Orange), Paula Graf (Imperial), and Mike Prater (Santa Barbara)
RECORDER:	René LaRoche

1. Welcome, Roll Call

9:01 AM: The meeting was called to order by René LaRoche. Roll was taken and a quorum was established.

2. Approval of March 31, 2023 meeting minutes

ACTION: *The Minutes were unanimously approved as presented. Jo MacKenzie (M); Mike McGill (S).*

3. 2023 Omnibus Update – AB 1753

René LaRoche gave the staff report noting that the bill is still waiting for assignment by the Senate Rules Committee.

4. Discussion and potential action on legislation affecting LAFCoS

LaRoche gave the staff report.

Priority One Bills: _____

None.

Priority Two Bills:

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

The bill failed to meet deadlines and is now a 2-year bill.

AB 918 (Garcia) – Health care district; County of Imperial

New amendments to the bill first removed LAFcos from the process, and then returned them in a successive amendment. Paula Graf (Imperial) provided additional background information on the underlying issues.

ACTION: *Position of Opposition was unanimously reaffirmed. Bill Connelly (M); Mike McGill (S).*

SB 360 (Blakespear) – California Coastal Commission: member voting

The bill is now scheduled for its 3rd Reading in the Senate. Kai Luoma (Ventura) suggested a grammatical correction to the bill.

Priority Three Bills:

AB 557 (Hart) – Open meetings: local agencies: teleconferences

Scheduled for Third Reading in Assembly on May 8th.

AB 817 (Pacheco) – Open meetings: teleconferencing: subsidiary body

Still no new date scheduled.

AB 1379 (Papan) – Open meetings: local agencies: teleconferences

Missed deadline; now a 2 year bill.

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

Made it out of Judiciary and is now scheduled for Third Reading in Senate on May 8, 2023.

SB 537 (Becker) – Open meetings: local agencies: teleconferences

Made it out of Judiciary and is scheduled for Third Reading in the Senate on May 8, 2023.

5. Discussion and potential action regarding development of new Brown Act policy

LaRoche gave the staff. Based on the survey results, the committee decided to hold off on developing a policy.

6. Receive list of CALAFCO tracked bills

LaRoche provided a brief overview of the bills being tracked, noted changes since the last meeting.

7. Items for Next Meeting

None.

8. Good of the Order

LaRoche noted that the next meeting is scheduled to be held in person in San Diego and asked the committee to confirm whether that was still their desire. Given the expectation of a light meeting agenda, the committee changed the June meeting to virtual format.

ACTION: *By unanimous approval, the June 16, 2023, meeting is changed from in-person to virtual at 10:00 am. Margie Mohler (M); Anita Paque (S).*

9. Adjournment to June 16, 2023 meeting at 10:00 a.m. – to be held virtually

9:49 AM: René LaRoche adjourned the meeting, noting the next meeting date and time.

CALAFCO Legislative Committee
DRAFT ACTION MEETING MINUTES

Date:	June 16, 2023
Location:	Held virtually
Present:	
BOARD MEMBERS:	
<input checked="" type="checkbox"/> CONNELLY , Bill (N)	<input type="checkbox"/> MacKENZIE , Jo (S)
<input checked="" type="checkbox"/> JONES , Gay (A/L)	<input type="checkbox"/> McGILL , Michael (Co)
<input type="checkbox"/> KELLEY , Michael (S, Alt)	<input checked="" type="checkbox"/> MOHLER , Margie (A/L, Alt)
	<input type="checkbox"/> PAQUE , Anita (Ce)
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	<input type="checkbox"/> BRAVO , Tara
	<input checked="" type="checkbox"/> FENDER , Brandon
	<input type="checkbox"/> SIMON , Jim
GUESTS:	Brendon Freeman (Napa), Dawn Mittleman Longoria (Napa), Paul Novak (Los Angeles), and Mike Prater (Santa Barbara)
RECORDER:	René LaRoche

1. Welcome, Roll Call

10:05 AM: René LaRoche noted the lack of a quorum. Clark Alsop advised that action could not be taken but that briefings could be given. LaRoche advised that the CALAFCO Omnibus bill had passed out of the Senate and was now in Engrossing and Enrolling.

Steve Lucas noted that AB 530/399 is an urgency measure and requested the issue be considered. Discussion ensued and opposition was expressed. LaRoche noted that the ED has authority to write letters of opposition when they align with the legislative policies which this does. She advised that she will bring the letter back to the next meeting for ratification.

LaRoche also provided an update on the Indemnification Provision effort. Discussion ensued and ideas were offered. Paul Novak volunteered to modify the provision's language in line with the discussion.

11:33 AM: LaRoche adjourned the gathering, noting that the next meeting is scheduled for July 28, 2023, at 9:00 am, to be held virtually.

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CapitolTrack®		Session: 2023/24	Hello calafco.	Logout	Today's Events	
Bill	Keyword	Author	Smart	Regular	ALL	
					####	GO
Workspace		My Tools		Links		CTAnalyze
			Mark Reviewed	Print/Email	Back	
Word Cloud						

AMENDED
IN
SENATE
JUNE 14, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 399

Introduced by Assembly Member ~~Ting~~ Boerner

February 02, 2023

~~An act to amend Section 14602.1 of the Vehicle Code, relating to vehicles.~~ *An act to amend Section 11 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 399, as amended, ~~Ting Boerner. Vehicles: police pursuit data reporting.~~ *Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure.*

The County Water Authority Act provides for the formation of county water authorities and grants to those authorities specified powers with regards to providing water service. The act provides 2 methods of excluding territory from any county water authority, one of which is that a public agency whose corporate area as a unit is part of a county water authority may obtain exclusion of the area by submitting to the electors within the public agency, at any general or special election, the proposition of excluding the public agency's corporate area from the county water authority. Existing law requires that, if a majority of the electors approve the proposition, specified actions take place to implement the exclusion.

This bill, the Water Ratepayers Protections Act of 2023, would additionally require the public entity to submit the proposition of excluding the public agency's corporate area from the county water authority to the electors within the territory of the county water authority. The bill would require the 2 elections to be separate; however, the bill would authorize both elections to run concurrently. The bill would require a majority vote for withdrawal in both elections for the withdrawal of the public agency from the territory of the county water authority.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires every state and local law enforcement agency to report all vehicle pursuit data, as specified, to the Department of the California Highway Patrol no later than 30 days after a pursuit.~~

~~This bill would instead require every state and local law enforcement agency to report vehicle pursuit data to the department no later than 45 days after a pursuit.~~

Digest Key

Vote: ~~majority~~2/3 Appropriation: no Fiscal Committee: ~~yes~~no Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *This act shall be known, and may be cited, as the Water Ratepayers Protections Act of 2023.*

SEC. 2. *Section 11 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), as amended by Section 3 of Chapter 1408 of the Statutes of 1985, is amended to read:*

Sec. 11. (a) Exclusion of territory from any county water authority may be effected by either of the following methods:

(1) Territory excluded from the portion of the corporate area of any public agency ~~which that~~ lies within the exterior boundaries of a county water authority, the public agency being a unit of the authority, and ~~which that~~ exclusion occurs in accordance with the provisions of law applicable to those exclusions, shall thereby be excluded from and shall no longer be a part of the authority; provided, that the taxable property within the excluded territory shall continue to be taxable by the county water authority for the purpose of paying the ~~bounded~~ bonded or other indebtedness outstanding or contracted for at the time of the exclusion and until the bonded or other indebtedness has been satisfied; provided further, that if the taxable property within the excluded territory or any part thereof shall be, at the time of the exclusion, subject to special taxes levied, or to be levied, by the county water authority pursuant to terms and conditions previously fixed under paragraph subdivision (c) or (d) of Section 10 for the annexation of the excluded territory or part thereof to the county water authority, the taxable property within the excluded territory or part thereof so subject to those special taxes shall continue to be taxable by the county water authority for the purpose of raising the aggregate sums to

be raised by the levy of special taxes upon taxable property within the respective annexing areas pursuant to terms and conditions for the annexation or annexations as so fixed and until the aggregate sums have been so raised by the special tax levies.

Exclusion of territory from a county water authority pursuant to this paragraph shall not occur if two or more public agencies that are included in a county water authority as separate units are subject to a reorganization of their boundaries under applicable provisions of law ~~which that~~ would result in an exchange or transfer, but not an overlapping, of territory that is entirely within the county water authority. The boundaries of those agencies within the county water authority, upon that reorganization and the filing with the secretary of the county water authority of a copy of the certificate of completion prepared, executed, and filed by the executive officer of the local agency formation commission responsible therefore constitute the boundaries of the agencies for all purposes of the county water authority, without action by the board of directors of the county water authority. If the exchange includes territory subject to special conditions and tax levies pursuant to the terms of annexation at the time the territory became a part of the county water authority, the territory shall continue to be subject to those conditions and to be taxable by the county water authority or those levies.

From and after the effective date of the inclusion of the territory by the including public agency, the territory shall be considered to be a part of the corporate area of the including agency; provided, however, that, if the taxable property within the territory, or any portion thereof, is subject to special taxes levied or to be levied by the county water authority pursuant to terms and ~~condition~~ *conditions* previously fixed under subdivision (c) or (d) of Section 10 for the annexation of the territory or portion thereof to the county water authority, then the taxable property within the territory shall continue to be taxable by the county water authority for the purpose of raising the aggregate sums to be raised by the levy of the special taxes pursuant to the terms and conditions for the annexation or annexations as so fixed and until the aggregate sums have been ~~or so~~ raised by the special tax levy.

(2) Any public agency whose corporate area as a unit has become or is a part of any county water authority may obtain the exclusion of the area therefrom *by elections conducted* in the following manner:

~~The~~

(A) (i) *The governing body of any public agency may submit to the electors thereof at any general or special election the proposition of excluding from the county water authority the corporate area of the public agency. Notice of the election shall be given in the manner provided in subdivision (c) of Section 10. The election shall be conducted and the returns thereof canvassed in the manner provided by law for the conduct of elections in the public agency. If a majority of electors voting thereon vote in favor of withdrawal, the result thereof shall be certified by the governing body of the public agency to the board of directors of the county water authority.*~~A~~

(ii) The governing body of any public agency may submit to the electors within the territory of the county water authority at any general or special election the proposition of excluding from the county water authority the corporate area of the public agency. Notice of the election shall be given in the manner provided in subdivision (c) of Section 10. The election shall be conducted and the returns thereof canvassed in the manner provided by law for the conduct of elections in the public agency. If a majority of electors within the territory of the county water authority voting thereon vote in favor of withdrawal, the result thereof shall be certified by the governing body of the public agency to the board of directors of the county water authority.

(iii) The elections conducted pursuant to this subparagraph shall be separate elections; however, they may run concurrently with one another. A majority vote in both elections for withdrawal is necessary for the withdrawal of the public agency from the territory of the county water authority.

(B) A certificate of the proceedings shall be made by the secretary of the county water authority and filed with the Secretary of State. Upon the filing of the certificate, the corporate area of the public agency shall be excluded from the county water authority and shall no longer be a part thereof; provided, that the taxable property within the excluded area shall continue to be taxable by the county water authority for the purpose of paying the bonded and other indebtedness of the county water authority outstanding or contracted for at the time of the exclusion and until the bonded or other indebtedness has been satisfied; provided further, that if the taxable property within the excluded area or any part thereof is, at the time of the exclusion, subject to special taxes levied or to be levied by the county water authority pursuant to the terms and conditions previously fixed under subdivision (c) or (d) of Section 10 for the annexation of the excluded area or part thereof to the county water authority, the taxable property within the excluded area or part thereof so subject to the special taxes shall continue to be taxable by the county water authority for the purpose of raising the aggregate sums to be raised by the levy of special taxes upon taxable property within the respective annexing areas pursuant to the terms and conditions for the annexation or annexations as so fixed and until the aggregate sums have been so raised by the special tax levies. Upon the filing of the certificate of proceedings, the Secretary of State shall, within 10 days, issue a certificate reciting the filing of the papers in ~~his or her~~ *the Secretary of State's* office and the exclusion of the corporate area of the public agency from the county water authority. The Secretary of State shall transmit the original of the certificate to the secretary of the county water authority and shall forward a certified copy thereof to the county clerk of the county in which the county water authority is situated.

(b) Whenever territory is excluded from any public agency in accordance with paragraph (1) of subdivision (a), the governing body, or clerk thereof, of the public agency shall file with the board of directors of the county water authority a statement of the change of boundaries of the public agency, setting forth the legal description of the boundaries of the public agency, as so changed, and of the part thereof within the county water authority, which statement shall be accompanied by a map or plat indicating the boundaries.

(c) Whenever any territory has been excluded from any public agency prior to the effective date of this section, under conditions ~~which that~~ would have resulted in the exclusion of the territory from a county water authority had paragraph (1) of subdivision (a) then been in effect, upon compliance with the following provisions of this paragraph, the territory shall be excluded from and shall no longer be a part of, the authority, the last-mentioned provisions being as follows:

(1) The governing body of the public agency may adopt an ordinance ~~which; that~~, after reciting that the territory has been excluded from the public agency by proceedings previously taken under statutory authority, and after referring to the applicable statutes and to the date or dates upon which the exclusion became effective, shall describe the territory and shall determine and declare that the territory shall be, and thereby is, excluded from the county water authority.

(2) The governing body, or clerk thereof, of the public agency shall file a certified copy of the ordinance with the Secretary of State. Upon the filing of the certified copy of the ordinance in the office of the Secretary of State, the territory shall be excluded from, and shall no longer be a part of, the county water authority; provided, that the taxable property within the excluded territory shall continue to be taxable by the county water authority for the purpose of paying the bonded or other indebtedness outstanding or contracted for at the time of the exclusion, and until the bonded or other indebtedness has been satisfied; provided further, that if the taxable property within the excluded territory or any part thereof is, at the time of the exclusion, subject to special taxes levied or to be levied by the county water authority pursuant to terms and conditions previously fixed under subdivision (c) or (d) of Section 10 for the annexation of the excluded territory or part thereof to the county water authority, the taxable property within the excluded territory or part thereof so subject to the special taxes shall continue to be taxable by the county water authority for the purpose of raising the aggregate sums to be raised by the levy of special taxes upon taxable property within the respective annexing areas pursuant to the terms and conditions for the annexation or annexations as so fixed, and until the aggregate sums have been so raised by the special tax levies.

(3) Upon the filing of the certified copy of the ordinance, the Secretary of State shall, within 10 days issue a certificate describing the territory, reciting the filing of certified copy of the ordinance and the exclusion of the territory from the county water authority, and declaring that the territory is no longer a part of the county water authority. The Secretary of State shall transmit the original of the certificate to the secretary of the county water authority and shall forward a certified copy of the certificate to the county clerk of the county in which the county water authority is situated.

(d) Whenever any territory has been exchanged or transferred pursuant to law prior to January 1, 1986, among two or more public agencies that are included in a county water authority as separate units, the territory shall not be deemed excluded from the county water authority, notwithstanding the failure of the county water authority to give its consent to the exchange or transfer of the territory, if there has been filed with the board of directors of the county water authority prior to January 1, 1986, a statement of the change of boundaries of the agencies, as so changed, and of the part within the county water authority, which statement shall be accompanied by a map or plat indicating those boundaries.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide immediate relief for ratepayers to have a voice in decisions affecting their access to affordable and safe water, essential to public health, it is necessary that this act take effect immediately.

~~SECTION 1. Section 14602.1 of the Vehicle Code is amended to read:~~

~~14602.1.(a) Every state and local law enforcement agency, including, but not limited to, city police departments and county sheriffs' offices, shall report to the Department of the California Highway Patrol, on a paper or electronic form developed and approved by the Department of the California Highway Patrol, all motor vehicle pursuit data:~~

~~(b) Effective January 1, 2006, the form shall require the reporting of all motor vehicle pursuit data, which shall include, but not be limited to, all of the following:~~

~~(1) Whether a person involved in a pursuit or a subsequent arrest was injured, specifying the nature of that injury. For all purposes of this section, the form shall differentiate between the suspect driver, a suspect passenger, and the peace officers involved.~~

~~(2) The violations that caused the pursuit to be initiated.~~

~~(3) The identity of the peace officers involved in the pursuit.~~

~~(4) The means or methods used to stop the suspect being pursued.~~

~~(5) All charges filed with the court by the district attorney.~~

~~(6) The conditions of the pursuit, including, but not limited to, all of the following:~~

~~(A) Duration:~~

~~(B) Mileage:~~

~~(C) Number of peace officers involved:~~

~~(D) Maximum number of law enforcement vehicles involved:~~

~~(E) Time of day:~~

~~(F) Weather conditions:~~

~~(G) Maximum speeds:~~

~~(7) Whether a pursuit resulted in a collision, and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.~~

~~(8) Whether the pursuit involved multiple law enforcement agencies.~~

~~(9) How the pursuit was terminated.~~

~~(c) In order to minimize costs, the department, upon updating the form, shall update the corresponding database to include all of the reporting requirements specified in subdivision (b).~~

~~(d) All motor vehicle pursuit data obtained pursuant to subdivision (b) shall be submitted to the Department of the California Highway Patrol no later than 45 days following a motor vehicle pursuit.~~

~~(e) The Department of the California Highway Patrol shall submit annually to the Legislature a report that includes, but is not limited to, the following information:~~

~~(1) The number of motor vehicle pursuits reported to the Department of the California Highway Patrol during that year.~~

~~(2) The number of those motor vehicle pursuits that reportedly resulted in a collision in which an injury or fatality to an uninvolved third party occurred.~~

~~(3) The total number of uninvolved third parties who were injured or killed as a result of those collisions during that year.~~



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AMENDED
IN
ASSEMBLY
APRIL 12, 2023

AMENDED
IN
ASSEMBLY
MARCH 16, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 68

Introduced by Assembly Member Ward

December 08, 2022

An act to amend Section 65585 of, to add Sections 65040.18, 65914.7.5, and 66425.5 to, and to add Chapter 4.3.1 (commencing with Section 65918.5) to Division 1 of Title 7 of, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 68, as amended, Ward. Land use: streamlined housing approvals: density, subdivision, and utility approvals.

Existing law, the Planning and Zoning Law, 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.

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

Existing law requires the department to notify a city, county, or city and county, and authorizes the department to notify the office of the Attorney General, that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to the housing element does not substantially comply with specified provisions of the Planning and Zoning Law, or that the local government has taken action in violation of specified provisions of law relating to housing, including, among others, the Housing Accountability Act, the Density Bonus Law, and the Housing Crisis Act of 2019.

This bill would add the streamlining procedures added by the bill to the list of laws subject to this notification requirement.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Existing law also sets forth various procedures related to land use actions and utility service in local jurisdictions, including, but not limited to, a requirement that a tentative a final map be made for certain housing projects, including all subdivisions creating 5 or more parcels.

This bill would prohibit a county, or city if certain conditions are met, from increasing the planned density on climate resilient lands, as defined, from approving any tentative, final, or parcel maps for the subdivision of property within climate risk lands or climate refugia lands, as defined, and from approving an extension of water or sewer services on climate resilient lands unless specified planning requirements or conditions are met. The bill would require, as part of those requirements or conditions, the county or city to make certain findings that are confirmed by the Office of Planning and Research. The bill would set forth procedures for requesting those findings from the office. The bill would make conforming changes.

By imposing additional duties on local officials, the bill would impose a state-mandated local program.

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 a specified reason.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes
Agenda Packet Pg. 17

ATTACHMENT A

Bill Text**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:****SECTION 1.** Section 65040.18 is added to the Government Code, to read:

65040.18. (a) A county may submit an application to the office, in the form and manner prescribed by the office, for the following purposes:

- (1) Receiving findings from the office for purposes of subparagraphs (A) and (B) of paragraph (3) of subdivision (c) of Section 65918.5.03.
- (2) Receiving findings from the office for purposes of subparagraph (D) of paragraph (3) of subdivision (c) of Section 65918.5.03.

(b) The office shall, in consultation with the Department of Housing and Community Development and the Natural Resources Agency, review applications submitted by a county pursuant to subdivision (a).

(c) (1) For applications submitted pursuant to paragraph (2) of subdivision (a), the office shall issue findings in favor of the county for purposes of subparagraph (D) of paragraph (3) of subdivision (c) of Section 65918.5.03 if all of the following apply:

- (A) There is a lack of sufficient acreage in existing communities for the proposed residential development that is necessary to meet the county's regional housing need.
- (B) Acres that may be designated in existing communities for the proposed residential development for purposes of meeting the county's regional housing need are unlikely to be developed in the required timeframe to meet the county's regional housing need.
- (C) The county cannot redesignate sufficient acreage on lands outside of climate resilient lands to meet the county's regional housing need because the redesignation of land is infeasible or because there is insufficient acreage available for redesignation.

(2) For purposes of this subdivision, "proposed residential development" means the development related to the county's increase in planned density, subdivision of property, or extension of water or sewer service pursuant to Chapter 4.3.1 (commencing with Section 65918.5).

(d) The office may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section.

(e) For purposes of this section, the definitions in Chapter 4.3.1 (commencing with Section 65918.5) apply.

(f) References to "county" in this section shall also refer to a city when related to lands subject to Section 65918.5.04.

SEC. 2. Section 65585 of the Government Code is amended to read:

65585. (a) In the preparation of its housing element, each city and county shall consider the guidelines adopted by the department pursuant to Section 50459 of the Health and Safety Code. Those guidelines shall be advisory to each city or county in the preparation of its housing element.

(b) (1) At least 90 days prior to adoption of a revision of its housing element pursuant to subdivision (e) of Section 65588, or at least 60 days prior to the adoption of a subsequent amendment to this element, the planning agency shall submit a draft element revision or draft amendment to the department. The local government of the planning agency shall make the first draft revision of a housing element available for public comment for at least 30 days and, if any comments are received, the local government shall take at least 10 business days after the 30-day public comment period to consider and incorporate public comments into the draft revision prior to submitting it to the department. For any subsequent draft revision, the local government shall post the draft revision on its internet website and shall email a link to the draft revision to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting the draft revision to the department.

(2) The planning agency staff shall collect and compile the public comments regarding the housing element received by the city, county, or city and county, and provide these comments to each member of the legislative body before it adopts the housing element.

(3) The department shall review the draft and report its written findings to the planning agency within 90 days of its receipt of the first draft submittal for each housing element revision pursuant to subdivision (e) of Section 65588 or within 60 days of its receipt of a subsequent draft amendment or an adopted revision or adopted amendment to an element. The department shall not review the first draft submitted for each housing element revision pursuant to subdivision (e) of Section 65588 until the local government has made the draft available for public comment for at least 30 days and, if comments were received, has taken at least 10 business days to consider and incorporate public comments pursuant to paragraph (1).

(c) In the preparation of its findings, the department may consult with any public agency, group, or person. The department shall receive and consider any written comments from any public agency, group, or person regarding the draft or adopted element or amendment under review.

(d) In its written findings, the department shall determine whether the draft element or draft amendment substantially complies with this article.

(e) Prior to the adoption of its draft element or draft amendment, the legislative body shall consider the findings made by the department. If the department's findings are not available within the time limits set by this section, the legislative body may act without them.

(f) If the department finds that the draft element or draft amendment does not substantially comply with this article, the legislative body shall take one of the following actions:

- (1) Change the draft element or draft amendment to substantially comply with this article.
- (2) Adopt the draft element or draft amendment without changes. The legislative body shall include in its resolution of adoption written findings which explain the reasons the legislative body believes that the draft element or draft amendment substantially complies with this article despite the findings of the department.

(g) Promptly following the adoption of its element or amendment, the planning agency shall submit a copy to the department.

(h) The department shall, within 90 days, review adopted housing elements or amendments and report its findings to the planning agency.

(i) (1) (A) The department shall review any action or failure to act by the city, county, or city and county that it determines is inconsistent with an adopted housing element or Section 65583, including any failure to implement any program actions included in the housing element pursuant to Section 65583. The department shall issue written findings to the city, county, or city and county as to whether the action or failure to act substantially complies with this article, and provide a reasonable time no longer than 30 days for the city, county, or city and county to respond to the findings before taking any other action authorized by this section, including the action authorized by subparagraph (B).

(B) If the department finds that the action or failure to act by the city, county, or city and county does not substantially comply with this article, and if it has issued findings pursuant to this section that an amendment to the housing element substantially complies with this article, the department may revoke its findings until it determines that the city, county, or city and county has come into compliance with this article.

(2) The department may consult with any local government, public agency, group, or person, and shall receive and consider any written comments from any public agency, group, or person, regarding the action or failure to act by the city, county, or city and county described in paragraph (1), in determining whether the housing element substantially complies with this article.

(j) The department shall notify the city, county, or city and county and may notify the office of the Attorney General that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to this element, or any action or failure to act described in subdivision (i), does not substantially comply with this article or that any local government has taken an action in violation of the following:

- (1) Housing Accountability Act (Section 65589.5).
- (2) Section 65863.
- (3) Chapter 4.3 (commencing with Section 65915).
- (4) Section 65008.
- (5) Housing Crisis Act of 2019 (Chapter 654, Statutes of 2019, Sections 65941.1, 65943, and 66300).
- (6) Section 8899.50.
- (7) Section 65913.4.
- (8) Article 11 (commencing with Section 65650).
- (9) Article 12 (commencing with Section 65660).
- (10) Section 65913.11.
- (11) Section 65400.
- (12) Section 65863.2.
- (13) Chapter 4.1 (commencing with Section 65912.100).
- (14) Section 65914.7.5.

(k) Commencing July 1, 2019, prior to the Attorney General bringing any suit for a violation of the provisions identified in subdivision (j) related to housing element compliance and seeking remedies available pursuant to this subdivision, the department shall offer the jurisdiction the opportunity for two meetings in person or via telephone to discuss the violation, and shall provide the jurisdiction written findings regarding the violation. This paragraph does not affect any action filed prior to the effective date of this section. The requirements set forth in this subdivision do not apply to any suits brought for a violation or violations of paragraphs (1) and (3) to (9), inclusive, of subdivision (j).

(l) In any action or special proceeding brought by the Attorney General relating to housing element compliance pursuant to a notice or referral under subdivision (j), the Attorney General may request, upon a finding of the court that the housing element does not substantially comply with the requirements of this article pursuant to this section, that the court issue an order or judgment directing the jurisdiction to bring its housing element into substantial compliance with the requirements of this article. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If a court determines that the housing element of the jurisdiction substantially complies with this article, it shall have the same force and effect, for purposes of eligibility for any financial assistance that requires a housing element in substantial compliance and for purposes of any incentives provided under Section 65589.9, as a determination by the department that the housing element substantially complies with this article.

(1) If the jurisdiction has not complied with the order or judgment after 12 months, the court shall conduct a status conference. Following the status conference, upon a determination that the jurisdiction failed to comply with the order or judgment compelling substantial compliance with the requirements of this article, the court shall impose fines on the jurisdiction, which shall be deposited into the Building Homes and Jobs Trust Fund. Any fine levied pursuant to this paragraph shall be in a minimum amount of ten thousand dollars (\$10,000) per month, but shall not exceed one hundred thousand dollars (\$100,000) per month, except as provided in paragraphs (2) and (3). In the event that the jurisdiction fails to pay fines imposed by the court in full and on time, the court may require the Controller to intercept any available state and local funds and direct such funds to the Building Homes and Jobs Trust Fund to correct the jurisdiction's failure to pay. The intercept of the funds by the Controller for this purpose shall not violate any provision of the California Constitution.

(2) If the jurisdiction has not complied with the order or judgment after three months following the imposition of fees described in paragraph (1), the court shall conduct a status conference. Following the status conference, if the court finds that the fees imposed pursuant to paragraph (1) are insufficient to bring the jurisdiction into compliance with the order or judgment, the court may multiply the fine determined pursuant to paragraph (1) by a factor of three. In the event that the jurisdiction fails to pay fines imposed by the court in full and on time, the court may require the Controller to intercept any available state and local funds and direct such funds to the Building Homes and Jobs Trust Fund to correct the jurisdiction's failure to pay. The intercept of the funds by the Controller for this purpose shall not violate any provision of the California Constitution.

(3) If the jurisdiction has not complied with the order or judgment six months following the imposition of fees described in paragraph (1), the court shall conduct a status conference. Upon a determination that the jurisdiction failed to comply with the order or judgment, the court may impose the following:

(A) If the court finds that the fees imposed pursuant to paragraphs (1) and (2) are insufficient to bring the jurisdiction into compliance with the order or judgment, the court may multiply the fine determined pursuant to paragraph (1) by a factor of six. In the event that the jurisdiction fails to pay fines imposed by the court in full and on time, the court may require the Controller to intercept any available state and local funds and direct such funds to the Building Homes and Jobs Trust Fund to correct the jurisdiction's failure to pay. The intercept of the funds by the Controller for this purpose shall not violate any provision of the California Constitution.

(B) The court may order remedies available pursuant to Section 564 of the Code of Civil Procedure, under which the agent of the court may take all governmental actions necessary to bring the jurisdiction's housing element into substantial compliance pursuant to this article in order to remedy identified deficiencies. The court shall determine whether the housing element of the jurisdiction substantially complies with this article and, once the court makes that determination, it shall have the same force and effect, for all purposes, as the department's determination that the housing element substantially complies with this article. An agent appointed pursuant to this paragraph shall have expertise in planning in California.

(4) This subdivision does not limit a court's discretion to apply any and all remedies in an action or special proceeding for a violation of any law identified in subdivision (j).

(m) In determining the application of the remedies available under subdivision (l), the court shall consider whether there are any mitigating circumstances delaying the jurisdiction from coming into compliance with state housing law. The court may consider whether a city, county, or city and county is making a good faith effort to come into substantial compliance or is facing substantial undue hardships.

(n) Nothing in this section shall limit the authority of the office of the Attorney General to bring a suit to enforce state law in an independent capacity. The office of the Attorney General may seek all remedies available under law including those set forth in this section.

(o) Notwithstanding Sections 11040 and 11042, if the Attorney General declines to represent the department in any action or special proceeding brought pursuant to a notice or referral under subdivision (j) the department may appoint or contract with other counsel for purposes of representing the department in the action or special proceeding.

(p) Notwithstanding any other provision of law, the statute of limitations set forth in subdivision (a) of Section 338 of the Code of Civil Procedure shall apply to any action or special proceeding brought by the Office of the Attorney General or pursuant to a notice or referral under subdivision (j), or by the department pursuant to subdivision (o).

SEC. 3. Section 65914.7.5 is added to the Government Code, to read:

65914.7.5. (a) For purposes of this section, the following definitions apply:

(1) "Climate smart parcel" means a parcel located in a highest resource, ~~high resource, or moderate resource~~ *high-resource, or moderate-resource* area, as categorized by the California Tax Credit Allocation Committee's opportunity maps, that ~~meets~~ *satisfies at least* one ~~of the following mobility indicators:~~ *mobility indicator*.

~~(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop.~~

~~(B) The parcel is located in a very low vehicle travel area.~~

~~(C) The parcel is located within a mile from a cluster of six or more of the following:~~

~~(i) Restaurants.~~

~~(ii) Bars.~~

~~(iii) Coffee shops.~~

~~(iv) Supermarkets.~~

~~(v) Grocery stores.~~

~~(vi) Hardware stores.~~

~~(vii) Parks.~~

~~(viii) Pharmacy.~~

~~(ix) Drugstore.~~

(2) "High-quality transit corridor" has the same meaning as defined in subdivision (b) of Section 21155 of the Public Resources Code.

(3) "Housing development" has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(4) "Local agency" means a city, county, or city and county, whether general law or chartered.

(5) "Major transit stop" has the same meaning as defined in ~~Section 21064.3~~ *subdivision (b) of Section 21155* of the Public Resources Code.

~~(6) "Mobility indicator" means any of the following:~~

~~(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop.~~

~~(B) The parcel is located in a very low vehicle travel area.~~

~~(C) The parcel is located within one mile from a cluster of six or more of the following:~~

~~(i) Restaurant.~~

~~(ii) Bar.~~

~~(iii) Coffee shop.~~

~~(iv) Supermarket.~~

~~(v) Grocery store.~~

~~(vi) Hardware store.~~

~~(vii) Park.~~

~~(viii) Pharmacy.~~

~~(ix) Drugstore.~~

~~(6)~~

(7) "Objective zoning standards" and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(7)

(8) "Priority development area" means an area identified under the region's most recent sustainable communities strategy as prime locations for additional growth. These areas may include job centers, transit priority areas, or other characteristics where mobility options support achieving greenhouse gas emissions reduction.

(8)

(9) (A) "Very low vehicle travel area" means an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per ~~capita~~ *capita, or county vehicle miles per capita*.

(B) For purposes of this subdivision, "area" may include a travel analysis zone, hexagon, or grid.

(C) For purposes of determining "regional vehicle miles traveled per capita" pursuant to this subdivision, a "region" is the entirety of incorporated and unincorporated areas governed by a multicounty or single-county metropolitan planning organization, or the entirety of the incorporated and unincorporated areas of an individual county that is not part of a metropolitan planning organization.

(b) A proposed housing development shall be subject to a streamlined, ministerial approval process in subdivision (c) without discretionary review or hearing, if the proposed housing development *consists of multiple units and* satisfies all of the following objective planning standards:

(1) (A) ~~For incorporated areas, the proposed housing development is proposed to be developed on a legal parcel or parcels that includes at least a portion of an~~ *It is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either* urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) For unincorporated areas, the proposed housing development is proposed to be developed on a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The proposed parcel for the proposed housing development is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use. Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground space, such as basements or underground parking garages.

(3) (A) The proposed parcel for the proposed housing development satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(B) The proposed parcel is not in an area projected to experience flooding at less than or equal to sea level rise of five feet according to information from the National Oceanic and Atmospheric Administration or according to the best available science.

(C) The proposed parcel is not on natural lands within 100 meters width of streams or rivers, including, but not limited to, streams or rivers mapped in the United States Environmental Protection Agency National Hydrography Dataset NHDPlus, and not on natural lands mapped by the United States Forest Service, Pacific Southwest Region, existing Vegetation CALVEG, or best available science.

(4) The development on the proposed parcel would not require the demolition or alteration of either of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, as defined in Sections 50093 and 50105 of the Health and Safety Code.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(5) The development on the proposed parcel would not require the demolition of a historic structure that was placed on a national or state historic register.

(6) (A) Subject to subparagraph (B), the proposed parcel is included in the applicable region's sustainable communities strategy as a priority development area or is a climate-smart parcel.

(B) If the parcel is included in the applicable region's sustainable communities strategy as a priority development area or is part of a master environmental impact report pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), meets one of the mobility indicators defined in paragraph (1) of subdivision (a), and the proposed development would not be eligible for ministerial approval under Section 65913.4 because it does not meet the requirements of subparagraph (5) of subdivision (a) of that section, then it shall be treated ~~it shall be treated~~ as a climate-smart parcel for purposes of this section.

(7) If the proposed housing development is ____ units or more, the development proponent certifies to the locality that it will comply with the requirements of Section 65912.130 or 65912.131 of the Government Code.

(8) The proposed development dedicates a minimum of ____ percent of the total number of units, before calculating any density bonus, to deed-restricted affordable housing.

(c) (1) If a local agency determines that a development submitted pursuant to this section is consistent with the objective planning standards specified in subdivision (b) and pursuant to paragraph (3), it shall approve the development. If a local agency determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (b), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(A) Within 60 days of submittal of the development to the local agency pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local agency pursuant to this section if the development contains more than 150 housing units.

(2) If the local agency fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (b).

(3) For purposes of this section, a development is consistent with the objective planning standards specified in subdivision (b) if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards. The local agency shall not determine that a

development, including an application for a modification under subdivision (b), is in conflict with the objective planning standards on the basis that application materials are not included, if the application contains substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

(d) (1) (A) A development proponent may request a modification to a development that has been approved under the streamlined, ministerial approval process provided in subdivision (c) if that request is submitted to the local agency before the issuance of the final building permit required for construction of the development.

(B) Except as provided in paragraph (3), the local agency shall approve a modification if it determines that the modification is consistent with the objective planning standards specified in subdivision (b) that were in effect when the original development application was first submitted.

(C) The local agency shall evaluate any modifications requested pursuant to this subdivision for consistency with the objective planning standards using the same assumptions and analytical methodology that the local agency originally used to assess consistency for the development that was approved for streamlined, ministerial approval pursuant to subdivision (c).

(D) A guideline that was adopted or amended by the department pursuant to subdivision (f) after a development was approved through the streamlined, ministerial approval process described in subdivision (c) shall not be used as a basis to deny proposed modifications.

(2) Upon receipt of the development proponent's application requesting a modification, the local agency shall determine if the requested modification is consistent with the objective planning standard and either approve or deny the modification request within 60 days after submission of the modification, or within 90 days if design review is required.

(3) Notwithstanding paragraph (1), the local agency may apply objective planning standards adopted after the development application was first submitted to the requested modification in any of the following instances:

(A) The development is revised such that the total number of residential units or total square footage of construction changes by 15 percent or more. The calculation of the square footage of construction changes shall not include underground space.

(B) The development is revised such that the total number of residential units or total square footage of construction changes by 5 percent or more and it is necessary to subject the development to an objective standard beyond those in effect when the development application was submitted in order to mitigate or avoid a specific, adverse impact, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (j) of Section 65589.5, upon the public health or safety and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact. The calculation of the square footage of construction changes shall not include underground space.

(C) Objective building standards contained in the California Building Standards Code (Title 24 of the California Code of Regulations), including, but not limited to, building plumbing, electrical, fire, and grading codes, may be applied to all modification applications that are submitted prior to the first building permit application. Those standards may be applied to modification applications submitted after the first building permit application if agreed to by the development proponent.

(4) The local agency's review of a modification request pursuant to this subdivision shall be strictly limited to determining whether the modification, including any modification to previously approved density bonus concessions or waivers, modify the development's consistency with the objective planning standards and shall not reconsider prior determinations that are not affected by the modification.

(e) (1) For ~~multifamily~~ housing developments *that consist of multiple units* on a climate-smart parcel that are submitted pursuant to this section, the following shall apply:

(A) A local agency shall not ~~require~~ *impose* a setback greater than four feet from the side, rear, and front lot lines.

~~(B) The height limit applicable to the housing development shall not exceed 50 feet, unless the base density allows a greater height, in which case the larger of the two shall be used.~~

(B) A local agency shall not impose a height limit on a housing development that is less than 50 feet.

(C) ~~The~~ A local agency shall not impose ~~requirements that preclude a development project that has~~ a maximum lot coverage ~~of 60 percent.~~ *applicable to the housing development of less than 60 percent.*

(D) ~~The~~ A local agency shall not impose or enforce a minimum parking requirement.

(E) Depending on the number of mobility ~~indicators~~ *indicators*, the local agency shall ~~impose the following floor area ratios:~~ *not do any of the following:*

(i) For a housing development project on a parcel with one mobility indicator, *impose* a floor area ratio that is less than 1.0.

(ii) For a housing development project on a parcel with two mobility indicators, *impose* a floor area ratio that is less than 1.25.

(iii) For a housing development project on a parcel with all three mobility indicators, *impose* a floor area ratio that is less than 1.5.

(2) A development proposed pursuant to this section shall be eligible for a density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios pursuant to Section 65915.

(3) A local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section. However, the local agency shall not do the following:

(A) Impose standards that would have the effect of physically precluding the construction of projects that meet or exceed the density standards described in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2.

(B) Adopt or impose any requirement that applies to a development project solely or partially on the basis that the project is eligible to receive streamlined, ministerial review pursuant to this section, including, but not limited to, increased fees or inclusionary housing requirements.

(f) The Department of Housing and Community Development may review, adopt, amend, and repeal guidelines, rules, and regulations to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section.

SEC. 4. Chapter 4.3.1 (commencing with Section 65918.5) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 4.3.1. Density, Subdivisions, and Utilities on Climate Resilient, Risk, and Refugia Lands

65918.5. For purposes of this chapter, the following definitions apply:

(a) "Climate Resilient Refugia Lands" means lands that are not existing communities and that are not excluded lands.

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- (b) "Climate risk lands" mean lands within climate resilient lands that have been identified as lands within very high and high fire severity zones, lands identified as flood zones, or lands identified as having a sea level rise risk *of five feet* according to the latest science.
- (c) "Climate refugia lands" means lands within Terrestrial Connectivity categories 3, 4, and 5 of the Department of Fish and Wildlife's Area of Conservation Emphasis.
- (d) "Existing communities" means the following:
- (1) For incorporated areas, lands within municipal boundaries as of January 1, 2024.
 - (2) For unincorporated areas, an urbanized area or urban cluster, as designated by the United States Census Bureau.
- (e) "Excluded lands" are lands that meet one of the following criteria:
- (1) Parcels with vested rights.
 - (2) Lands within specific plans with an environmental impact report adopted on or before January 1, 2024.
 - (3) Lands zoned for agriculture, rural, or rangeland ~~succession reasons~~ to accommodate agricultural workforce that result in uses that remain accessory to the primary use.
- (f) "Planned density" means the density of housing that is planned for the land or parcel, as set on January 1, 2024, in the county's general plan.

65918.5.01. The Legislature finds and declares that the purpose of this chapter is to protect the public health and safety by preserving high value natural and working lands for the benefit of climate resilience, equitable access to open space, biodiversity, wildlife corridors, and food security.

65918.5.02. (a) Notwithstanding any law, a county shall not increase the planned density on climate resilient lands unless the planning requirements or conditions set forth in Section 65918.5.03 are met.

(b) Notwithstanding any law, a county shall not approve any tentative, final, or parcel maps pursuant to Division 2 (commencing with Section 66410) for the subdivision of property within climate risk lands or climate refugia lands unless the planning requirements or conditions set forth in Section 65918.5.03 are met.

(c) Notwithstanding any law, a county shall not approve an extension of water or sewer services on climate resilient lands unless the planning requirements or conditions set forth in Section 65918.5.03 are met or the extension of these services are to meet public health and safety requirements for existing residents.

(d) This section does not apply to a town or existing community that has a population fewer than 5,000, is unincorporated, and ____.

65918.5.03. A county is not subject to Section 65918.5.02 if *all of* the following planning requirements ~~or~~ *and* conditions are met:

- (a) The county has a housing element that is approved by the Department of Housing and Community Development.
- (b) The county's board of supervisors makes a finding, based on a preponderance of the evidence, of housing necessity.
- (c) Following the finding in subdivision (b), the county's board of supervisors does the following:
 - (1) Amends its general plan, pursuant to procedures required by law, including Article 6 (commencing with Section 65350), to increase the planned density on climate resilient lands, to authorize the subdivision of property within climate risk lands or climate refugia lands, or to authorize the extension of water or sewer services on climate resilient lands, as applicable.
 - (2) In addition to notice required by Article 6 (commencing with Section 65350), provides at least 30 days' notice of the public hearing on the proposed amendments to the general plan to the owners of properties adjacent to the area affected by the proposed planned density increase, subdivision of property, or extension of water or sewer services, as applicable, to the applicable local agency formation commission, to any city in whose sphere of influence the proposed planned density increase, subdivision of property, or extension of water or sewer services, as applicable, is located, and any other party that requests notice from the county by submitting their name and contact information with the county clerk.
 - (3) Makes, in conjunction with the amendment of the general plan, *all of* the following findings:
 - (A) The proposed development requiring the increase in planned density, subdivision of property, or extension of water or sewer services is necessary to comply with state housing requirements, as confirmed by the Office of Planning and Research.
 - (B) The parcels requiring the increase in planned density, subdivision of property, or extension of water or sewer service, as applicable, will not exceed the minimum area necessary to comply with state housing law, as confirmed by the Office of Planning and Research.
 - (C) The proposed development requiring an increase in planned density, subdivision of property, or extension of water or sewer service is immediately adjacent to developed areas and housing proponent has provided evidence to the county that the county's departments, any applicable community services districts, and any other districts providing utilities or services to the relevant parcel have adequate capacity to accommodate the proposed development for the succeeding 30 years. For purposes of this subparagraph, the county's departments and other districts providing utilities and services include, but are not limited to, the fire department, sheriff's department, public works department, water and sewer districts, and school districts.
 - (D) There is no other existing residential or commercial property available to accommodate the proposed development on lands outside of climate resilient lands and it is not feasible to accommodate the proposed development by redesignating lands outside of climate resilient lands, as confirmed by the Office of Planning and Research.

65918.5.04. Notwithstanding any law, any land that is subject to Section 65918.5.02 that is annexed by a city after January 1, 2024, shall still be subject to the prohibitions of this chapter unless it is an excluded land. For purposes of land that is subject to this section, references in this chapter to "county" shall also refer to the city that annexed the land.

SEC. 5. Section 66425.5 is added to the Government Code, to read:

66425.5. Notwithstanding any law, a county shall not approve any tentative, final, or parcel maps for the subdivision of property pursuant to this division unless the planning requirements or conditions set forth in Section 65918.5.03 are met for the affected parcels.

SEC. 6. The Legislature finds and declares that the provision of adequate housing, in light of the severe shortage of housing at all income levels in this state, and the preservation of high value natural and working lands are matters of statewide concern and are not municipal affairs as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 2, 3, 4, and 5 of this act amending Section 65585 of, adding Sections 65914.7.5 and 66425.5 to, and adding Chapter 4.3.1 (commencing with Section 65918.5) to Division 1 of Title 7 of, the Government Code applies to all cities, including charter cities.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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IN
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JULY 13, 2023

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JULY 06, 2023

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AMENDED
IN
ASSEMBLY
APRIL 17, 2023

AMENDED
IN
ASSEMBLY
MARCH 23, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 918

Introduced by Assembly Member Garcia

February 14, 2023

An act to add Chapter 11 (commencing with Section 32499.5) to Division 23 of the Health and Safety Code, relating to health care districts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 918, as amended, Garcia. Health care district: County of Imperial.

Existing law, the Local Health Care District Law, authorizes the organization and incorporation of local health care districts and specifies the powers of those districts, including, among other things, the power to establish, maintain, and operate, or provide assistance in the operation of, one or more health facilities or health services, including, but not limited to, outpatient programs, services, and facilities; retirement programs, services, and facilities; chemical dependency programs, services, and facilities; or other health care programs, services, and facilities and activities at any location within or without the district for the benefit of the district and the people served by the district.

This bill would form a local health care district in the County of Imperial, designated as the Imperial Valley Healthcare District, that includes all of the County of Imperial. The bill would require the initial board of directors of the Imperial Valley Healthcare District to be appointed from and by specified bodies, including among others, the Imperial County Board of Supervisors, the Pioneers Memorial Healthcare District Board of Directors, and the Heffernan Memorial Healthcare District Board of Directors. The bill would require the initial board of directors to recommend a permanent funding source mechanism to be presented to and approved by voters via ballot measure. The bill would require the initial board of directors to enter negotiations with El Centro Regional Medical Center to decide the terms of the acquisition of the hospital. The bill would require the board of directors to finalize the terms of the acquisition by November 5, 2024. *The bill would require the City of El Centro to negotiate in good faith with the Imperial Valley Healthcare District.* The bill would require the board of directors to hold a minimum of 3 public meetings between the effective date of the bill and January 1, 2025, as specified. The bill would require the board of directors to ~~decide~~ *recommend to the Imperial County Local Agency Formation Commission (LAFCO)* dates for the dissolutions of the Pioneers Memorial Healthcare District and Heffernan Memorial Healthcare District and would authorize the board to ~~choose~~ *recommend* separate dates for each district's dissolution. The ~~bill, on the date or dates decided by the Imperial Valley Healthcare Board of Directors, would~~ *bill would require, by January 1, 2025, the Imperial County LAFCO to* dissolve the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District and would transfer the assets, rights, and responsibilities of the dissolved districts to the Imperial Valley Healthcare District. The bill would require, until the dissolution of both of those districts, the Heffernan Memorial Healthcare District to hold a temporary administrative role for the Imperial Valley Healthcare District Board of Directors, as specified. Following the appointment of the board of directors, the bill would require the board of directors to adopt a resolution to divide the Imperial Valley Healthcare District into voting districts for the purpose of electing members of the board of directors from and by the electors of those voting districts beginning with the next district election occurring after January 1, 2024. *The bill would require the Imperial Valley Healthcare District to annually report to the Imperial County LAFCO regarding health care service provision in the district in 2024 and 2025, as specified. The bill would require the Imperial County*

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ATTACHMENT A

LAFCO to conduct a municipal service review regarding health care service provision in the district by December 31, 2026, and by December 31 every 5 years thereafter. By imposing new duties on the *City of El Centro and the* County of Imperial, the bill would impose a state-mandated local program.

This bill would state the intent of the Legislature that the Imperial Valley Healthcare District maximize the use of its assets to provide direct health care services to individuals within the district, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Imperial.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Digest Key

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 11 (commencing with Section 32499.5) is added to Division 23 of the Health and Safety Code, to read:

CHAPTER 11. Imperial Valley Healthcare District

32499.5. (a) A local health care district designated as the Imperial Valley Healthcare District is hereby formed within the County of Imperial. All other provisions of this division shall apply to the Imperial Valley Healthcare District following its formation, except as provided in this chapter.

(b) The territory of the district shall include all of the County of Imperial, including those areas under the jurisdiction of the Pioneers Memorial Healthcare District and the Heffernan Memorial Healthcare District.

(c) Following the formation of the district, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code) governs any change of organization.

(d) As used in this chapter, "district" means the Imperial Valley Healthcare District.

32499.6. (a) The initial board of directors of the district shall be composed of the following members:

- (1) Two members from and appointed by the Pioneers Memorial Healthcare District Board of Directors.
- (2) Two members from and appointed by the Heffernan Memorial Healthcare District Board of Directors.
- (3) Two members from the City of El Centro and appointed by the Imperial County Board of Supervisors. These members shall be residents of the City of El Centro, but not a City of El Centro employee, an elected official of the City of El Centro, or an employee or board member of the El Centro Regional Medical Center.
- (4) One member from and appointed by the Imperial County Board of Supervisors.

(b) The appointing bodies shall have 60 days from the effective date of this chapter to appoint members of the initial board. If a board position is not filled within this ~~time frame~~, *timeframe*, the Imperial County Board of Supervisors shall appoint the remaining members of the initial board of directors.

(c) (1) The initial board of directors, appointed pursuant to this section, shall create a staggered board of directors by choosing a number of board members to remain on the board following the first district election occurring pursuant to subdivision (a) of Section 32499.7.

(2) The initial board of directors, in collaboration with the Imperial County Local Agency Formation Commission (LAFCO), shall determine the years that the voting districts and associated board positions will be up for election by July 1, 2024.

(3) The initial board of directors shall recommend a permanent funding source mechanism to be presented to and approved by voters via ballot measure. The funding source mechanism shall be placed on the ballot for the March 2024 or November 2024 election. The initial board of directors, in collaboration with the Imperial County LAFCO, shall use financial feasibility studies conducted by the City of El Centro and the Imperial County LAFCO to determine the funding source mechanism.

(4) The initial board of directors shall enter negotiations with the El Centro Regional Medical Center to decide the terms of the acquisition of the hospital. Upon reviewing the financial feasibility studies conducted by the City of El Centro and the Imperial County LAFCO and confirming the financial viability of integrating the El Centro Regional Medical Center into the district, the initial board of directors shall determine the terms of the acquisition of the hospital. The initial board shall finalize the terms of acquiring the hospital by November 5, 2024. *The City of El Centro shall negotiate in good faith with the district, but is not required to sell the hospital to the district or agree to the terms that the initial board finalizes.*

(5) (A) The initial board of directors shall ~~decide recommend to the Imperial County LAFCO~~ a date for the dissolution of the Pioneers Memorial Healthcare District. The dissolution date shall be between July 1, 2024, and January 1, 2025. The initial board of directors may ~~decide recommend~~ a date that differs from the dissolution date of the Heffernan Memorial Healthcare District.

(B) The initial board of directors shall ~~decide recommend to the Imperial County LAFCO~~ a date for the dissolution of the Heffernan Memorial Healthcare District. The dissolution date shall be between July 1, 2024, and January 1, 2025. The initial board of directors may ~~decide recommend~~ a date that differs from the dissolution date of the Pioneers Memorial Healthcare District.

(6) The board of directors shall hold a minimum of three public meetings between the effective date of this chapter and January 1, 2025, as follows:

(A) During the first public meeting, the board of directors shall inform the public of the establishment of the Imperial Valley Healthcare District, the cost savings of having one countywide health care district, and the findings of the financial feasibility studies conducted by the City of El Centro and the Imperial County LAFCO.

(B) During the second public meeting, the board of directors shall inform the public of the recommended permanent funding source mechanism for the Imperial Valley Healthcare District.

(C) During the ~~third~~ *third* public meeting, the board of directors shall inform the public about the acquisition of the El Centro Regional Medical Center.

(D) If the board of directors votes to acquire the El Centro Regional Medical Center, the board of directors shall hold a fourth meeting. During this meeting, the board of directors shall disclose the terms of the acquisition to the ~~public~~; *public and present a financial plan to finance the acquisition and ongoing operations of hospitals in the district.*

(E) At each public meeting held pursuant to this paragraph, the board of directors shall allow time for public comment.

(d) Until both the Heffernan Memorial Healthcare District and Pioneers Memorial Healthcare District are dissolved, the Heffernan Memorial Healthcare District shall hold a temporary administrative role to the board of directors of the Imperial Valley Healthcare District, that includes:

- (1) Providing administrative employees.
- (2) Providing assistance in scheduling board meetings and public meetings.
- (3) Any other administrative tasks associated with establishing a new health care district.

(e) The board of directors shall consist of all elected members by the conclusion of the 2028 general election.

(f) A vacancy in a board position shall be filled by the methods prescribed in Section 1780 of the Government Code, and, after the board of directors consists of all elected members, shall be filled by the methods prescribed in Section 32499.7.

32499.7. (a) (1) Following appointment, the Board of Directors of the Imperial Valley Healthcare District, notwithstanding Section 32100.1, shall adopt a resolution to divide the district into seven voting districts, number the voting districts consecutively, and elect members of the board of directors by voting district beginning with the next district election occurring after January 1, 2024.

(2) The board of directors shall collaborate with the Imperial County Local Agency Formation Commission to establish the voting districts.

(b) In establishing the voting districts described in subdivision (a), the board of directors shall provide for representation in accordance with demographic, including population, and geographic factors of the entire area of the district. The board of directors shall fix the time and place and give public notice for a hearing on the proposed establishment of the voting districts, at which any elector of the district may present their views and plans in relation to the proposed division, but the board of directors shall not be bound thereby and their decision, in the resolution adopted, shall be final.

(c) The resolution adopted pursuant to subdivision (a) shall declare the voting districts and describe the boundaries of each voting district.

(d) The voting districts described in subdivision (a) and any necessary procedures for implementing the election of the board of directors by voting districts shall be established and implemented on or before July 1, 2024.

(e) The voting districts established pursuant to this section shall be effective for subsequent district elections, commencing with the next district election occurring after January 1, 2024. At the expiration of the terms of office of the members of the board of directors then in office, and thereafter, these members of the board of directors shall be elected by voting districts. One member of the board of directors shall be elected by the electors of each of the voting districts. A person shall not be eligible to hold the office of member of the board of directors unless they have been a resident of the voting district from which they are elected for 30 days next preceding the date of the election. A member of the initial board of directors, appointed pursuant to Section 32499.6, shall not be eligible to become an elected board member of the district for the first round of elections for each respective board seat.

(f) A vacancy upon the board that results in a voting district left unrepresented prior to the expiration of the term of that board position shall be filled by appointment of the remaining members of the board of directors. A member of the board of directors appointed pursuant to this subdivision shall be a resident of the voting district left unrepresented on the board of directors.

32499.8. (a) *The district shall make annual reports to the Imperial County Local Agency Formation Commission (LAFCO), by December 31, 2024, and December 31, 2025, regarding health care service provision within the boundaries of the district, using the indices outlined in paragraphs (1) to (6), inclusive, of subdivision (a) of Section 56430 of the Government Code.*

(b) *By December 31, 2026, and by December 31 every five years thereafter, the Imperial County LAFCO shall conduct a municipal service review regarding health care service provision within the boundaries of the district pursuant to Section 56430 of the Government Code.*

~~32499.8.~~

32499.9. It is the intent of the Legislature that the Imperial Valley Healthcare District maximize the use of its assets to provide direct health care services to individuals within the district through direct operation of or funding provided to organizations that own or operate hospitals, medical clinics, ambulance services, transportation programs for seniors or persons with disabilities, wellness centers, health education services, promotoras, mental health services, veterans' health services, and other similar services.

~~32499.9.~~

32499.95. (a) ~~On the date or dates of the health care district dissolutions decided by~~ *Upon receipt of the recommendation from the Imperial Valley Healthcare District Board of Directors pursuant to paragraph (5) of subdivision (c) of Section 32499.6, the Imperial County Local Agency Formation Commission (LAFCO) shall determine the appropriate dates to dissolve the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District shall be dissolved: District. The Imperial County LAFCO may decide on different dissolution dates for the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District. The Imperial County LAFCO shall dissolve the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District by January 1, 2025.*

(b) The Imperial Valley Healthcare District shall be the successor to the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District. Effective on the respective date of their dissolution, all assets, rights, and responsibilities of the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District are transferred to the Imperial Valley Healthcare District. As of the effective date of the dissolution, the Imperial Valley Healthcare District shall have ownership, possession, and control of all books, records, papers, offices, equipment, supplies, moneys, funds, appropriations, licenses, permits, entitlements, agreements, contracts, claims, judgments, land, and other assets and property, real or personal, owned or leased by, connected with the administration of, or held for the benefit or use of the Heffernan Memorial Healthcare District or Pioneers Memorial Healthcare District. Accounts payable and all other contract obligations shall be transferred to the Imperial Valley Healthcare District.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique community needs in the County of Imperial that would be served by the formation of the Imperial Valley Healthcare District to include all of the County of Imperial to provide health care services for an underserved population that suffers from a higher than average prevalence of preventable disease.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

The imminent financial collapse of the El Centro Regional Medical Center is a serious threat to the public health and safety of the residents of the region, as it is one of two hospitals serving the County of Imperial and the only hospital serving the City of El Centro and surrounding area. One countywide health care district will facilitate the coordination of medical services and provide immediate cost-saving benefits to the Imperial Valley Healthcare District through the combined economies of scale of the prior health care districts, including having a single governing body and hospital administration, a single medical staff, financial and clinical integration, unified contracting and supplies management, and an integrated medical system. In order to allow local officials the opportunity to acquire the El Centro Regional Medical Center to stabilize access to health care and to continue ongoing emergency medical services in one of California's most underserved communities at the earliest time possible, it is necessary that this act take effect immediately.

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IN
SENATE
JUNE 19, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 557

Introduced by Assembly Member Hart
(Coauthors: Assembly Members Garcia and Pacheco)

February 08, 2023

An act to amend and repeal Section 54953 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 557, as amended, Hart. Open meetings: local agencies: teleconferences.

(1) 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 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 *the legislative body of* 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, as specified.~~ *effect. Those circumstances are that (1) state or local officials have imposed or recommended measures to promote social distancing, (2) the legislative body is meeting for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (3) the legislative body has previously made that determination.* If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law requires a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option. Existing law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time.

This bill would ~~extend the above-described~~ *revise the authority of a legislative body to hold a teleconference meeting under those* abbreviated teleconferencing ~~provisions~~ *procedures* when a declared state of emergency is in ~~effect, or in other situations related to public health, as specified, indefinitely.~~ *effect. Specifically, the bill would extend indefinitely that authority in the circumstances under which the legislative body either (1) meets for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (2) has previously made that determination.* The bill would also extend the period for a legislative body to make the above-described findings related to a continuing state of emergency ~~and social distancing~~ to not later than 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures.

The bill would additionally make nonsubstantive changes to those provisions and correct erroneous ~~cross-references.~~ *cross-references.*

(2) 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.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

ATTACHMENT A

SECTION 1. Section 54953 of the Government Code, as amended by Section 1 of Chapter 285 of the Statutes of 2022, is amended to read:

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

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

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

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

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

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

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

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

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

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

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

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in ~~any~~ *either* of the following circumstances:

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

~~(B)~~

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

~~(C)~~

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

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

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

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

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ATTACHMENT A

(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (D), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (D), or otherwise be recognized for the purpose of providing public comment.

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

(3) If a state of emergency remains active, ~~or state or local officials have imposed or recommended measures to promote social distancing;~~ in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 45 days after teleconferencing for the first time pursuant to subparagraph ~~(A), (B), or (C)~~ (A) or (B) of paragraph (1), and every 45 days thereafter, make the following findings by majority vote:

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

~~(B) Any of the following circumstances exist:~~

~~(i)~~

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

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

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

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

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

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

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(6) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(7) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 2. Section 54953 of the Government Code, as amended by Section 2 of Chapter 285 of the Statutes of 2022, is amended to read:

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

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

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

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

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

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

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

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

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

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

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

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in ~~any~~ **either** of the following circumstances:

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

~~(B)~~

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

~~(C)~~

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

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

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

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

(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (D), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (D), or otherwise be recognized for the purpose of providing public comment.

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

(3) If a state of emergency remains active, ~~or state or local officials have imposed or recommended measures to promote social distancing~~, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 45 days after teleconferencing for the first time pursuant to subparagraph ~~(A), (B), or (C)~~ (A) or (B) of paragraph (1), and every 45 days thereafter, make the following findings by majority vote:

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

~~(B) Any of the following circumstances exist:~~

~~(i)~~

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

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

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

(1) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(2) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(j) This section shall become operative January 1, 2026.

SEC. 3. Section 54953 of the Government Code, as added by Section 3 of Chapter 285 of the Statutes of 2022, is repealed.

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

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings.

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AMENDED
IN
ASSEMBLY
MARCH 09, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 805

Introduced by Assembly Member Arambula

February 13, 2023

An act to amend Sections 116682 and 116686 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 805, as amended, Arambula. Drinking ~~water consolidation~~: water consolidation: sewer service.

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties. The act authorizes the state board to order consolidation with, or extension of service from, a receiving water system in either of the following circumstances: (1) a public water system or state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water, or is an at-risk water system, or ~~(2)~~ (2) a disadvantaged community, in whole or in part, is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water, or are at-risk domestic wells.

This bill would authorize the state board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities, including, but not limited to, consulting with the relevant regional water board and the receiving water system and conducting outreach to ratepayers and residents served by the receiving and subsumed water systems, as provided.

Existing law authorizes the state board, if sufficient funds are available, to contract with, or provide a grant to, an administrator to provide administrative, technical, operational, legal, or managerial services, or any combination of these services to a designated water system to assist with the provision of an adequate supply of affordable, safe drinking water.

The bill would also authorize the state board to require the administrator to provide administrative, technical, legal, or managerial services for any sewer service provided by the designated water system.

~~This bill would state the intent of the Legislature to enact subsequent legislation to authorize the board to order consolidation of wastewater.~~

Digest Key

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 116682 of the Health and Safety Code is amended to read:

116682. (a) (1) The state board, in circumstances described in subparagraph (A) or (B), may order consolidation with a receiving water system as provided in this section and Section 116684. The consolidation may be physical or operational. The state board may also order the extension of service to an area within a disadvantaged community that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation for consolidation. The consolidation shall occur within six months of the initiation of the extension of service. The state board may set timelines and performance measures to facilitate completion of consolidation.

(A) A public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water, or is an at-risk water system.

(B) A disadvantaged community, in whole or in part, is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water, or are at-risk domestic wells.

(2) No later than July 1, 2020, the state board shall develop and adopt a policy that provides a process by which members of a disadvantaged community may petition the state board to consider ordering consolidation. The state board shall adopt the policy in a policy handbook consistent with the process provided for in Agenda Packet Pg. 35

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subdivision (a) of Section 116760.43.

(b) Before ordering consolidation or extension of service as provided in this section, the state board shall do all of the following:

(1) Encourage voluntary consolidation or extension of service.

(2) Consider other enforcement remedies specified in this article.

(3) Consult with, and fully consider input from, the relevant local agency formation commission regarding the provision of water service in the affected area, the recommendations for improving service in a municipal service review, whether the consolidation or extension of service is cost effective, and any other relevant information.

(4) Consult with, and fully consider input from, the Public Utilities Commission when the consolidation would involve a water corporation subject to the commission's jurisdiction. If a receiving water system is regulated by the Public Utilities Commission, the state board shall inform the commission at least 60 days before the consolidation order, and upon issuance of the order the commission shall open a proceeding to determine cost allocation, ratemaking, and commission public participation requirements for the consolidation process.

(5) Consult with, and fully consider input from, the local government with land use planning authority over the affected area, particularly regarding any information in the general plan required by Section 65302.10 of the Government Code.

(6) Consult with, and fully consider input from, the potentially receiving water system and all public water systems in the chain of distribution of the potentially receiving water system. The input from the potentially receiving water system may include, but is not limited to, information related to the classification of the potentially subsumed water system as an at-risk water system or a state small water system or of at-risk domestic wells.

(7) Consult with, and fully consider input from, any groundwater sustainability agency in a basin that provides groundwater supply, in whole or in part, to the affected area.

(8) (A) Notify the potentially receiving water system and the potentially subsumed water system, if any, and establish a reasonable deadline of no less than six months, unless a shorter period is justified, for the potentially receiving water system and the potentially subsumed water system, if any, to negotiate consolidation or another means of providing an adequate supply of safe drinking water.

(B) During this period, the state board shall provide technical assistance and work with the potentially receiving water system and the potentially subsumed water system to develop a financing package that benefits both the receiving water system and the subsumed water system.

(C) Upon a showing of good cause, the deadline may be extended by the state board at the request of the potentially receiving water system, potentially subsumed water system, the local agency formation commission with jurisdiction over the potentially subsumed water system, or the Public Utilities Commission.

(9) Consider the affordability of the anticipated monthly rates for drinking water service to residential customers of the potentially subsumed water system.

(10) (A) Hold at least one public meeting at the initiation of this process in a place as close as feasible to the affected areas. The state board shall make reasonable efforts to provide a 30-day notice of the meeting to the ratepayers, renters, and property owners to receive water service through service extension or in the area of the subsumed water system and all affected local government agencies and drinking water service providers. The 30-day notice shall include information about water quality concerns in the area, relevant information about health effects of water contaminants, and information about opportunities for consolidation or extension of service to address water quality issues. The meeting shall provide representatives of the potentially subsumed water system, affected ratepayers, renters, property owners, the potentially receiving water system, and the public an opportunity to present oral and written comments.

(B) The state board shall provide an opportunity to submit comments by mail or electronically during the notice period and for at least one week after the meeting.

(C) The state board shall review comments received during the meeting and received by mail and electronically during the notice period and for one week after the public meeting.

(11) If the potentially subsumed water system to be consolidated into the receiving water system is an at-risk water system, the state board shall do all of the following:

(A) Conduct outreach to ratepayers and residents served by the at-risk water system, including identifiable local community groups. These outreach efforts shall gauge community support for consolidation of the at-risk water system. The state board shall consider the results of this outreach when deciding whether to order consolidation of the at-risk water system.

(B) Consider any petition submitted pursuant to paragraph (2) of subdivision (a) by members of a disadvantaged community served by the at-risk water system.

(C) (i) If the potentially subsumed water system contends during the initial written comment period set forth in subparagraph (B) of paragraph (10) that it is not an at-risk water system, the state board shall consider during a public meeting any information provided by the potentially subsumed water system in support of its contention that it is not an at-risk water system.

(ii) The state board shall make reasonable efforts to provide a 30-day notice of the public meeting described in clause (i) to the ratepayers, renters, and property owners to receive water service through service extension or in the area of the subsumed water system and all affected local government agencies and drinking water service providers.

(c) If a consolidation or other means of providing an adequate supply of safe drinking water has not been negotiated by the potentially receiving water system and the potentially subsumed water system before the expiration of the deadline set by the state board pursuant to paragraph (8) of subdivision (b), the state board shall do the following:

(1) Consult with the potentially receiving water system and the potentially subsumed water system, if any.

(2) (A) If the consolidation has not concluded within six months following the first public meeting held pursuant to paragraph (10) of subdivision (b), conduct a public meeting in a location as close as feasible to the affected communities. The meeting shall be held after the state board has made the findings described in subdivision (d).

(B) The state board shall make reasonable efforts to provide a 30-day notice of the meeting to the ratepayers, renters, property owners to receive water service through service extension or in the area of the subsumed water system, and the public, and to all affected local government agencies and drinking water service providers.

(C) The meeting shall provide representatives of the potentially subsumed water system, affected ratepayers, renters, property owners, and the potentially receiving water system an opportunity to present oral and written comments.

(D) The meeting shall provide an opportunity for public comment.

(3) The state board shall make reasonable efforts to ensure that a receiving water system and a subsumed water system are informed on a regular basis of progress regarding actions taken pursuant to this section.

(d) Before ordering consolidation or extension of service, the state board shall find all of the following:

(1) The potentially subsumed water system has consistently failed to provide an adequate supply of safe drinking water or it is at risk of doing so, as determined by the state board.

(2) Reasonable efforts to negotiate *voluntary* consolidation or extension of service were made.

(3) Consolidation of the receiving water system and subsumed water system or extension of service is appropriate and technically and economically feasible. In making this finding, the state board shall consider how many owners of dwelling units served by domestic wells in the service area have provided, or are likely to provide, written consent to extension of service. The state board need not find that any specific percentage of the owners of dwelling units served by domestic wells in the service area are likely to consent to the consolidation or extension of service to serve their dwelling unit.

(4) There is no pending local agency formation commission process that is likely to resolve the problem in a reasonable amount of time.

(5) Concerns regarding water rights and water contracts of the subsumed and receiving water systems have been adequately addressed.

(6) Consolidation or extension of service is an effective and cost-effective means to provide an adequate supply of safe drinking water.

(7) The capacity of the proposed interconnection needed to accomplish the consolidation is limited to serving the current customers of the subsumed water system, infill sites within the community served by the subsumed water system, residents of disadvantaged communities in existence as of the date of consolidation and that are located along the service line connecting the subsumed water system and the receiving water system, and vacant lots within the community served by the subsumed water system that are zoned to allow residential use and have no more than one other vacant lot between that parcel and an infill parcel, including capacity needed for services such as firefighting.

(e) Upon ordering consolidation or extension of service, the state board shall do all of the following:

(1) As necessary and appropriate, as determined by the state board, compensate the receiving water system for any capacity lost as a result of the consolidation or extension of service either by paying the water system's capacity charge set out in the water system's adopted rate structure or by providing additional capacity needed as a result of the consolidation or extension of service, and by paying legal fees. When the receiving water system is compensated for capacity lost by payment of a capacity charge, the capacity charge shall be paid only to the extent that it does not exceed the reasonable cost of providing the service in accordance with Section 66013 of the Government Code. If capacity beyond what is needed for consolidation is provided by a project funded through the state board, the state board shall retain an option to use that capacity for future consolidations, without paying additional capacity charges, for five years, unless it releases that option in writing. Funding pursuant to this paragraph is available for the general purpose of providing financial assistance for the infrastructure needed for the consolidation or extension of service and does not need to be specific to each individual consolidation project. The state board shall provide appropriate financial assistance for the water infrastructure needed for the consolidation or extension of service. The state board's existing financial assistance guidelines and policies shall be the basis for the financial assistance.

(2) Ensure payment of standard local agency formation commission fees caused by state board-ordered consolidation or extension of service.

(3) Adequately compensate the owners of a privately owned subsumed water system for the fair market value of the system, as determined by the Public Utilities Commission or the state board.

(4) Coordinate with the appropriate local agency formation commission and other relevant local agencies to facilitate the change of organization or reorganization.

(5) If ordering consolidation or extension of service between two water systems, consider any existing domestic wells within the service area that could also be subject to consolidation or extension of service pursuant to this section.

(6) If ordering consolidation or extension of service to a community containing residences served by domestic wells, promptly take all reasonable steps to obtain written consent to the consolidation or extension of service from an owner of each residence served by a domestic well.

(f) If funds are appropriated for this purpose, the state board may make funds available for the purposes of subdivision (e), as necessary and appropriate, to the receiving water system, the subsumed water system, or an administrator providing full oversight of construction or development projects related to a consolidation or extension of service.

(g) (1) For purposes of this section, fees, charges, and terms and conditions that may be imposed on new and existing customers of a receiving water system shall be subject to the following limitations:

(A) The consolidated water system shall not increase charges on existing customers of the receiving water system solely as a consequence of the consolidation or extension of service unless the customers receive a corresponding benefit.

(B) Except as provided in paragraph (2), fees or charges imposed on a customer of a subsumed water system shall not exceed the costs of the service.

(C) Except as provided in paragraph (2), the receiving water system shall not charge any fees to, or place conditions on, customers of the subsumed water system that it does not charge to, or impose on, new customers that are not subject to the consolidation with the receiving water system.

(2) (A) Notwithstanding subparagraph (B) or (C) of paragraph (1), if costs incurred by the receiving water system in completing the consolidation or extension of service are not otherwise recoverable as provided in subparagraph (B) of this paragraph, the receiving water system may charge fees to customers of the subsumed water system to recover those costs.

(B) A receiving water system shall not charge a fee pursuant to subparagraph (A) for costs that are otherwise recoverable from the state, the federal government, programs administered by local agencies, parties responsible for causing contamination that the consolidation or extension of service is designed to address, or other sources, as determined by the state board.

(h) The state board shall not, pursuant to this section, fund public works or upgrades unrelated to the delivery of an adequate supply of affordable, safe drinking water, including, but not limited to, the installation of streetlights, sidewalks, curbs, and gutters. A local agency's decision whether to provide these public works or upgrades shall not delay the consolidation or extension of service.

(i) When a public water system is operated by a local educational agency, the state board may order a receiving water system to consolidate or extend service to a public water system operated by a local educational agency pursuant to this section if both the following additional conditions are met:

(1) The local educational agency serves students from one or more census blocks that are disadvantaged communities.

(2) The state board obtains a written determination from the local educational agency that the state board's analysis in the financing package, developed pursuant to subparagraph (B) of paragraph (8) of subdivision (b), indicates that consolidating or extending service would not result in additional unacceptable costs to the local educational agency and would result in safe drinking water being available to the local educational agency.

(j) An order pursuant to this section shall not require consolidation or extension of service to a residence served solely by a domestic well until an owner of the affected residence provides written consent to the consolidation or extension of service. Any domestic well owner within the consolidation or extended service area that does not provide written consent shall be ineligible, until the consent is provided, for any future water-related grant funding from the state other than funding to mitigate a well failure, disaster, or other emergency.

(k) A finding that a disadvantaged community, in whole or in part, is substantially reliant on at-risk domestic wells shall be based on the maps created pursuant to paragraph (1) of subdivision (a) of Section 116772 and inspection or testing of the domestic wells showing an imminent risk of failing to provide an adequate supply of safe drinking water.

(l) The state board may prioritize consolidation of an at-risk water system that has historically been overburdened by pollution and industrial development or faced other environmental justice hurdles.

(m) Division 3 (commencing with Section 56000) of Title 5 of the Government Code does not apply to an action taken by the state board pursuant to this section.

(n) If sufficient funding is available, the state board may order consolidation of sewer service along with an order of consolidation of drinking water pursuant to this section, when both the subsumed water system and receiving water system provide sewer service, after doing all of the following:

(1) Consulting with, and fully considering input from, the relevant regional water board.

(2) Consulting with, and fully considering input from, the receiving water system.

(3) Conducting outreach to ratepayers and residents served by the receiving water system and subsumed water system, including identifiable local community groups. These outreach efforts shall gauge community support for consolidation of the subsumed water system. The state board shall consider the results of this outreach when deciding whether to order consolidation of the sewer services of the subsumed water system.

SEC. 2. Section 116686 of the Health and Safety Code is amended to read:

116686. (a) (1) To provide an adequate supply of affordable, safe drinking water to disadvantaged communities, voluntary participants, and public water systems that have demonstrated difficulty in maintaining technical, managerial, and financial capacity and to prevent fraud, waste, and abuse, the state board may do any of the following, if sufficient funding is available:

(A) (i) Contract with, or provide a grant to, an administrator to provide administrative, technical, operational, legal, or managerial services, or any combination of those services, to a designated water system to assist the designated water system with the provision of an adequate supply of affordable, safe drinking water, which services may include steps necessary to enable consolidation.

(ii) To fulfill the requirements of this section, the state board may contract with more than one administrator, but only one administrator may be assigned to provide services to a given designated water system.

(iii) An administrator may provide services to more than one designated water system.

(B) Order a designated water system to accept administrative, technical, operational, legal, or managerial services, including full management and control of all aspects of the designated water system, from an administrator selected by the state board.

(C) Order a designated water system to accept administrative, technical, operational, legal, or managerial services from an administrator appointed by the state board for full oversight of construction or development projects related to a consolidation or extension of service, including, but not limited to, accepting loans and grants issued by the state board and entering into contracts on behalf of the designated water system.

(2) In performing its duties pursuant to paragraph (1), the state board may use criteria from the handbook adopted pursuant to subdivision (g).

(3) When contracting with, or ordering a designated water system to accept, an administrator pursuant to paragraph (1), the state board may also require the administrator to provide administrative, technical, legal, or managerial services for any sewer service provided by the designated water system.

(b) Unless the state board has already held a public meeting pursuant to subdivision (b) of Section 116682, the state board shall do all of the following to determine that a public water system or state small water system is a designated water system:

(1) Provide the public water system or state small water system with notice and an opportunity to show either of the following:

(A) That the public water system or state small water system has neither consistently failed to provide an adequate supply of affordable, safe drinking water nor is it an at-risk water system.

(B) That the public water system or state small water system has taken steps to timely address its failure to provide an adequate supply of affordable, safe drinking water and that it is not an at-risk water system.

(2) (A) Conduct a public meeting in a location as close as feasible to the affected community.

(B) The state board shall make reasonable efforts to provide a 30-day notice of the public meeting to affected ratepayers, renters, and property owners.

(C) The state board shall provide representatives of the public water system or state small water system, affected ratepayers, renters, and property owners with an opportunity to present oral and written comments at the public meeting.

(D) The state board shall provide at the meeting an opportunity for public comment.

(3) Provide the public with an opportunity to submit comments by mail or electronically during the 30-day notice period and for at least one week after the public meeting described in paragraph (2).

(4) If the public water system is operated by a local educational agency, obtain the local educational agency's agreement, in writing, to the appointment of an administrator.

(c) The state board shall make financial assistance available to an administrator of a designated water system, as appropriate and to the extent that funding is available.

(d) The authority granted to an administrator by the state board pursuant to subdivision (a) may include, but shall not be limited to, the authority to do all of the following:

(1) Expend available moneys for capital infrastructure improvements that the designated water system needs to provide an adequate supply of affordable, safe drinking water or to execute a consolidation ordered pursuant to Section 116682.

(2) Set and collect user water rates and fees, subject to approval by the state board. The state board shall consider affordability when approving water rates and fees. The provisions of this section are subject to all applicable constitutional requirements, including Article XIII D of the California Constitution.

- (3) Expend available moneys for operation and maintenance costs of the designated water system.
- (4) Expend available moneys necessary to achieve consolidation, including conducting feasibility or planning studies, or addressing outstanding technical or legal issues.
- (e) The state board shall work with the administrator of a designated water system and the communities served by that designated water system to develop, within the shortest practicable time, adequate technical, managerial, and financial capacity to deliver an adequate supply of affordable, safe drinking water so that the services of the administrator are no longer necessary.
- (f) A designated water system shall not be responsible for any costs associated with an administrator that are higher than the costs necessary to maintain the designated water system and provide an adequate supply of affordable, safe drinking ~~water~~ *water or provision of sewer service*.
- (g) Before ordering a designated water system to accept administrative, technical, operational, legal, or managerial services from an administrator pursuant to subdivision (a), the state board shall develop standards, terms, and procedures in a handbook adopted consistent with the process provided for in subdivision (a) of Section 116760.43 for all of the following:
- (1) Ensuring compliance with subdivision (f).
 - (2) Providing opportunity for public comment on the selection of an administrator and the services to be provided.
 - (3) Providing public access to budgets, ownership and financial information, and other documents and records related to the provision of water service to the designated water system or affected residences and to the management of the designated water system by the administrator.
 - (4) Providing regular public meetings, notifications, opportunities for public comment, and other forms of engagement with customers of the designated water system for significant decisions or actions made on behalf of the designated water system, including, but not limited to, establishing operating budgets, altering water rates, adopting system policies, entering into long-term contracts or financing commitments, and developing system projects or plans.
 - (5) Formal requests to the state board to reverse or modify a decision of an administrator or to request substitution of an administrator.
 - (6) Ensuring an administrator acts in the best interests of the community served.
 - (7) Development and approval of a post-administrator drinking water service plan to ensure compliance with subdivision (e). Development of the plan shall include, but is not limited to, an evaluation of long-term public governance or community ownership options.
- (h) An administrator appointed pursuant to this section for a designated water system shall not be liable for claims by past or existing ratepayers, or those who consumed water provided through the designated water system, if good faith, reasonable effort, and ordinary care were used by the administrator to assume possession of, or to operate, the designated water system.
- (i) An administrator appointed pursuant to this section for a designated water system shall not be liable for claims by past or existing ratepayers, or those who consumed water provided through the designated water system, for any injury or damages that occurred before the commencement of the operation period.
- (j) This section does not limit or supersede any other law authorizing claims against the state board or providing a defense to liability, and shall not be construed to create any new or expanded basis for liability.
- (k) Nothing in this section shall be construed to do any of the following:
- (1) Relieve a water district, water wholesaler, or any other entity from complying with any provision of federal or state law, including those pertaining to drinking water quality.
 - (2) Impair any cause of action by the Attorney General, a district attorney, a city attorney, or other public prosecutor, or impair any other action or proceeding brought by, or on behalf of, a regulatory agency.
 - (3) Impair any claim alleging the taking of property without compensation within the meaning of either the Fifth Amendment to the United States Constitution or Section 19 of Article I of the California Constitution.
 - (4) Relieve any person or entity from liability for action or inaction in bad faith, or without reasonable effort or ordinary care.
- (l) Nothing in this section shall absolve, indemnify, or protect a prior operator, designated water system, or individual from liability based on an act or failure to act prior to the operation period.
- (m) Administrative and managerial contracts pursuant to this section shall be exempt from Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code and may be awarded on a noncompetitive bid basis as necessary to implement the purposes of this section.
- (n) For purposes of this section, a local government, as defined in Article XIII C of the California Constitution, that sets water rates in accordance with Article XIII D of the California Constitution shall be deemed to be providing affordable water.
- (o) This section does not apply to a charter city, charter county, or charter city and county.
- (p) (1) For purposes of this section, an administrator is authorized to act on behalf of an affected residence to the same extent, and in the same manner, as a designated water system with the consent of the affected residence.
- (2) For purposes of this section, where an administrator is authorized to act on behalf of a designated public water system, it may also act on behalf of a voluntary participant.
- (q) The Legislature finds and declares that the funding provided to a state small water system, affected residence, public water system, voluntary participant, or administrator for purposes of this section serves a public purpose and does not constitute a gift of public funds within the meaning of Section 6 of Article XVI of the California Constitution.
- (r) For purposes of this section, the following terms have the following meanings:
- (1) "Administrator" means a person whom the state board has determined is competent to perform the administrative, technical, operational, legal, or managerial services required for purposes of this section, pursuant to criteria set forth in the handbook adopted pursuant to subdivision (g). Notwithstanding any other law, a privately owned public utility may serve as an administrator for purposes of this section.
 - (2) "Designated water system" means any of the following:
 - (A) A public water system or state small water system that has been ordered to consolidate pursuant to Section 116682.

(B) A public water system or state small water system that serves a disadvantaged community and that the state board finds consistently fails to provide an adequate supply of affordable, safe drinking water.

(C) An at-risk water system.

(3) "Voluntary participant" means the owner of a domestic well or state small water system who has agreed to accept financial assistance pursuant to Chapter 4.6 (commencing with Section 116765) for the provision of an adequate and affordable supply of safe drinking water.

~~SECTION 1. It is the intent of the Legislature to enact subsequent legislation to authorize the State Water Resources Control Board to order consolidation of wastewater.~~

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AMENDED
IN
ASSEMBLY
MARCH 16, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 817

Introduced by Assembly Member Pacheco
(Coauthor: Assembly Member Wilson)

February 13, 2023

An act to ~~amend Section 54950 of the Government Code, relating to local government.~~ add Section 54953.05 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 817, as amended, Pacheco. ~~Local government: open meetings.~~ *Open meetings: teleconferencing: subsidiary body.*

Existing law, the Ralph M. Brown Act, ~~requires~~ *requires, with specified exceptions*, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. *The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.*

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.

This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

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.

~~This bill would make nonsubstantive changes to a provision of the Ralph M. Brown Act.~~

Digest Key

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 54953.05 is added to the Government Code, to read:*
Agenda Packet Pg. 41

ATTACHMENT A

54953.05. (a) (1) The definitions in Section 54953, as that section may be amended from time to time, apply for purposes of this section.

(2) For purposes of this section, "subsidiary body" means a legislative body that meets all of the following:

(A) Is described in subdivision (b) of Section 54952.

(B) Serves exclusively in an advisory capacity.

(C) Is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements.

(b) A subsidiary body may use teleconferencing without complying with paragraph (3) of subdivision (b) of Section 54953, if the subsidiary body complies with all of the following:

(1) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the subsidiary body.

(2) Each member of the subsidiary body shall participate through both audio and visual technology.

(3) The subsidiary body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the subsidiary body:

(A) A two-way audiovisual platform.

(B) A two-way telephonic service and a live webcasting of the meeting.

(4) The subsidiary body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(5) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the subsidiary body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(6) The agenda shall identify and include an opportunity for all persons to attend and address the subsidiary body directly pursuant to Section 54954.3 via a call-in option or via an internet-based service option.

(7) In the event of a disruption that prevents the subsidiary body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the subsidiary body's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the subsidiary body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the subsidiary body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

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

(9) The subsidiary body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the subsidiary body and offer comment in real time.

(A) A subsidiary body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to paragraph (8), to provide public comment until that timed public comment period has elapsed.

(B) A subsidiary body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to paragraph (8), or otherwise be recognized for the purpose of providing public comment.

(C) A subsidiary body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to paragraph (8), until the timed general public comment period has elapsed.

(c) In order to use teleconferencing pursuant to this section, the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action shall make the following findings by majority vote before the subsidiary body uses teleconferencing pursuant to this section for the first time, and every 12 months thereafter:

(1) The legislative body has considered the circumstances of the subsidiary body.

(2) Teleconference meetings of the subsidiary body would enhance public access to meetings of the subsidiary body.

(3) Teleconference meetings of the subsidiary body would promote the attraction, retention, and diversity of subsidiary body members.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 54953.05 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Section 54953.05 to the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to provide opportunities for public participation in meetings of specified public agencies and to promote the attraction and retention of members of those agencies.

~~SECTION 1. Section 54950 of the Government Code is amended to read:~~

~~54950. (a) In enacting this chapter, the Legislature finds and declares that the public commissions, boards, councils, and the other public agencies in this state exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.~~

~~(b) The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people and what is not good for them to know. The people insist on remaining informed so that they may retain control over the~~

~~instruments they have created.~~

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AMENDED
IN
ASSEMBLY
MARCH 23, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 1379

Introduced by Assembly Member Papan

February 17, 2023

An act to amend ~~Section 53908 of~~ and repeal Section 54953 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1379, as amended, Papan. ~~Local agencies: financial affairs. Open meetings: local agencies: teleconferences.~~

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

This bill, with respect to those general provisions on teleconferencing, would require a legislative body electing to use teleconferencing to instead post agendas at a singular designated physical meeting location, as defined, rather than at all teleconference locations. The bill would remove the requirements for the legislative body of the local agency to identify each teleconference location in the notice and agenda, that each teleconference location be accessible to the public, and that at least a quorum of the members participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The bill would instead provide that, for purposes of establishing a quorum of the legislative body, members of the body may participate remotely, at the designated physical location, or at both the designated physical meeting location and remotely. The bill would require the legislative body to have at least 2 meetings per year in which the legislative body's members are in person at a singular designated physical meeting location.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing provisions without complying with the general teleconferencing requirements that agendas be posted at each teleconference, 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. Under existing law, these alternative teleconferencing provisions require the legislative body to provide at least one of 2 specified means by which the public may remotely hear and visually observe the meeting. Under existing law, these alternative teleconferencing provisions authorize a member to participate remotely if the member is participating remotely for just cause, limited to twice per year, or due to emergency circumstances, contingent upon a request to, and action by, the legislative body, as prescribed. Existing law specifies that just cause includes travel while on official business of the legislative body or another state or local agency.

This bill would revise the alternative provisions, operative until January 1, 2026, to make these provisions operative indefinitely. The bill would delete the restriction that prohibits a member, based on just cause, from participating remotely for more than 2 meetings per calendar year. The bill would delete the requirement for the legislative body to provide at least one of 2 specified means by which the public may remotely hear and visually observe the meeting. The bill would also delete a provision that requires a member participating remotely to publicly disclose at the meeting before action is taken whether there are individuals 18 years of age present in the room at the remote location and the general nature of the member's relationship to those individuals. The bill would further delete a provision that prohibits a member from participating remotely for a period of more than 3 consecutive months or 20% of the regular meetings within a calendar year, or more than 2 meetings if the legislative body regularly meets fewer than 10 times per calendar year. The bill would expand the definition of just cause to include travel related to a member of a legislative body's occupation. The bill would make related, conforming changes.

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.

~~Existing law requires that the officer of each local agency who has charge of the financial records furnish to the Controller a report of all the financial transactions of the local agency during the preceding fiscal year. If a local agency maintains an internet website, existing law requires that the local agency post information on the annual compensation of its elected officials, as specified.~~

~~This bill would make nonsubstantive changes to that law.~~

Digest Key

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: ~~no~~yes

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 54953 of the Government Code, as amended by Section 2 of Chapter 285 of the Statutes of 2022, is amended to read:*

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

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

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

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

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) ~~(A) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d): the singular designated physical meeting location, as defined in subparagraph (B). Establishment of a quorum of a legislative body may include all of the following:~~

~~(i) A legislative body consisting of members participating remotely.~~

~~(ii) A legislative body consisting of members participating at the designated physical meeting location.~~

~~(iii) A legislative body consisting of members participating at the designated physical meeting location and members participating remotely.~~

~~(B) "Singular designated physical meeting location" means the location that is clearly identified on the agenda, is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body provides at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:~~

~~(i) A two-way audiovisual platform.~~

~~(ii) A two-way telephonic service.~~

~~(C) The legislative body shall have at least two meetings per calendar year in which the legislative body's members are in person at a singular designated physical meeting location.~~

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

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

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

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

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

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

(e) (1) The legislative body of a local agency may *also* use teleconferencing ~~without complying in accordance~~ with paragraph (3) of subdivision (b) if, during the teleconference meeting, ~~at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following: the legislative body complies with all of the following:~~

~~(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:~~

~~(i) A two-way audiovisual platform;~~

~~(ii) A two-way telephonic service and a live webcasting of the meeting;~~

~~(B)~~

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

~~(C)~~

(B) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

~~(D)~~

(C) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

~~(E)~~

(D) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

~~(F)~~

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

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. ~~The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.~~

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

~~(B) The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals;~~

~~(C)~~

(B) The member shall participate through both audio and visual technology.

~~(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.~~

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

- (A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.
- (B) A contagious illness that prevents a member from attending in person.
- (C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).
- (D) Travel while on official business of the legislative body or another state or local ~~agency~~; *agency, or travel related to a member of a legislative body's occupation.*

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(6) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(7) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

~~(8) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.~~

(j) This section shall become operative January 1, ~~2024, shall remain in effect only until January 1, 2026, and as of that date is repealed: 2024.~~

SEC. 2. *Section 54953 of the Government Code, as added by Section 3 of Chapter 285 of the Statutes of 2022, is repealed.*

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

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

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

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

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

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

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

~~(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3514.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.~~

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

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

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

~~(e) This section shall become operative January 1, 2026.~~

SEC. 3. *The Legislature finds and declares that Section 1 of this act, which amends Section 54953 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:*

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ATTACHMENT A

By removing the requirement for agendas to be posted at all teleconference locations, and removing the requirement for members to publicly disclose whether any other individuals 18 years of age or older are present at the remote location with the member, and the general nature of the member's relationship with individuals before action is taken, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 4. *The Legislature finds and declares that Section 1 of this act, which amends Section 54953 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:*

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings.

~~SECTION 1. Section 53908 of the Government Code is amended to read:~~

~~53908.(a) If a local agency, which is required to report to the Controller under Section 53891, maintains an internet website, it shall post, in a conspicuous location on its internet website, information on the annual compensation of its elected officials, officers, and employees that is submitted to the Controller under Section 53891.~~

~~(b) A local agency may comply with subdivision (a) by posting, in a conspicuous location on its internet website, a link to the Controller's Government Compensation in California internet website.~~

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IN
SENATE
APRIL 24, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 411

Introduced by Senator Portantino
(Coauthor: Senator Menjivar)
(Coauthor: Assembly Member Luz Rivas)

February 09, 2023

An act to add *and repeal* Section 54953.4 ~~to~~ of the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 411, as amended, Portantino. Open meetings: teleconferences: ~~bodies with appointed membership~~: *neighborhood councils*.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.

This ~~bill~~ *bill, until January 1, 2028*, would authorize ~~a an eligible~~ legislative body to use alternate teleconferencing provisions ~~similar to the emergency provisions indefinitely and without regard to a state of emergency~~: *related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions*. The bill would ~~alternatively define "legislative define "eligible legislative body" for this purpose to mean a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise~~ *neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act. The bill would require an eligible legislative body authorized under the bill to provide publicly accessible physical locations for public participation, as prescribed. The bill would also require that at least a quorum of the members of the neighborhood council participate from locations within the boundaries of the city in which the neighborhood council is established.*

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.

This bill would make legislative findings and declarations as to the necessity of a special statute for the neighborhood councils of the City of Los Angeles.

This bill would declare that it is to take effect immediately as an urgency statute.

Digest Key

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no
Agenda Packet Pg. 48

ATTACHMENT A

Bill Text**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

SECTION 1. *The Legislature finds and declares that neighborhood councils in the City of Los Angeles provide important community input to the city council. Unlike other legislative bodies that have access to a regular meeting locations, these volunteer, uncompensated, elected members have had trouble finding public locations to hold their meetings. While the Legislature recently granted additional teleconferencing flexibility for legislative bodies to use teleconferencing more flexibly, the additional teleconferencing flexibility of this act is necessary to account for the specific needs of neighborhood councils in the City of Los Angeles.*

SECTION 1. SEC. 2. Section 54953.4 is added to the Government Code, to read:

54953.4. (a) (1) ~~An eligible~~ legislative body ~~included in subdivision (c)~~ may use teleconferencing without complying with paragraph (3) of subdivision (b) of Section 54953 if the ~~eligible~~ legislative body complies with ~~paragraph (2) of this section;~~ *paragraphs (2) to (4), inclusive.*

(2) ~~An eligible~~ legislative body ~~that may only use teleconferencing as described in this section after all the following have occurred:~~

(A) The city council for a city described in subdivision (c) considers whether to adopt a resolution to authorize eligible legislative bodies to use teleconferencing as described in paragraph (1) at an open and regular meeting.

(B) If the city council adopts a resolution described in subparagraph (A), an eligible legislative body may elect to use teleconferencing pursuant to this section if two-thirds of the eligible legislative body votes to do so. The eligible legislative body shall notify the city council if it elects to use teleconferencing pursuant to this section and its justification for doing so.

(C) Upon receiving notification from a legislative body as described in subparagraph (B), the city council may adopt a resolution to prohibit the eligible legislative body from using teleconferencing pursuant to this section.

(3) *After completing the requirements in paragraph (2), an eligible legislative body that* holds a meeting pursuant to this subdivision shall do all of the following:

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the eligible legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the eligible legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the ~~local agency's eligible legislative body's~~ control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the eligible legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the eligible legislative body ~~of a neighborhood council~~ from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The eligible legislative body shall not require public comments to be submitted in advance of the meeting and ~~must shall~~ provide an opportunity for the public to address the legislative body and offer comment in real time.

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

(E) (i) ~~An eligible~~ legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (D), to provide public comment until that timed public comment period has elapsed.

(ii) ~~An eligible~~ legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (D), or otherwise be recognized for the purpose of providing public comment.

(iii) ~~An eligible~~ legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (D), until the timed general public comment period has elapsed.

~~(3) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.~~

(F) At least a quorum of the members of the eligible legislative body shall participate from locations within the boundaries of the city in which the eligible legislative body is established.

(4) *An eligible legislative body that holds a meeting pursuant to this subdivision shall do the following, as applicable:*

(A) If the meeting is during regular business hours of the offices of the city council member that represents the area that includes the eligible legislative body, the eligible legislative body shall provide a publicly accessible physical location from which the public may attend or comment, which shall be the offices of the city councilmember who represents the area where the eligible legislative body is located, unless the eligible legislative body identifies an alternative location.

(B) If the meeting is outside regular business hours, the eligible legislative body shall make reasonable efforts to accommodate any member of the public that requests an accommodation to participate in the meeting. For the purposes of this subparagraph, "accommodation" means providing a publicly accessible physical location for the member of the public to participate from, providing access to technology necessary to participate in the meeting, or identifying locations or resources available that could provide the member of the public with an opportunity to participate in the meeting.

(b) The legislative body shall comply with all other requirements of Section 54953.

(c) As used in this section, ~~"legislative "eligible legislative body" means a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to this chapter. As used in this subdivision, "advisory body" includes, but is not limited to,~~ a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to this chapter.

(d) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 2. SEC. 3. The Legislature finds and declares that Section ~~4~~ 2 of this act, which adds Section 54953.4 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California

Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

During the COVID-19 public health emergency, audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and those public meetings have been productive, increased public participation by all members of the public regardless of their location and ability to travel to physical meeting locations, increased the pool of people who are able to serve on these bodies, and protected the health and safety of civil servants and the public. Extending the operation of teleconference as conducted during the COVID-19 public health emergency for ~~bodies of local agencies with appointed membership~~ *neighborhood councils* will continue these benefits.

SEC. 3. SEC. 4. The Legislature finds and declares that Section ~~4~~ 2 of this act, which adds Section 54953.4 to the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

During the COVID-19 public health emergency, audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and those public meetings have been productive, increased public participation by all members of the public regardless of their location and ability to travel to physical meeting locations, increased the pool of people who are able to serve on these bodies, and protected the health and safety of civil servants and the public. Extending the operation of teleconference as conducted during the COVID-19 public health emergency for ~~bodies of local agencies with appointed membership~~ *neighborhood councils* will continue these benefits.

SEC. 5. *The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the specific needs of neighborhood councils in the City of Los Angeles.*

SEC. 4. SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Virtual meetings have allowed much easier access to ~~appointed bodies of local agencies~~ *neighborhood councils* with far more members of the public participating in each meeting. This has created greater equity in the process and fostered the health of our democracy. In-person meetings may jeopardize the health and safety of vulnerable citizens due to ongoing risks of COVID-19 and other illnesses.

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SENATE
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IN
SENATE
MARCH 22, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 537

Introduced by Senator Becker

February 14, 2023

An act to amend Section 54953 of, and to add *and repeal* Section 54953.4 ~~to~~, of, the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 537, as amended, Becker. Open meetings: ~~local~~ *multijurisdictional, cross-county* agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely.

This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

~~This~~

~~The bill would authorize certain legislative bodies the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require a the legislative body to provide a record of attendance and the number of public comments on its internet website within 7 days after a teleconference meeting, as specified. The bill would define "legislative body" for this purpose to mean a board, commission, or advisory body of a multijurisdictional cross-county agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the act. The bill would also define "multijurisdictional" to mean a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity. require at least a quorum of members of the legislative body to participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The bill would require the legislative body to identify in the agenda each member who plans to participate remotely and to include the address of the publicly accessible building from each member will participate via teleconference. The bill would prohibit a member from participating remotely pursuant to these provisions unless the remote location is the member's office or another location in a publicly accessible building and is more than 40 miles from the location of the inperson meeting. The bill would repeal these alternative teleconferencing provisions on January 1, 2028.~~

~~With respect to the alternative teleconferencing provisions operative until January 1, 2026, the bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.~~

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.

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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.

This bill would declare that it is to take effect immediately as an urgency statute.

Digest Key

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 54953 of the Government Code, as amended by Section 1 of Chapter 285 of the Statutes of 2022, is amended to read:*

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

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

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

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

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

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

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

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

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

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

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

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

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

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

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

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

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

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

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

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

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

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

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

(B) Any of the following circumstances exist:

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

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

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

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

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

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

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(l) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(ll) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

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(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(E) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(6) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(7) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

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

SECTION 1-SEC. 2. Section 54953 of the Government Code, as amended by Section 2 of Chapter 285 of the Statutes of 2022, is amended to read:

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

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

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

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

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d).

- (c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.
- (2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.
- (3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.
- (d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.
- (2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.
- (3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.
- (e) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:
- (A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:
- (i) A two-way audiovisual platform.
- (ii) A two-way telephonic service and a live webcasting of the meeting.
- (B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.
- (C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.
- (D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.
- (E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.
- (F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.
- (2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:
- (A) One of the following circumstances applies:
- (i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.
- (ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:
- (I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.
- (II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.
- (B) The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.
- (C) The member shall participate through both audio and visual technology.
- (3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.
- (f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each

instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).

(D) Travel while on official business of the legislative body or another state or local agency.

(E) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(6) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(7) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(8) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(j) This section shall become operative January 1, 2024, shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 2-SEC. 3. Section 54953.4 is added to the Government Code, to read:

54953.4. (a) ~~(1)~~*A* For purposes of this section, the following definitions apply:

(1) "Eligible legislative body" means a board, commission, or advisory body of a multijurisdictional, cross-county agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to this chapter.

(2) "Multijurisdictional" means a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1.

(b) An eligible legislative body ~~included in subdivision (c)~~ may use teleconferencing without complying with paragraph (3) of subdivision (b) of Section 54953 if the legislative body complies with ~~paragraph (2)~~ of this section.

(c) An eligible legislative body shall not use teleconferencing pursuant to this section unless the eligible legislative body has adopted a resolution that authorizes the eligible legislative body to use teleconferencing at a regular meeting in open session.

~~(2)~~*A*

(d) An eligible legislative body that holds a meeting pursuant to this ~~subdivision shall do section shall comply with~~ all of the following:

~~(A)~~

(1) In each ~~instance in which~~ notice *and posting* of the time *or agenda* of the teleconferenced ~~meeting is otherwise given or the agenda for the meeting is otherwise posted; meeting,~~ the eligible legislative body shall ~~also give notice of~~ *include* the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

~~(B)~~

(2) In the event of a disruption that prevents the eligible legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the ~~local agency's eligible legislative body's~~ control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the eligible legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the eligible legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

~~(C)~~

(3) The eligible legislative body shall not require public comments to be submitted in advance of the meeting and shall provide an opportunity for the public to address the legislative body and offer comment in real time.

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

~~(E)(i)A~~

(4) (A) If an eligible legislative body that provides a timed public comment period for each agenda item, the eligible legislative body shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to ~~subparagraph (D); subdivision (f)~~, to provide public comment until that timed public comment period has elapsed.

~~(ii)A~~

(B) If an eligible legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, the eligible legislative body shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to ~~subparagraph (D); or otherwise be recognized for the purpose of providing public comment; subdivision (f)~~.

~~(iii)A~~

(C) If an eligible legislative body that provides a timed general public comment period that does not correspond to a specific agenda item, the eligible legislative body shall not close the public comment period or the opportunity to register, pursuant to ~~subparagraph (D); subdivision (f)~~, until the timed general public comment period has elapsed.

~~(F)~~

(5) Except as provided in Section 54953.3, ~~a~~ an eligible legislative body, within seven days of holding a teleconference meeting, shall provide ~~a~~ both of the following on its internet website:

(A) A record of attendance of both community ~~members; members~~ and members of the eligible legislative body seven days after a teleconference meeting on its internet website. ~~The legislative body shall also note on its website the body.~~

(B) The number of public comments in the ~~previous meeting within seven days; meeting.~~

(6) (A) At least a quorum of the members of the eligible legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

(B) The eligible legislative body shall identify each member of the eligible legislative body who plans to participate remotely in the agenda and shall include the address of the publicly accessible building from where they will participate via teleconference. The specific room or location within the publicly accessible building from which a member participates via teleconference is not required to be publicly accessible.

~~(3) This subdivision shall not be construed to require the~~

(7) The eligible legislative body ~~to~~ shall provide a physical location from which the public may attend or comment.

~~(b)~~

(8) The eligible legislative body shall comply with all ~~other~~ requirements of Section ~~54953; 54953~~ except paragraph (3) of subdivision (b) of that section.

~~(c) As used in this section, "legislative body" means a board, commission, or advisory body of a multijurisdictional, cross-county agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to this chapter. As used in this subdivision, "multijurisdictional" means a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity formed pursuant to Article 4 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1.~~

(e) A member of the eligible legislative body shall not participate in a meeting remotely pursuant to this section unless they meet both of the following requirements:

(1) The location from which the member participates is more than 40 miles from the location of the inperson meeting.

(2) The member participates from their office or another location in a publicly accessible building.

(f) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of a third-party internet website or other online platform during a meeting held pursuant to this section may be required to register to log in to the teleconference if both of the following conditions are met:

(1) The internet website or online platform requires that registration.

(2) The decision to require registration is not under the control of the legislative body.

(g) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 3. SEC. 4. The Legislature finds and declares that Sections ~~1 and 2~~ 1, 2, and 3 of this act, which amend Section 54953 of, and add Section 54953.4 to, the Government Code, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

Permitting remote participation for just cause due to a member's immunocompromised family member, as well as extending the operation of teleconferencing for legislative bodies of multijurisdictional, ~~cross-county~~ cross-county agencies with appointed membership, will further increase public participation, increase the pool of people who are able to serve on these bodies, *including those that would otherwise have to travel long distances to attend meetings in person*, and protect the health and safety of the public.

SEC. 4. SEC. 5. The Legislature finds and declares that Sections ~~1 and 2~~ 1, 2, and 3 of this act, which amend Section 54953 of, and add Section 54953.4 to, the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Permitting remote participation for just cause due to a member's immunocompromised family member, as well as extending the operation of teleconferencing for legislative bodies of multijurisdictional, ~~cross-county~~ cross-county agencies with appointed membership, will further increase public participation, increase the pool of people who are able to serve on these bodies, *including those that would otherwise have to travel long distances to attend meetings in person*, and protect the health and safety of the public.

~~SEC. 5.~~**SEC. 6.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Virtual meetings have allowed much easier access to appointed bodies of local agencies with far more members of the public participating in each meeting. This has created greater equity in the process and fostered the health of our democracy. In-person meetings may jeopardize the health and safety of vulnerable citizens due to ongoing risks of illnesses.

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LEGISLATIVE COMMITTEE MEETING STAFF REPORT

Agenda Item No. 5 CONSIDER 2024 LEGISLATIVE PROPOSALS

Meeting Date: July 21, 2023

Prepared By: Joe Serrano, Omnibus Lead. for René LaRoche, Chair

RECOMMENDATION

1. Consider Legislative Proposals for the 2024 Year.
2. Direct the CALAFCO Executive Director to submit any new Omnibus proposal(s) or amendments approved by the Legislative Committee to the State Legislature for their review and consideration.

BACKGROUND

According to the Legislative Analyst, the cost of producing a bill in 2001-02 was \$17,890. Legislators respond by combining non-substantive and non-controversial topics into an annual “omnibus bill” which addresses minor problems that local officials discover with state statutes affecting counties, cities, and special districts. In 2020, for example, the local government omnibus bill was SB 1473 (Senate Governance & Finance Committee) which contained noncontroversial statutory changes to 15 areas of local government law, avoiding approximately \$250,000 in legislative costs.

Each year, the CALAFCO Legislative Committee invites and considers proposed changes to the Cortese-Knox-Hertzberg Act. Approved proposals are either included in the Omnibus bill, or pursued as a stand-alone bill. Stand-alone bills require more resources and, depending on topic, can take multiple years to come to a final resolution.

In previous years, legislative proposals were accepted around October. This year, however, the Legislative Committee is beginning earlier to allow for more time to review and solicit potential amendments. The CALAFCO Executive Director requested submittals of any legislative changes on June 16 with a deadline of July 20. CALAFCO staff received a total of five proposals, with all except one marked as Omnibus. The Committee is now being asked to review all five proposals, which have been summarized below, for possible approval.

As the Committee considers each proposal, it is important to consider three factors before taking action: (1) What is the identified problem? (2) What is the proposed solution? (3) Does the proposal meet Omnibus Bill criteria?

For Stand Alone legislation, the Committee should also consider what political hurdles a proposed change may encounter and whether sufficient bandwidth and resources exist to surmount them.

If the Committee feels that the above concerns have been adequately addressed, then action will be invited. Under Committee guidelines, approval must be unanimous for the proposal to move forward in the process.

2024 Omnibus Bill Proposals – Potential Edits from CALAFCO

PROPOSAL SUMMARIES:

Proposal #1: Distinction between “Proposals” and “Applications”

The 2022 Omnibus Bill replaced the word “proposal” with “application” under certain code sections to properly define the status of the requested boundary change. However, San Mateo LAFCO has discovered that not all related code sections were updated as part of the 2022 Omnibus Bill. San Mateo LAFCO is requesting that the Legislative Committee consider updating additional code sections, specifically Government Code Sections 56861 and 56862. These three code sections involve the formation of subsidiary districts and incorrectly refer to proposals instead of applications. This proposal would correct this minor oversight and is consistent with the Committee’s actions in 2021-22. **Attachment A** provides more information about this proposal. Proposal submitted by Rob Bartoli (San Mateo)-

Proposal #2: Clarify Timing Requirement

Government Code Section 57002 (b) allows for an affected district to request a longer protest period when the proposal is for the establishment of a district as a subsidiary district of a city. However, there is no timing requirement for when such request should be made. Currently, an affected district can seemingly submit a request for a longer protest period up until the point that a notice of the protest hearing is published. An executive officer has 35 days to set the protest hearing date. San Mateo LAFCO is proposing language that would require requests for an extension be submitted within 10 days of a resolution being adopted by the affected LAFCO. **Attachment B** provides more information about this proposal. Proposal submitted by Rob Bartoli (San Mateo).

Proposal #3: Clarifies that determinations of ad valorem property taxes are required only when a forming district is requesting a share of them

Government Code Section 56043 requires a commission to determine the amount of property tax revenue to be exchanged among local agencies, including during the formation of new districts. However, there is currently no procedural exemption for those times when a share of ad valorem taxes is waived or not requested, which causes LAFCOs unnecessary work that prolongs or delays the process. This proposal seeks to correct that oversight by inserting language which makes a tax determination applicable only in instances when a share is being sought. **Attachment C** provides more information about this proposal. Proposal submitted by Paul Novak (Los Angeles).

Proposal #4: Update Definitions and Various Code Sections to Clarify Zones

The term “zones” has been exchanged with other names over time and across various statutes. This proposal seeks to amend confusion that this has introduced by creating a definition for Zones, and by inserting the word “zone” whenever language in CKH refers to an “improvement district.”

A similar proposal was submitted last year but was pulled at the request of the ALGC Consultant. The proposer reports that those concerns have now been addressed but will confirm. **Attachment D** provides more information about this proposal. Proposal submitted by Sam Martinez (San Bernardino).

2024 OMNIBUS BILL TRACKING LOG

In order to track all proposed changes considered and approved by the Legislative Committee, CALAFCO maintains a tracking log. This table is updated regularly based on any actions taken throughout the legislative process. **Attachment E** shows the tracking log as of July 21, 2023.

2024 Stand Alone Bill Proposal

PROPOSAL SUMMARY

Proposal #5: Expand LAFCo authority regarding governing body composition of new or consolidating special districts

The Legislature has increasingly approved special legislation circumventing LAFCo authority to create special districts with a specially designed board composition. That special legislation has primarily been to allow a Board of Supervisors to sit ex officio as the governing body of a newly formed district. This proposal would amend Government Code Section 56886(n) to allow commissions to authorize the creation of legislative bodies similarly.

A similar proposal was submitted in 2017 but not acted upon due to competing priorities. **Attachment F** provides more information about this proposal. Proposal submitted by Scott Browne.

RECOMMENDATION: Consider each legislative proposal and determine suitability of their pursuit; direct staff to submit Omnibus proposal(s) approved by the Legislative Committee to the State Legislature for their review and consideration; and provide further direction, as needed.

ATTACHMENTS:

- A. Proposal #1 - 56861-56863
- B. Proposal #2 - 57002b
- C. Proposal #3 -
- D. Proposal #4
- E. Omnibus Tracking Log
- F. Proposal #5

Attachment A - PROPOSAL 1

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CALAFCO is now accepting legislative proposals to improve or clarify the Cortese-Knox-Hertzberg Act or related laws. To be considered, proposals must provide benefit or assistance to the mission and policy principles of CALAFCO.

Requesting agencies are expected to provide sufficient explanation for proposals to allow a full and informed consideration by the CALAFCO Legislative Committee. Please complete the form beginning on page 2 and return by the submission deadline below.

Proposals are due by 5:00 P.M., THURSDAY, JULY 20, 2023

Proposals for the Omnibus Bill must be non-controversial in nature (minor non-substantive changes or technical corrections, which have no opposition.)

(Please note that these are the criteria of the Assembly Local Government Committee. Proposals that do not adhere to these criteria cannot be considered for the Omnibus.)

Please complete the form that starts on the next page and return it with your proposal in an underlined, strike-through version of the code section - not CKH Guide. (Underline new text and strike through any proposed deletions.)

Attach as a word document with track changes on and show the entirety of the section to be amended.

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

Omnibus Stand-alone CALAFCO sponsored bill

If Omnibus, does it meet the criteria of being a minor non-substantive or technical change? (If no, do not submit the proposal as Omnibus)

YES NO

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

YES NO

If Yes, who is the legislator(s)?

PROPOSAL SUMMARY:

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

Sections 56861 and 56862 related to the use of the term “alternative proposal.”

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

CALAFCO Policy

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

CALAFCO Priority

Support legislation that maintains or enhances LAFCo’s authority to condition proposals in order to address any or all financial, growth, service delivery, and agricultural and open space preservation issues.

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Please answer each of the following questions about this proposal.

1. **LEGISLATIVE HISTORY.**

Government Code Sections 56861-56863 has existed since at least the late 1980s. In the 1980s, the section included a sunset clause for the section in 1990. In the rewrite of CKH in 2000, the sunset clause was removed, but the rest of the text remained the same.

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

Prior to 2011, there was no definition of “application” in CKH. There was only a definition of “proposal.” This prior definition of a “proposal” was:

“a request or statement of intention made by petition or by resolution of application of a legislative body or of a school district proposing proceedings for the change of organization or reorganization described in the request or statement of intention.”

The approval of the LAFCo Omnibus bill 2011, however, added a definition of “application” and rewrote the definition of “proposal.” An “application” now meant:

- (a) A resolution of application or petition initiating a change of organization or reorganization with supporting documentation as required by the commission or executive officer.
- (b) A request for a sphere of influence amendment or update pursuant to Section 56425.
- (c) A request by a city or district for commission approval of an extension of services outside the agency's jurisdictional boundaries pursuant to Section 56133.

Note: Subsection (d) of was added in 2015: (d) A request by a public agency for commission approval of an extension of services outside the agency's jurisdictional boundaries pursuant to Section 56134.

As of 2012 “proposal” was redefined and now meant:

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

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There was also no definition of certificate of filing until 2011 even though the term was used in CKH prior to then.

Prior to 2011, the requirement in Section 56861 stated that within 10 days after receiving a proposal to form a subsidiary district, the executive officer shall notify by certified mail the district or districts which are the subject of the proposal. It seems that in many cases in CKH, the term proposal and application were interchangeable, and it was only after the definitions changed that the difference in terms became an issue.

There is language that could be viewed in Section 56861-56863 that seem to show the interchange of the terms proposal and application. 56861 says that an agency can adopt a resolution of intention to file an alternative proposal to the subsidiary district proposal. 56862(a) notes that “the district which has filed a resolution of intention shall prepare and submit a completed application for the alternative proposal.” This would seem to indicate that an agency can somehow file or submit a proposal, which requires a certificate of filing. The certificate of filing cannot be issued until the application has been reviewed and deemed sufficient by LAFCo staff, which seems to be contradiction with the strict use of the term proposal.

Later in Section 56862, it states that “after receiving an alternative proposal, the executive officer shall analyze and report on both the original proposal and the alternative proposal concurrently and set both for hearing by the commission.” If the definition of proposal is used in this section, then it is not possible to review both proposals concurrently. Once the district submits an application for a proposal, it must then be reviewed, analyzed and deemed complete prior to the issuance of a certificate of filing. The same process would also need to occur for an alternative proposal, which can only be submitted after a certificate of filing has been issued for the original proposal. In addition, the section states that the original and alternative proposal shall be set for hearing at the same commission hearing. This brings up an important issue, the timing requirements for a hearing if the definition of proposal is used in Section 56862.

A notice to the district must be sent out within 10 days of the certificate of filing of the original proposal. The district then has 35 days to respond. If an intent to file an alternative proposal is submitted, “the executive officer shall take no further action on the original proposal to form a subsidiary district for a period of 70 days.” So, from the issuance of the certificate of filing to the end of the 70-day period during which a district can submit an application for an alternative proposal is a total maximum of 115 days. However, Section 56658(h) states that following the issuance of the certificate of filing, the executive officer shall proceed to set the proposal for hearing and give published notice thereof as provided in this part. The date of the hearing shall be not more than 90 days after issuance of the certificate of filing or after the application is deemed to have been accepted, whichever is earlier. The date for conducting the hearing is mandatory. The timing of the alternative proposal, which

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could extend the timeline to up to 115 days, seems to conflict with the 90-day requirement for a hearing on the original proposal.

Furthermore, the 115-day period only applies to the submission of an application for an alternative proposal. The 115- day period does not include the time needed to conduct a thorough review and analysis of the application for the alternative proposal, as was given for the original proposal. As the commission would need to consider the alternative proposal and can choose to approve it, it must be reviewed and sent to agencies, in a similar manner to the original proposal.

Section 56658(3)(d) states that the executive officer shall not accept an application for filing and issue a certificate of filing for at least 20 days after giving the mailed notice, at minimum this is additional 20 days before the certificate of filing can be issued. An additional 20 days would extend the timeline to 135 days from the issuance of the certificate of filing of the original proposal. In actuality though, 20 days for a proposal to be deemed complete is highly unusual. Data from agencies, questions back to the district, and other items may mean that the issuance of the certificate of filing occurs after the minimum 20-day period.

Setting aside the additional time for review, there is another factor that extends this process as well. Prior to the hearing date, there needs to be notice that is published for the proposal. The requirement is that the notice be published at least 21 days prior to the hearing. The timeline is now at 155 days from the issuance of the certificate of filing of the original proposal, well outside the required 90-day window for a hearing on the original proposal. There are also several other items that could extend the timeline beyond the required 90-day hearing, such as a property tax exchange or required environmental review.

Nothing in Section 56862(a) restricts the executive officer from action on the original proposal. It is only if a resolution of intent to file an alternative proposal is submitted to LAFCo that then requires executive officer to take no further action on the original proposal to form a subsidiary district for a period of 70 days. If the hearing has already been set after the certificate of filing is issued, there is nothing in CKH that stops that hearing from occurring within the 90-day required window. There is no prohibition on the executive officer setting a hearing for the original proposal within the 35-day response period.

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

The minimum number of days allowed by Section 56861-56863 as currently written exceeds the 90-day requirement to bring the original proposal to a hearing if a district submits a resolution of intent to file an application for an alternative proposal within 35 days of the issuance of the certificate of filing for the original proposal. However, if the period to submit an alternative proposal is within the 35 days of the notice given to affected agencies regarding receipt of an of an application to LAFCo for the subsidiary district, then the timeline is practical. The 90-day hearing date is

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not applicable when the application is still under review; The 70-day no action period would restrict the executive officer from issuing a certificate of filing or setting a hearing; time for agencies to review the proposal and provide comments can be accommodated unlike in the setting of the alternative proposal being submitted after the certificate of filing is issued.

The proposed solution would be to edit Sections 56861-56862 to change the use of the word “proposal” to “application” where applicable. This is similar to edits in the 2023 LAFCo Omnibus bill where several sections had the word “proposal” removed and replaced by “application.” This included Section 56653 (plan for service), 56654 (resolution of application; “~~A proposal~~ An application for a change of organization or a reorganization may be made by the adoption of a resolution of application by the legislative body of an affected local agency”), 56658 (application to initiate proceedings; “The notice shall generally describe the ~~proposal~~ application and the affected territory.”).

4. ORGANIZATIONAL SUPPORT.

Support from San Mateo LAFCo for this change. Other LAFCos, cities, and special district may also support this change as it provides clarity to the timing of when an alternative proposal should be submitted and reviewed.

5. ARGUMENTS IN SUPPORT.

These amendments would allow for a clear understanding of when an alternative proposal to a subsidiary district should be submitted. It would allow the affected district adequate time to prepare an application while still meeting the mandatory requirement of having a hearing on the original and alternative proposals within 90 days of the issuance of the certificate of filing. It would also allow LAFCo staff adequate time to review the alternative application, sending the alternative to affected agencies for review, and complete other necessary steps in order for the alternative to be considered by the commission. It would also allow the city that submitted the original proposal adequate time to respond to the alternative proposal.

This change also seems to align the section with the original intent of the law prior to the addition of the definition of application and change in the definition of proposal. Prior to 2011, proposal was defined as: “a request or statement of intention made by petition or by resolution of application of a legislative body or of a school district proposing proceedings for the change of organization or reorganization described in the request or statement of intention.”

6. ORGANIZATIONAL OPPOSITION.

None

7. ARGUMENTS IN OPPOSITION.

An affected agency may argue that they can only present an alternative proposal once the original proposal is deemed to be complete and the certificate of filing has

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been issued. An agency may say that only when the application is deemed complete will affected agency be able to submit a fully formed alternative proposal.

In response, the alternative proposal shall be an alternative proposal for a change of organization. The commission will be reviewing the original subsidiary proposal along with an alternative change in organization. The affected agency will have enough information at the time of the original subsidiary district application submission to provide an application for an alternative change of organization, such as a consolidation or annexation. Having the alternative application submitted prior to the issuance of the certificate of filing for the original application would allow affected agencies and LAFCo adequate time to review both proposal applications and present them to the Commission.

8. CONTACT.

Rob Bartoli
Executive Officer, San Mateo LAFCo
Direct Tel: (650) 363-4224
Email: rbartoli@smcgov.org

9. PROPOSAL.

See attached.

56861.

(a) Within 10 days after receiving ~~an application a proposal~~ to form a subsidiary district, the executive officer shall notify by certified mail the district or districts which are the subject of the ~~proposal~~application.

(b) Within 35 days after receiving the notice from the executive officer, the board of directors of the subject district or districts may do either of the following:

(1) Adopt a resolution consenting to the subsidiary district ~~proposal~~application, with or without requesting additional terms and conditions.

(2) Adopt a resolution of intention to file an alternative ~~proposal~~application to the subsidiary district proposal.

(c) Any resolution adopted under paragraph (1) or (2) of subdivision (b) shall immediately be filed with the executive officer.

56862.

(a) If a district files a resolution of intention to file an alternative ~~proposal~~application pursuant to paragraph (2) of subdivision (b) of Section 56861, the executive officer shall take no further action on the original ~~proposal~~application to form a subsidiary district for a period of 70 days. During this period, the district which has filed a resolution of intention shall prepare and submit a completed application ~~for the alternative proposal~~ in a form similar to the original ~~proposal~~application, as prescribed by the commission.

(b) A district which has filed a resolution of intention to file an alternative ~~proposal~~application but which does not file a completed application within the prescribed time period, shall be deemed to have consented to the original ~~application~~proposal to form a subsidiary district.

(c) After receiving an alternative ~~application~~proposal, the executive officer shall analyze both the original application and the alternative application. The executive officer and shall report on both the original proposal and the alternative proposal concurrently and set both for hearing by the commission in order that both proposals may be considered simultaneously at a single hearing.

(d) “Alternative ~~application proposal~~,” as used in this section, means an alternative change of organization or reorganization application proposal to a subsidiary district ~~application proposal~~ as provided for in Section 56861.

Attachment B - PROPOSAL

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CALAFCO is now accepting legislative proposals to improve or clarify the Cortese-Knox-Hertzberg Act or related laws. To be considered, proposals must provide benefit or assistance to the mission and policy principles of CALAFCO.

Requesting agencies are expected to provide sufficient explanation for proposals to allow a full and informed consideration by the CALAFCO Legislative Committee. Please complete the form beginning on page 2 and return by the submission deadline below.

Proposals are due by 5:00 P.M., THURSDAY, JULY 20, 2023

Proposals for the Omnibus Bill must be non-controversial in nature (minor non-substantive changes or technical corrections, which have no opposition.)

(Please note that these are the criteria of the Assembly Local Government Committee. Proposals that do not adhere to these criteria cannot be considered for the Omnibus.)

Please complete the form that starts on the next page and return it with your proposal in an underlined, strike-through version of the code section - not CKH Guide. (Underline new text and strike through any proposed deletions.)

Attach as a word document with track changes on and show the entirety of the section to be amended.

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

Omnibus Stand-alone CALAFCO sponsored bill

If Omnibus, does it meet the criteria of being a minor non-substantive or technical change? (If no, do not submit the proposal as Omnibus)

YES NO

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

YES NO

If Yes, who is the legislator(s)?

PROPOSAL SUMMARY:

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

Section 57002 (b). The addition of a section regarding the timing of when a request for an extended protest hearing should be submitted and the addition of a requirement stating that the request could only be made if the district has not consented to the proposal.

See attached for changes to the section

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

CALAFCO Policy

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

CALAFCO Priority

Support legislation that maintains or enhances LAFCo's authority to condition proposals in order to address any or all financial, growth, service delivery, and agricultural and open space preservation issues.

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Please answer each of the following questions about this proposal.

1. **LEGISLATIVE HISTORY.**

Government Code Sections 57002 has existed since 1985.

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

Section 57002 (b) allows for an affected district to request a longer protest period when the proposal is for the establishment of a district as a subsidiary district of a city. However, there is no timing requirement for when that when request should be made. Currently, an affected district can seemly submit this request for a longer protest period up until the point that notice of the protest hearing is published. An executive officer has 35 days to set the protest hearing date.

In situations when the total number of notices would exceed 1,000 (Government Code Section 56157(h)), notice may instead be provided by publishing a display advertisement of at least one-eighth page in a newspaper. In these cases, there is typically a requirement that the notice to the paper be sent in advance of the day that the notice will be published. A district could submit the request during the period from when a notice is submitted to the newspaper and when the notice is published. This could cause the notice for the paper to be pulled and rescheduled for print, the printing of an incorrect public notice, or for the notice to be sent after the 35-day period. The lack of a timing requirement for the district to submit the request for a longer protest period can cause LAFCo staff to be waiting in limbo for the district to submit a request within the 35-day window to set the protest hearing date.

Additionally, there is no qualifier for when an affected district can ask for this extension. Under Section 56861-56862, an affected agency of the subsidiary district proposal can adopt a resolution consenting to the subsidiary district proposal or adopt a resolution of intention to file an alternative proposal to the subsidiary district proposal. A district which has adopted a resolution of intention to file an alternative proposal but does not file a completed application within the prescribed time period, shall be deemed to have consented to the original proposal to form a subsidiary district. However, even if a district has originally consented to the proposal or has submitted an alternative proposal but does not file a completed application within the prescribed time period, the district can still ask for an elongated protest period. There can be a situation where a district is seeking to delay the LAFCo hearing process by filing an alternative proposal and no proposal is ultimately filed. There currently are no practical consequences for this scenario. The additional protest period can only be requested by the affected district and not by any other entity.

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

The addition of a time requirement for when a district shall submit a request for the extended protest period would provide clarity to the district and LAFCo staff regarding the protest period length and meet the 35 days requirement to set the

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protest hearing. If the legislative proposal is adopted as presented, for when a proceeding is for the establishment of a district as a subsidiary district, LAFCo staff would wait for at least 10 days before setting a date for the protest hearing and publishing the required notice.

The second change would be to prohibit a district that has consented to the original proposal to form a subsidiary district from requesting an extended protest period. For a district that has adopted a resolution consenting to the proposal, it would seem to be counter to that resolution of the district to then ask for an extended protest period, which could increase the possibility of a successful protest.

Furthermore, as written, CKH states that affected districts that submit an intention to file an alternative proposal, thus pausing the processing of an application or proposal, but do not follow through with the submission of an alternative proposal, thereby consent to the original proposal. In this case, the district could still ask for the longer protest period, and it would seem that this could allow a district to use CKH to delay a hearing on the proposal without any consequences. With the addition of a “where the affected district has not consented to the proposal” to Section 57002 as a qualifier, this would deter districts from submitting an intent to file an alternative proposal and then not actually doing so as a tactic to delay proceedings.

4. ORGANIZATIONAL SUPPORT.

Support from San Mateo LAFCo for this change. Other LAFCos, cities, and special district may also support this change as it provides clarity to the timing of when a request for an extended protest period related to a subsidiary district proposal shall occur and under what circumstances it can be requested.

5. ARGUMENTS IN SUPPORT.

The addition of a deadline for when the request for an extended protest period would allow for definitive timeline for when that request shall be submitted, which will allow LAFCo to properly prepare for and notice a protest hearing. If the current section is left as is, there can be situations where notices for a protest hearing are prepared to be published or have been mailed out prior to a request for a longer protest period, thereby creating uncertainty among voters, landowners, affected agencies, and interested parties about the correct time period for protest and when the hearing will be held.

It would also clarify that when an affected district has consented to the subsidiary district proposal, a longer protest period cannot be requested. For districts that state an intention to submit an alternative proposal but do not follow through, this seems to allow a district to use CKH to delay a hearing on the proposal without any consequences. Furthermore, for districts that initially consent to the proposal, it would seem counterintuitive that the district would want a longer protest period.

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6. ORGANIZATIONAL OPPOSITION.

While there is not any know opposition, the California Special Districts Association or special districts could object to the proposal.

7. ARGUMENTS IN OPPOSITION.

The addition of the qualifier of “where the affected district has not consented to the proposal” would restrict the district’s ability to request a longer protest period and impact the protest ability of registered voters and landowners affected by the subsidiary district proposals.

In response to this potential argument, the restriction regarding the ability to request a longer protest period is only limited to when a district has consented to the proposal. In cases where the district submits a resolution consenting to the subsidiary district proposal, this is action is demonstrating agreement with the proposal. A request to extend the protest period under this circumstance would be counter to the district’s position. In cases where the district has submitted an intention to file an alterative proposal but does not file an alternative proposal, the district would no longer be able to ask for a longer protest period. However, the protest period as described in 57002(a) would still be applicable to a subsidiary district proposal and allow for adequate time for protest from registered voters and landowners.

56861 states that a district may do either of the following:

- (1) Adopt a resolution consenting to the subsidiary district proposal, with or without requesting additional terms and conditions.
- (2) Adopt a resolution of intention to file an alternative proposal to the subsidiary district proposal.

A district is not required to take either of these actions in response to a notice of a proposal to form a subsidiary district. If the district elects to take no action in response to the notice, or if the district adopts a resolution of intention to file an alternative proposal and then submit an alternative proposal, the district’s ability to request a longer protest period would not be altered. It would only be altered if a district has consented.

Regarding the 10-day requirement to send the request for the longer protest period to LAFCo, a district may say that it is not a sufficient amount of time to submit this request. In response to this potential argument, having a specific timeline removes the ambiguity about when the request can be made. The 10-day requirement would prevent notices for the protest hearing to be published with potential conflicting information for voters and landowners. It also allows for the request to be made in a timely manner while adhering to the 35-day requirement of 57002(a) for setting the protest hearing for a proposal.

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8. CONTACT.

Rob Bartoli
Executive Officer, San Mateo LAFCo
Direct Tel: (650) 363-4224
Email: rbartoli@smcgov.org

9. PROPOSAL.

See attached.

57002. (b) Where the proceeding is for the establishment of a district as a subsidiary district of a city and where the affected district has not consented to the proposal, upon the request of the affected district, the date of the hearing shall be at least 90 days, but no more than 135 days, from the date the notice is given. The request shall be submitted to LAFCo with in 10 days of the adoption of the commission's resolution making determinations regarding the proposal.

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CALAFCO is now accepting legislative proposals to improve or clarify the Cortese-Knox-Hertzberg Act or related laws. To be considered, proposals must provide benefit or assistance to the mission and policy principles of CALAFCO.

Requesting agencies are expected to provide sufficient explanation for proposals to allow a full and informed consideration by the CALAFCO Legislative Committee. Please complete the form beginning on page 2 and return by the submission deadline below.

Proposals are due by 5:00 P.M., THURSDAY, JULY 20, 2023

Proposals for the Omnibus Bill must be non-controversial in nature (minor non-substantive changes or technical corrections, which have no opposition.)

(Please note that these are the criteria of the Assembly Local Government Committee. Proposals that do not adhere to these criteria cannot be considered for the Omnibus.)

Please complete the form that starts on the next page and return it with your proposal in an underlined, strike-through version of the code section - not CKH Guide. (Underline new text and strike through any proposed deletions.)

Attach as a word document with track changes on and show the entirety of the section to be amended.

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

 X Omnibus _____ Stand-alone CALAFCO sponsored bill

If Omnibus, does it meet the criteria of being a minor non-substantive or technical change? (If no, do not submit the proposal as Omnibus)

YES X NO _____

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

YES _____ NO _____

If Yes, who is the legislator(s)?

PROPOSAL SUMMARY:

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

Code Section:
Government Code Section 56810

Proposed Language:

56810.

(a) (1) If the proposal includes the incorporation of a city, as defined in Section 56043, the commission shall determine the amount of property tax revenue to be exchanged by the affected local agency pursuant to this section and Section 56815.

(2) If the proposal includes the formation of a district, as defined in Section 2215 of the Revenue and Taxation Code, and if the applicant is seeking a share of the 1% (ad valorem of property taxes), the commission shall determine the amount of property tax to be exchanged by the affected local agency pursuant to this section.

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

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LAFCo Purpose and Authority 1.1 – Support legislation that enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq.

Please answer each of the following questions about this proposal.

1. LEGISLATIVE HISTORY.

What bill created the existing law? What problem did it solve?

Government Code Section 56810; Provides process and authority to LAFCo to determine the amount of property tax revenue to be exchanged by the affected local agency involving the formation of a new special district as defined in 56036; In determining the share of the ad valorem (1%) property taxes to be assigned to the newly formed special district, LAFCo is required to include a calculation of the net costs of each agency providing the service that the new special district will provide.

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

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

Current state law includes the process for LAFCOs to determine the amount of property tax revenues to be exchanged by the affected local agency involving the formation of a special district, and specifically requires LAFCO to perform a calculation of the net costs of each local agency to provide the service that would be provided by the new special district.

Los Angeles LAFCo, over the past four years, has received four applications initiating the formation of special districts. Although for two of these applications, the applicants have explicitly indicated that they are not seeking nor will accept a share of the ad valorem, LA LAFCo staff in compliance with Govt. Code §56810 has initiated the multiple requests to agencies to compile the financial information necessary to perform the statutory calculation. Additionally, for one application, the proposed territory includes multiple cities and the County, and staff has been challenged with securing responses from most of the agencies needed for their Commission to make the determination required by §56810. Hence, stalling the process for these applications.

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

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

The proposed and additional language to §56810 would maintain the authority and requirement for LAFCo to determine the property tax revenues to be exchanged for

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an affected agency for applications involving the formation of a special district whereby the affected agency is seeking a share of the 1%, while excluding this requirement of LAFCo if the applicant has indicated that the agency will not be seeking a share of the 1%.

4. ORGANIZATIONAL SUPPORT.

Which LAFCos support the proposal? What other stakeholders have expressed support for the proposal? What other stakeholders may be supportive of this proposal?

Issues with current language and proposed solution was shared on the EO ListServe and all responses were generally supportive. Potential support of other stakeholders has not been identified at this time.

5. ARGUMENTS IN SUPPORT.

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

Proposed language would facilitate the ability for LAFCOs to process applications involving a special district formation in a more efficient and timely manner. It would eliminate the burden of affected agencies in responding to LAFCO requests to provide fiscal data and LAFCo staff in reviewing the agency responses that ultimately may not be utilized by LAFCo if the applicant is not seeking property tax revenues in part to the potential formation of a district. In that case, LAFCO may efficiently make the determination that there will be a zero exchange of property tax revenue and continue to process the respective application in a timely manner.

LA LAFCo has received multiple applications involving formation of special district over past four years and processing of them by the Commission has been delayed due to a requirement of §56810 to perform a calculation of costs associated with the existing service provision by local agencies. The requirement of the Commission to make a determination involving property tax revenue for district formation procedures where the applicant is not seeking or will accept a share of the tax revenue is an unnecessary step in the process and not efficient use of LAFCO staff or affected agency resources.

6. ORGANIZATIONAL OPPOSITION.

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

No organizational opposition expressed or identified at this time.

7. ARGUMENTS IN OPPOSITION.

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

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None identified at this time.

8. CONTACT.

Who should we contact with questions about this proposal?

Paul Novak, Executive Officer
Los Angeles LAFCO
pnovak@lalafco.org
(626) 204-6500

9. PROPOSAL.

How should the proposal read?

Attach an underlined, strike-through version of the applicable code section (not the CKH Guide) as a word document with track changes on. (Underline new text and strike through any proposed deletions.)

See Attached.

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56810.

(a) (1) If the proposal includes the incorporation of a city, as defined in Section 56043, the commission shall determine the amount of property tax revenue to be exchanged by the affected local agency pursuant to this section and Section 56815.

(2) If the proposal includes the formation of a district, as defined in Section 2215 of the Revenue and Taxation Code, and if the applicant is seeking a share of the 1% (ad valorem of property taxes), the commission shall determine the amount of property tax to be exchanged by the affected local agency pursuant to this section.

Attachment D - PROPOSAL 4

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CALAFCO is now accepting legislative proposals to improve or clarify the Cortese-Knox-Hertzberg Act or related laws. To be considered, proposals must provide benefit or assistance to the mission and policy principles of CALAFCO.

Requesting agencies are expected to provide sufficient explanation for proposals to allow a full and informed consideration by the CALAFCO Legislative Committee. Please complete the form beginning on page 2 and return by the submission deadline below.

Proposals are due by 5:00 P.M., THURSDAY, JULY 20, 2023

Proposals for the Omnibus Bill must be non-controversial in nature (minor non-substantive changes or technical corrections, which have no opposition.)

(Please note that these are the criteria of the Assembly Local Government Committee. Proposals that do not adhere to these criteria cannot be considered for the Omnibus.)

Please complete the form that starts on the next page and return it with your proposal in an underlined, strike-through version of the code section - not CKH Guide. (Underline new text and strike through any proposed deletions.)

Attach as a word document with track changes on and show the entirety of the section to be amended.

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

Omnibus Stand-alone CALAFCO sponsored bill

If Omnibus, does it meet the criteria of being a minor non-substantive or technical change? (If no, do not submit the proposal as Omnibus)

YES NO

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

YES NO

If Yes, who is the legislator(s)?

PROPOSAL SUMMARY:

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

Below are the code sections that are affected by the changes being proposed through this Omnibus proposal. The specific language is attached separately:

Part 1. General

Chapter 2. Definitions

56082 (NEW DEFINITION OF ZONE)

Chapter 3. Introductory and General Provisions

56125

Part 3. Commission Proceedings for a Change of Organization or Reorganization

Chapter 6. Commission Decision

Article 2. Terms and Conditions

56886 (c)

56886 (e)

56886 (f)

56886.3

56890

Part 5. Terms and Conditions and Effects of a Change of Organization or Reorganization

Chapter 2. Effects of Annexation

57328

Chapter 3. Effect of Detachment

57354

Chapter 4. Effect of Consolidation

57502

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

1. LAFCO Purpose and Authority

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

Please answer each of the following questions about this proposal.

1. **LEGISLATIVE HISTORY.**

What bill created the existing law? What problem did it solve?

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

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

Improvement district is what older principal acts define an internal division within a district, i.e. County Water District Law (added in 1953), Municipal Water District Law (added in 1963), Water Conservation District Law (added in 1965), etc. Others, especially the newer principal acts or the ones that have been updated recently, define these internal divisions as “zones”, “service zones”, or “special zones”, i.e. Fire Protection District Law (revised statute 1987), CSD Law (revised 2006), CSA Law¹ (revised 2009), etc.

The 2006 CSD Law clearly outlines the change from improvement district to zone as identified in Government Code Section 61003(c), shown below (emphasis added):

61003. (a) This division provides the authority for the organization and powers of community services districts. This division succeeds the former Division 3 (commencing with Section 61000) as added by Chapter 1746 of the Statutes of 1955, as subsequently amended, and any of its statutory predecessors.

(b) Any community services district organized or reorganized pursuant to the former Division 3 or any of its statutory predecessors which was in existence on January 1, 2006, shall remain in existence as if it had been organized pursuant to this division.

*(c) **Any improvement district of a community services district** formed pursuant to the former Chapter 5 (commencing with Section 61710) of the former Part 5 or any of its statutory predecessors which was in existence on January 1, 2006, **shall be deemed to be a zone** as if it had been formed pursuant to Chapter 5 (commencing with Section 61140) of Part 3.*

¹ The 1953 CSA Law also alluded to these as “improvement areas” (the former §25210.81, the former §25210.85, and the former §25210.86) and some counties refer to them as “improvement zones”.

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Below are some of the common principal acts and how they define/describe these internal divisions (**bold** text are ones that are referred to as something else other than improvement district or zone):

Sanitation District Law – “**Special Zones** or Zones” (Health and Safety Code 4850 – 4858; Article 9, added by Stats. 1968)

Fire Protection District Law – “**Service Zones** or Zones” (Health and Safety Code 13950 – 13956; Chapter 10, added by Stats. 1987)

Mosquito and Vector Control Districts – “Zones” (Health and Safety Code 2090-2093; Article 8, added by Stats. 2002)

County Water District – “Improvement Districts” (Water Code 31575 – 31579; Chapter 4, added by Stats. 1953)

Municipal Water District – “Improvement Districts” (Water Code 71852 – 72089.5; Part 7 [Bonds] and Part 8 [Formation of Improvement Districts for Purposes Other Than Issuance of Bonds], added by Stats 1963; Part 8.5 [Exclusion of Territory from Improvement Districts], added by Stats. 1978)

Public Cemetery Districts – “Zones” (Health and Safety Code 9090 – 9093; Chapter 8, added by Stats. 2003)

Recreation and Park District – “Zones” (Public Resources Code 5791 - 5791.7; Article 12, added by Stats. 2001)

Resource Conservation District – “Improvement Districts” (Public Resources Code 9801-9924; Chapter 10, added by Stats. 1975)

Water Conservation District – “Improvement District” “**Special Improvement District**” “**Benefit Assessment Improvement District**” (Water Code 75000 – 75231; Part 7; added by Stats. 1965).

Community Services District – “Zones” (Government Code 61140 – 61226.5; Chapter 5, added by Stats 2005)

County Service Areas – “Zones” (Government Code 25217 – 25217.4; Article 8, added by Stats 2008)

Nonetheless, these internal divisions have different terms depending on the principal act but they are generally either called an “improvement district” or a “zone”. However, CKH does not clearly correlate both as the same and the provisions in the Act only refer to them as improvement districts.

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3. **SOLUTION. The proposal would address the problem in the following manner:** Describe *how* the problem would be resolved through this proposal and why this is the best fix for the problem. Include previous proposals or solutions that did not work and why they were not successful as a way to strengthen this position.

The two general references for an internal division of a district is either referred to as an “improvement district” or a “zone”.

Therefore, the primary change being proposed through this Omnibus proposal is to always include “zone” whenever the language in the Act is referring to an “improvement district”.

Note: To ensure language consistency, the words “improvement districts or” is being added within subsection 56886 (f).

The additional change being proposed through this Omnibus proposal is to have a new definition of the word “zone.” Since the word zone can be found in other sections of CKH that mean other things not associated with internal divisions of a district, the word “zone” will be defined for specific sections of CKH that are affected by this new definition, which are Sections 56125, 56886, 56886.3, 56890, 57328, 57354 and 57502. The new definition will also include similar language from existing principal acts.

Below are a few examples on how improvement district or zone is defined within existing principal acts (underlined language is what is being used to define “zone” in CKH):

Improvement district is defined in the Water Code:

Section 36411. Improvement districts consisting of contiguous or noncontiguous portions of the territory of a district may be formed within a district and bonds and warrants of the district may be issued for such improvement districts as provided in this chapter.

Zones are defined in the newer principal acts (i.e. Fire Protection District Law, Public Cemetery District Law, Mosquito and Vector Control District Law, Recreation and Park District Law, etc.) as:

“...determines that it is in the public interest to provide different services, to provide different levels of service, or to raise additional revenues within specific areas of the district, it may form one or more zones...”

CSD rewrite includes the phrase “provide different facilities” in its definition:

“Whenever a board of directors determines that it is in the public interest to provide different services, provide different levels of service, provide different facilities, or raise additional revenues within specific areas of the district, it may form one or more zones pursuant to this chapter.”

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And CSA rewrite includes the word “authorized” in two places in its definition:

“Whenever the board determines that it is in the public interest to provide different authorized services, provide different levels of service, provide different authorized facilities, or raise additional revenues within specific areas of a county service area, it may form one or more zones pursuant to this article.”

Defining the word “zone” by incorporating a combination of these existing definitions should not be considered a substantial change since it is merely mirroring existing language from existing law.

4. ORGANIZATIONAL SUPPORT.

Which LAFCos support the proposal? What other stakeholders have expressed support for the proposal? What other stakeholders may be supportive of this proposal?

None at this time. Unknown about stakeholder support.

5. ARGUMENTS IN SUPPORT.

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

Some of the provisions in CKH that call-out improvement districts can be construed as only relating to or referring to improvement districts when, in fact, it should apply to all other internal divisions of a district whether it is referred to as an improvement district, a special improvement district, a zone, a service zone, a special zone, etc.

6. ORGANIZATIONAL OPPOSITION.

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

Unknown at this time.

7. ARGUMENTS IN OPPOSITION.

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

One would argue that an improvement district and a zone are not one and the same. Again, by definition, an improvement district and a zone are both internal divisions of a district.

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In some instances, zones are referred to as a “Service Zone” (see Fire Protection District Law) and one can argue that a “service” is different from an “improvement”. It does not matter what purpose an improvement district or a zone is formed for – whether it is to isolate revenues specific to an area within the district, raise additional revenues to provide a different level of service, or whether it is to fund facilities or improvements to serve a portion of a district, these are still internal divisions of a district -- be it an improvement district, a special improvement district, a special zone, a service zone, or simply a zone.

8. CONTACT.

Who should we contact with questions about this proposal?

Samuel Martinez, Executive Officer
San Bernardino LAFCO
1170 W. Third Street, Unit 150
San Bernardino, CA 92415-0490

Phone: (909)388-0480
Email: smartinez@lafco.sbcounty.gov

9. PROPOSAL.

How should the proposal read?

Attach an underlined, strike-through version of the applicable code section (not the CKH Guide) as a word document with track changes on. (Underline new text and strike through any proposed deletions.)

See attached.

Proposed Changes in ~~Strike-through~~/Underlined Version

PART 1. GENERAL

CHAPTER 2. DEFINITIONS

56082. "Zone" as provided in Sections 56125, 56886, 56886.3, 56890, 57328, 57354 and 57502 means an area consisting of contiguous or noncontiguous portions of the territory of a district to provide different authorized services, provide different levels of service, provide different authorized facilities, or raise additional revenues within specific areas of the district.

PART 1. GENERAL

CHAPTER 3. INTRODUCTORY AND GENERAL PROVISIONS

56125. If any reorganization provides for the formation of any new district or districts, the district or districts shall be deemed to have been formed upon compliance with the procedure and provisions of this division relating to reorganization. If the terms and conditions of any change of organization or reorganization provide for the formation of an improvement district or zone, or for the annexation of territory to, or detachment of territory from, an existing improvement district or zone, that formation, annexation, or detachment shall be deemed to have been completed upon compliance with the procedure and provisions of this division relating to a change of organization or a reorganization. In any proceeding for a change of organization or a reorganization providing for territory to be formed into, or annexed to, or detached from, an improvement district or zone, the clerk of the county or of the district, as the case may be, shall give mailed notice of hearing on the proposed change of organization or reorganization to all landowners owning land within the territory. No further or separate proceedings need be taken for the formation of any improvement district or zone, or for the annexation of territory to, or detachment of territory from, the existing improvement district or zone. To that extent only, this division shall govern and provide the exclusive procedure for the formation of any such improvement district or zone, or for the annexation of territory to, or detachment of territory from, an existing improvement district or zone and the provisions of the principal act relating to the formation of an improvement district or zone, or for the annexation of territory to, or detachment of territory from, an existing improvement district or zone shall have no application.

PART 3. COMMISSION PROCEEDINGS FOR A CHANGE OF ORGANIZATION OR REORGANIZATION

CHAPTER 6. COMMISSION DECISION

Article 2. Terms and Conditions

56886 (c) The imposition, exemption, transfer, division, or apportionment, as among any affected cities, affected counties, affected districts, and affected territory of liability for payment of all or any part of principal, interest, and any other amounts which shall become due on account of all or any part of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of any city, county, district, or any improvement district [or zone](#) within a local agency, and the levying or fixing and the collection of any (1) taxes or assessments, or (2) service charges, rentals, or rates, or (3) both taxes or assessments and service charges, rentals, or rates, in the same manner as provided in the original authorization of the bonds and in the amount necessary to provide for that payment.

56886 (e) The formation of a new improvement district [or zone](#) or districts or the annexation or detachment of territory to, or from, any existing improvement district [or zone](#) or districts.

56886 (f) The incurring of new indebtedness or liability by, or on behalf of, all or any part of any local agency, including territory being annexed to any local agency, or of any existing or proposed new improvement district [or zone](#) within that local agency. The new indebtedness may be the obligation solely of territory to be annexed if the local agency has the authority to establish [improvement districts or zones](#) for incurring indebtedness. The indebtedness or liability shall be incurred substantially in accordance with the laws otherwise applicable to the local agency.

56886.3. If the terms and conditions of any change of organization provide for the formation of a new improvement district [or zone](#), or the annexation or detachment of territory to, or from, an existing improvement district [or zone](#), the commission shall do all of the following:

(a) Exclude any lands proposed to be formed into, or to be annexed to, the improvement district [or zone](#) which the commission finds will not be benefited by becoming a part of the improvement district [or zone](#).

(b) Exclude any lands proposed to be detached from an improvement district [or zone](#) which the commission finds will be benefited by remaining a part of the improvement district [or zone](#).

56890. Any of the terms and conditions authorized by Section 56886 may be made applicable to all or any part of any city or district or any improvement district [or zone](#) within that local agency or any territory annexed to, or detached from, any city or district or improvement district [or zone](#) within that local agency.

PART 5. TERMS AND CONDITIONS AND EFFECT OF A CHANGE OF ORGANIZATION OR REORGANIZATION

CHAPTER 2. EFFECT OF ANNEXATION

57328. Any territory annexed to a city or district shall be liable for payment of principal, interest, and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of the city or district, but not of any improvement district [or zone](#) within the district. It shall be subject to the levying or fixing and collection of any of the following which may be necessary to provide for that payment:

- (a) Taxes or assessments
- (b) Service charges, rentals, or rates.
- (c) Both taxes or assessments and service charges, rentals, or rates.

CHAPTER 3. EFFECT OF DETACHMENT

57354. Any territory detached from a city or district shall continue to be liable for the payment of principal, interest, and any other amounts which become due on account of any bonds, including revenue bonds, or other contracts or obligations of the district and any improvement district [or zone](#) within which the detached territory has been situated, as are outstanding on the effective date of detachment. It shall be subject to the levying or fixing and collection of any of the following which may be necessary to provide for that payment:

- (a) Taxes or assessments.
- (b) Service charges, rentals, or rates.
- (c) Both taxes or assessments and service charges, rentals, or rates.

CHAPTER 8. EFFECT OF CONSOLIDATION

57502. The territory of a consolidated district shall be liable for payment of principal, interest, and any other amounts which become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of all predecessor districts, and are subject to the levying or fixing and collection of any of the following which may be necessary to provide for payment:

- (a) Taxes or assessments.
- (b) Service charges, rentals, or rates.
- (c) Both taxes or assessments and service charges, rentals, or rates. However, only the territory within an improvement district [or zone](#) shall be liable for any payment required on account of any bonds, including revenue bonds, or other contracts previously authorized or issued by, or on behalf of, the improvement district [or zone](#).

2024 Omnibus Bill Items Tracking Log

Item No.	Person(s) Responsible	Government Code Section/ Proposed Change(s)	Actions	Due Date	Status
1	Rob Bartoli (San Mateo)	<p><u>Current:</u> Government Code Sections 56861 and 56862 refer to a "proposal"; CKH Act defines the difference between "applications" under GCS 56017.2 and "proposals" under GCS 56069</p> <p><u>Proposed:</u> Replace "proposals" with "applications" within Government Code Sections 56861 and 56862</p>	Consideration by Leg Committee on 7/28		Currently being Reviewed
2	Rob Bartoli (San Mateo)	<p><u>Current:</u> Government Code Section 57002(b): "Where the proceeding is for the establishment of a district as a subsidiary district of a city, upon the request of the affected district, the date of the hearing shall be at least 90 days, but no more than 135 days, from the date the notice is given."</p> <p><u>Proposed:</u> Add language to GCS 57002(b) establishing a timing requirement when requesting a protest period extension, as shown below:</p> <p>"Government Code Section 57002(b): Where the proceeding is for the establishment of a district as a subsidiary district of a city and where the affected district has not consented to the proposal, upon the request of the affected district, the date of the hearing shall be at least 90 days, but no more than 135 days, from the date the notice is given. The request shall be submitted to LAFCo within 10 days of the adoption of the commission's resolution making determinations regarding the proposal."</p>	Consideration by Leg Committee on 7/28		Currently being Reviewed

CALAFCO
LEGISLATIVE PROPOSAL REQUEST
2023-2024 Legislative Year

CALAFCO will consider any proposals for improving or clarifying the Cortese-Knox-Hertzberg Act or related laws when it can be shown to provide benefit or assistance to the Mission and policy principles of CALAFCO. Requesting agencies are expected to provide sufficient explanation for proposals in order for the CALAFCO Legislative Committee to consider the proposal. Please complete the following questions as thoroughly as possible.

IS THIS AN ITEM FOR THE OMNIBUS BILL OR A STAND-ALONE BILL TO BE SPONSORED BY CALAFCO?

Omnibus Stand-alone CALAFCO Sponsored

PROPOSAL SUMMARY:

What Code Section (s) and specific language are proposed for change?
Provide in redline/strikeout format where possible.

56886(n) see Attachment A

Which CALAFCO Board-adopted legislative policy or priority does this proposal address?

Policies 1.1,1.4,1.5,5.2 and 5.5. It is particularly supportive of Policy 1.5 as it would give LAFCo the authority to set special composition of districts which is the most common justification for special legislation that circumvents LAFCo

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

The Legislature has increasingly approved special legislation to create special districts in a manner that circumvents LAFCo authority. A recent example was an Open Space District in Solano County. The strongest justification given for using special legislation rather than going through LAFCo was that the Legislature can specially design the board composition, and include representatives from other local agencies. That is what happened in the 2017 Solano Open Space District legislation SB 365 where it authorized the Board of Supervisors to sit as ex officio as the board of the Open Space District, with an option to replace them in 10 years with a directly elected board.

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

Amend 56886(n) to give LAFCo broader power to set the composition of new or consolidating special districts. This would give LAFCo the tool it needs to structure district governance without the need for special legislation to authorize special board composition. The Legislature has given LAFCo the authority to override the principal acts of districts in many other areas. Why not as to board composition as well?

3. ORGANIZATIONAL SUPPORT.

Besides CALAFCO, which LAFCos support the proposal? What other stakeholders may support the proposal?

I would hope that most LAFCo's would support this addition to their toolbox. .CSAC and League of Cities should be supportive because it would make it easier to form districts that provide for BOS and City Council representatives on the district boards.

4. ARGUMENTS IN SUPPORT.

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

There are many situations where there may be a need to form or expand a district to to provide a service within the territory of cities and other agencies. Such formation or expansion would be far more likely to be accepted, if the other agency is authorized to have a representative on the District board to represent the interests of that agency within the District.

Example: In Butte County there is a highly professional County Mosquito Abatement District but two smaller districts within two of the cities with much more limited services. Consolidation would greatly enhance public health and safety but has been opposed because of the concern about loss of local control. If LAFCo could authorize a seat on the County MAD for a member of the City Council after consolidation, this would greatly reduce the political opposition to rationalizing service delivery.

5. ORGANIZATIONAL OPPOSITION.

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

Some Districts may be concerned about granting LAFCo such broad authority to alter the composition authorized under the principal acts of such agencies.

6. ARGUMENTS IN OPPOSITION.

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

Delegates to a local agency the legislative power to override the principal acts of the special districts. May infringe on the one-person one-vote principal by seating representatives of other agencies, giving their voters disproportionate influence on the District Board.

Counter Arguments: The Legislature created LAFCo for the purpose of providing local legislative decision making on local agency organization and delegated its legislative authority to organize such agencies to LAFCo for that purpose. This amendment would simply give LAFCo one more tool from the Legislative toolbox to enhance its power to reorganize local agencies and reduce the work load on the Legislature. It would still limit district board membership to elected officials so that the electorate will always be represented.

The Legislature regularly creates special board composition. If doing so infringed on the constitutional right of one person one vote, then it would have been stopped by the Courts long ago. If the Legislature has the authority, it can delegate that authority to LAFCo.

7. CONTACT.

For information please contact:

P. Scott Browne
scott@scottbrowne.com

List attachments:

EXHIBIT A 568886(n) Amendment Language

Pamela Miller
Executive Director
CALAFCO
1215 K Street, Suite 1650
Sacramento, CA 95814-3945
pmiller@calafco.org

Legislative Proposal to Empower LAFCo's to Set Special District Board Composition

Amend §56886(n) to read as follows:

56886. Any change of organization or reorganization may provide for, or be made subject to one or more of, the following terms and conditions. If a change of organization or reorganization is made subject to one or more of the following terms and conditions in the commission's resolution making determinations, the terms and conditions imposed shall prevail in the event of a conflict between a specific term and condition authorized pursuant to this section and any of the general provisions of Part 5 (commencing with Section 57300). However, none of the following terms and conditions shall directly regulate land use, property development, or subdivision requirements:

(n) ~~The designation of (1) the method for the selection of members of the legislative body of a district or (2) the number of those members, or (3) both, where the proceedings are for a consolidation, or a reorganization providing for a consolidation or formation of a new district and the principal act provides for alternative methods of that selection or for varying numbers of those members, or both. Notwithstanding any provision of the principal act of an agency to the contrary, the Commission may authorize creation of legislative body positions to be filled ex officio by members of the legislative bodies of other affected local agencies where it makes a finding that such composition of the legislative body will enhance the functioning and public accountability of the agency.~~

CALAFCO List of Current Bills 7/21/2023

[AB 530](#) (Boerner D) Vehicles: electric bicycles.

Current Text: Amended: 7/13/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amend: 7/13/2023

Status: 7/13/2023-From committee chair, with author's amendments: Amend, and re-refer to Com. on RLS. Read second time and amended.

Location: 6/8/2023-A. RLS.

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

Summary: Would prohibit a person under 12 years of age from operating an electric bicycle of any class. The bill would state the intent of the Legislature to create an e-bike license program with an online written test and a state-issued photo identification for those persons without a valid driver's license, prohibit persons under 12 years of age from riding e-bikes, and create a stakeholders working group composed of the Department of Motor Vehicles, the Department of the California Highway Patrol, the Transportation Agency, bicycle groups, policy and fiscal staff, and other relevant stakeholders to work on recommendations to establish an e-bike training program and license. Because the bill would prohibit certain persons from riding electric bicycles, the violation of which would be a crime, the bill would impose a state-mandated local program.

Position

Subject

Water

CALAFCO Comments: As introduced, this bill was relative to greenhouse emissions. However, it was gutted and amended on 5/15/2023 and now addresses county water authorities.

Under existing law, the governing body of any public agency has an option (phrased as a "may") to submit to the voters any proposition to exclude the corporate area of that public agency from a county water authority. This bill would add the procedures under which that optional election would be conducted. Specifically, notice would be required in the manner already defined within subdivision (c) of Section 10. The election would be conducted and returns canvassed as provided by law for the elections in the public agency, and a majority of electors within county water authority territory would be needed for passage. The new procedure would also require that these elections will be separate elections but may run with another election.

On 6/16/2023, this topic was transitioned to AB 399 through the gut and amend process. Amendments of 7/13/2023 make this bill now relative to electric bicycles which is not a concern to CALAFCO. Position updated to -None-.

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

Current Text: Amended: 4/17/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amend: 4/17/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/2/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	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. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the term "managed wetland."

Position

Subject

None at this time

Water

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

4/17/2023: Amended to define agencies and entities required or excluded from existing 10726.4 (a)

(4). Amends Water Code section 10730.2 to add language regarding fees, and amends Water Code section 10733 to address groundwater sustainability plans.
Failed to make April policy committee deadline and now cannot be acted upon until January 2024.

AB 930

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

Current Text: Amended: 4/26/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amend: 4/26/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/25/2023) (May be acted upon Jan 2024)

Location: 5/19/2023-A. 2 YEAR

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

Summary: Current law authorizes certain local agencies to form a community revitalization authority within a community revitalization and investment area, as defined, and authorizes an authority to, among other things, provide for low- and moderate-income housing and issue bonds, as provided. Current law authorizes a community revitalization and investment plan to provide for the division of taxes within the plan area. This bill would authorize the legislative bodies of 2 or more cities or counties to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would authorize a special district to join a RISE district, by resolution, as specified.

Position

Neutral

Subject

Special District
Principle Acts

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

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

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 1460

(Bennett D) Local government.

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

Introduced: 2/17/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023) (May be acted upon Jan 2024)

Location: 5/5/2023-A. 2 YEAR

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

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

Position

Neutral

Subject

CKH General
Procedures,
Other

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

3/24/2023: No change since introduction.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 1637

(Irwin D) Local government: internet websites and email addresses.

Current Text: Amended: 6/29/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amend: 6/29/2023

Status: 7/10/2023-In committee: Referred to APPR. suspense file.

Location: 7/10/2023-S. APPR. SUSPENSE FILE

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

Summary: Would, no later than January 1, 2029, require a local agency, as defined, that maintains an

internet website for use by the public to ensure that the internet website utilizes a ".gov" top-level domain or a ".ca.gov" second-level domain and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a ".gov" or ".ca.gov" domain. This bill, no later than January 1, 2029, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a ".gov" domain name or a ".ca.gov" domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

Position
Watch

Subject
LAFCo
Administration

CALAFCO Comments: As introduced, this bill would have required LAFCOs who do not already have website domains ending with the ".gov" extension to transition to it no later than January 1, 2027. This bill was not considered as having a broad impact on LAFCOs given that 12 of them already use the .gov extension.

5/18/2023: The bill was amended and is not longer applicable to LAFCOs as its definition of a local agency has been narrowly defined to only cities and counties. However, we are continue our Watch position to monitor for potential changes.

SB 768

(Caballero D) California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.

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

Introduced: 2/17/2023

Last Amend: 3/22/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/29/2023) (May be acted upon Jan 2024)

Location: 4/28/2023-S. 2 YEAR

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

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

Position
Neutral

Subject
CEQA

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

3/22/2023: The bill was amended and would add language into the Public Resource Code to provide that a public agency, in approving or carrying out certain types of projects, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

SB 865

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

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

Introduced: 2/17/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/1/2023) (May be acted upon Jan 2024)

Location: 4/28/2023-S. 2 YEAR

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

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

Position
Neutral

Subject
Annexation
Proceedings

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

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

2

AB 68

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

Current Text: Amended: 4/12/2023 [html](#) [pdf](#)

Introduced: 12/8/2022

Last Amend: 4/12/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 3/16/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

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

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

Position
Watch

Subject
Planning

CALAFCO Comments: This bill was introduced as a spot holder in December, 2022, then was gutted and amended on March 16, 2023.

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

3/31/2023: Watch position taken by Leg Committee.

4/21/2023: CALAFCO received word from the Assembly Housing and Community Development Committee, that this bill will not be heard this year.

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

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 918

(Garcia D) Health care district: County of Imperial.

Current Text: Amended: 7/13/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amend: 7/13/2023

Status: 7/13/2023-From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (July 12). Read second time and amended. Re-referred to Com. on APPR.

Location: 7/13/2023-S. APPR.

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

Calendar: 8/14/2023 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, ANTHONY, Chair

Summary: The Local Health Care District Law authorizes the organization and incorporation of local health care districts and specifies the powers of those districts, including, among other things, the power to establish, maintain, and operate, or provide assistance in the operation of, one or more health facilities or health services, including, but not limited to, outpatient programs, services, and facilities; retirement programs, services, and facilities; chemical dependency programs, services, and facilities; or other health care programs, services, and facilities and activities at any location within or without the district for the benefit of the district and the people served by the district. This bill would form a local health care district in the County of Imperial, designated as the Imperial Valley Healthcare District, that includes all of the County of Imperial. The bill would require the initial board of directors of the Imperial Valley Healthcare District to be appointed from and by specified bodies, including among others, the Imperial County Board of Supervisors, the Pioneers Memorial Healthcare District Board of Directors, and the Heffernan Memorial Healthcare District Board of Directors. The bill would require the initial board of directors to recommend a permanent funding source mechanism to be presented to and approved by voters via ballot measure. The bill would require the initial board of directors to enter negotiations with El Centro Regional Medical Center to decide the terms of the acquisition of the hospital. The bill would require the board of directors to finalize the terms of the acquisition by November 5, 2024. The bill would require the City of El Centro to negotiate in good faith with the Imperial Valley Healthcare District. The bill would require the board of directors to hold a minimum of 3 public meetings between the effective date of the bill and January 1, 2025, as specified. The bill would require the board of directors to recommend to the Imperial County Local Agency Formation Commission (LAFCO) dates for the dissolutions of the Pioneers Memorial Healthcare District and Heffernan Memorial Healthcare District and would authorize the board to recommend separate dates for each district's dissolution. The bill would require, by January 1, 2025, the Imperial County LAFCO to dissolve the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District and would transfer the assets, rights, and responsibilities of the dissolved districts to the Imperial Valley Healthcare District.

Position

Oppose

Subject

Other

CALAFCO Comments: As introduced, this bill was merely a spotholder that stated an intent to create a countywide healthcare district in Imperial County.

March 23, 2023, the bill was amended with specifics. It now seeks to rename the Pioneer Memorial Healthcare District to the Imperial County Healthcare District (ICHHD) and then sets up what, in essence, is a ministerial process for the countywide expansion of the ICHD. The expansion process is first initiated by the ICHD Resolution of Application, which is required to be filed with LAFCo no later than January 5, 2024. The LAFCo then has 150 days to complete the entire process, including the vote. Protest proceedings for that expansion would be waived under this bill. The bill also does not allow the LAFCo to deny the application. The bill also notes that future changes of organization or reorganization of the resulting districts would need to follow the normal provisions of CKH. A copy of CALAFCO's letter in opposition can be found in the attachments section.

4/17/2023: the bill was amended to entirely remove LAFCo involvement. CALAFCO's second letter of opposition that addresses this amended version can be found in the attachments section.

5/15/2023: The bill was amended again with a return of LAFCo into the process. However, it does again require LAFCo approval. As amended, the bill would rename the Pioneers Memorial Healthcare District to the Imperial Valley Healthcare District, then authorizes the expansion of the newly formed Imperial Valley Healthcare District to include all of the County of Imperial. As before, the bill requires the newly formed district to submit a resolution of application to the Imperial County LAFCo to initiate proceedings to expand the district, then requires the commission to order the expansion subject to a vote of the registered voters within the territory to be annexed. The bill provides for expansion of the district upon voter approval and providing that a funding source is also approved, if necessary. If expansion is approved, the Heffernan Memorial Healthcare District would transfer its assets, rights, and responsibilities to the Imperial Valley Healthcare District. The bill goes on to address other housekeeping issue such as the composition of the newly formed district board of directors.

7/12/2023, the bill was approved by the Senate Governance and Finance Committee, with the support of Imperial LAFCo.

Position change to Neutral will be recommended to the Legislative Committee on 7/28/2023.

Senate Appropriations hearing set for August 14, 2023.

SB 360

(Blakespear D) California Coastal Commission: member voting.

Current Text: Enrollment: 7/11/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amend: 6/14/2023

Status: 7/11/2023-Enrolled and presented to the Governor at 11 a.m.

Location: 7/11/2023-S. ENROLLED

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

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

Position

Support

Subject

Other

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

3/24/2023: No change since introduction.

3/31/2023: Position changed to support. The Fact Sheet and a copy of CALAFCO's Support letter can be found in the attachments.

After two minor amendments, the bill was passed on 7/6/2023, Enrolled and presented to the Governor for signature at 11 a.m. on 07/11/2023.

3

AB 399

(Boerner D) Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure.

Current Text: Amended: 6/14/2023 [html](#) [pdf](#)

Introduced: 2/2/2023

Last Amend: 6/14/2023

Status: 7/13/2023-From committee: Amend, and do pass as amended. (Ayes 5. Noes 3.) (July 12).

Location: 6/21/2023-S. GOV. & F.

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

Summary: The County Water Authority Act provides 2 methods of excluding territory from any county water authority, one of which is that a public agency whose corporate area as a unit is part of a county water authority may obtain exclusion of the area by submitting to the electors within the public agency, at any general or special election, the proposition of excluding the public agency's corporate area from the county water authority. Current law requires that, if a majority of the electors approve the proposition, specified actions take place to implement the exclusion. This bill, the Water Ratepayers Protections Act of 2023, would additionally require the public entity to submit the proposition of excluding the public agency's corporate area from the county water authority to the electors within the territory of the county water authority. The bill would require the 2 elections to be separate; however, the bill would authorize both elections to run concurrently. The bill would require a majority vote for withdrawal in both elections for the withdrawal of the public agency from the territory of the county water authority. This bill would declare that it is to take effect immediately as an urgency statute.

Position

Oppose

Subject

Detachment Proceedings

CALAFCO Comments: AB 399 was previously AB 530, which did not pass out of policy committee before deadlines.

AB 399, originally addressed the Vehicle Code but was gutted and amended on 6/14/2023 to become: the Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure. A fast moving bill, this is proceeding as an urgency bill which would take effect upon passage. The action is being undertaken to counter two detachments that have been approved by the San Diego LAFCo, subject to exit fees.

Under the uncodified County Water Authority Act of 1943, detachment proceedings require a vote of the residents in the detaching district. This bill seeks to add a second vote among the larger

population of the full county water authority. While the vote among the residents of the detaching district is essentially consistent with LAFCo laws, requiring a second vote among the larger population of the entire water authority is not. AB 399 would set many precedents including: legislative "fixes" for contested LAFCo decisions; the ability of the legislature to unilaterally change the exit terms for multi-government consortiums after entities join; and the permissibility of requiring double votes on matters.

Staff met with the author on 7/11/2023 who remained steadfast on the bill. The bill was heard the next day (7/12/23) by the Senate Gov & Finance Committee where CALAFCO provided lead opposition. The bill passed by a 5-3 vote and is now headed to the Senate floor for consideration sometime after the summer recess. If AB 399 passes there, it will return to the Assembly. It is unclear at this time whether it would be immediately scheduled for Assembly concurrence, or before the ALGC.

The author's Fact Sheet, as well as CALAFCO's letter in opposition, can be found in the attachments section.

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

Current Text: Amended: 6/19/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amend: 6/19/2023

Status: 6/29/2023-Read second time. Ordered to third reading.

Location: 6/29/2023-S. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	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 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 revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect. Specifically, the bill would extend indefinitely that authority in the circumstances under which the legislative body either (1) meets for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (2) has previously made that determination.

Position

Watch

Subject

Brown Act

CALAFCO Comments: Similar in scope to SB 411, this bill is follow-on legislation to AB 361 (2022) and seeks to return some of the pandemic-era teleconferencing provisions to the Brown Act and would change the timeline for legislative bodies to reaffirm an emergency from the current 30 days to 45 days. This bill is sponsored by CSDA.

AB 805 (Arambula D) Drinking water consolidation: sewer service.

Current Text: Amended: 3/9/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amend: 3/9/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-A. 2 YEAR

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

Summary: Would authorize the State Water Resources Control Board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities, including, but not limited to, consulting with the relevant regional water board and the receiving water system and conducting outreach to ratepayers and residents served by the receiving and subsumed water systems, as provided.

Position

Watch With Concerns

Subject

Water

CALAFCO Comments: This bill would authorize the state board, if sufficient funds are available, to

order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities. Under existing section (b)(3) LAFcos must be consulted and their input considered in regards to the provision of water service but sewer systems seem to be lacking.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 817

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

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

Introduced: 2/13/2023

Last Amend: 3/16/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/16/2023) (May be acted upon Jan 2024)

Location: 5/5/2023-A. 2 YEAR

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

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

Position

Watch

Subject

Brown Act

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

3/16/2023: The bill was amended to speak specifically to teleconferenced meetings of subsidiary bodies, defined as a body that serves exclusively in an advisory capacity, and is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements. For qualifying bodies, this bill would remove the requirement to post an agenda at the location of the subsidiary body member who was participating from off site- providing that the legislative body that formed the subsidiary body has previously made findings noting that teleconferenced meetings of the subsidiary body would enhance public access, and would promote the attractions, retention and diversity of the subsidiary body. The superior legislative body would need to revisit the matter and repeat those finding every 12 months thereafter. This bill also reaffirms that other provisions of the Brown Act are applicable to subsidiary bodies.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 1379

(Papan D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 3/23/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amend: 3/23/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/23/2023) (May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	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 be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. This bill, with respect to those general provisions on teleconferencing, would require a legislative body electing to use teleconferencing to instead post agendas at a singular designated physical meeting location, as defined, rather than at all teleconference locations. The bill would remove the requirements for the legislative body of the local agency to identify each teleconference location in the notice and agenda, that each teleconference location be accessible to the public, and that at least a quorum of the members participate from locations within the boundaries of the territory over which the local agency

exercises jurisdiction.

Position
Watch

Subject
Brown Act

CALAFCO Comments: Originally introduced as a spotholder to address "Local agencies: financial affairs", this bill was gutted and amended on March 23, 2023, and now seeks amendment of the Brown Act's teleconferencing provisions. If successful, GC Section 54953 (b)(3) would be amended to remove the requirement to post agendas for teleconferenced meetings at all locations, and would instead limit the posting to a newly defined "singular designated physical meeting location", which is required to have either two-way audiovisual capabilities, or two-way telephone service for the public to remotely hear and address the body. Additionally, the body would have to hold at least two meetings in person each year.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 1753

(Committee on Local Government) Local government: reorganization.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)

Introduced: 3/2/2023

Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 25, Statutes of 2023.

Location: 6/29/2023-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 sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. The act requires a petitioner or legislative body desiring to initiate proceedings for a change of organization or reorganization to submit an application to the executive officer of the principal county. The act specifies when an application is complete and acceptable for filing, and requires the executive officer to immediately issue a certificate of filing when an application is accepted for filing, as specified. Upon the filing of an application or a resolution pursuant to the act, but prior to the issuance of a certificate of filing, current law requires the executive officer to give notice of the filing to the assessor and auditor of each county within which the territory subject to the jurisdiction change is located, as specified. Current law prohibits the executive officer from issuing a certificate pursuant to the provisions described above until resolutions are adopted by specified counties and cities in which they agree to accept the exchange of property tax revenues. Current law authorizes a county and any local agency within the county to develop and adopt a master property tax transfer agreement, as specified. This bill would, if applicable, prohibit the executive officer from accepting for filing an application for change or organization or reorganization and issuing a certificate of filing pursuant to the provisions described above, and would provide that an application is not deemed accepted for filing pursuant to the provisions described above, if an agreement for the exchange of property tax revenues has not been adopted pursuant to the provisions described above.

Position
Support

Subject
CKH General Procedures

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

CALAFCO's letter of support can be found in the attachments.

SB 411

(Portantino D) Open meetings: teleconferences: neighborhood councils.

Current Text: Amended: 4/24/2023 [html](#) [pdf](#)

Introduced: 2/9/2023

Last Amend: 4/24/2023

Status: 7/13/2023-From committee: Do pass as amended. (Ayes 7. Noes 0.) (July 12).

Location: 5/26/2023-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	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, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each

teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill, until January 1, 2028, would authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define "eligible legislative body" for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act.

Position
Watch

Subject
Brown Act

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

4/24/2023: The bill was amended to make it specific to neighborhood councils and is no longer a concern for CALAFCO. However, we continue to monitor in case of changes.

SB 537

(Becker D) Open meetings: multijurisdictional, cross-county agencies: teleconferences.

Current Text: Amended: 4/24/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amend: 4/24/2023

Status: 7/18/2023-From committee: Do pass as amended. (Ayes 6. Noes 1.) (July 12).

Location: 6/15/2023-A. L. GOV.

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

Summary: Current law, under the Ralph M. Brown Act, requires that, during a teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

Position
Watch

Subject
Brown Act

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

3/22/2023: was amended and fleshed out to add teleconferencing provisions to allow legislative bodies of multijurisdictional agencies to meet remotely. Multijurisdictional agencies are defined as boards, commissions, or advisory bodies of a multijurisdictional, cross county agency, which is composed of appointed representatives from more than one county, city, city and county, special district, or a joint powers entity.

The bill is sponsored by Peninsula Clean Energy, a community choice aggregator with a board comprised of local elected officials from the County of San Mateo and its 20 cities, as well as the City of Los Banos.

4/24/2023: The bill was amended to further clarify definitions and the requirements needed for members of an eligible legislative body to meet remotely.

The bill passed Senate Judiciary on 5/2/23, and had its third reading in the Senate on 5/30/2023.
7/12/23: The bill passed the Assembly Local Government Committee.

SB 878

(Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 30, Statutes of 2023.

Location: 6/29/2023-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 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Position
Support

Subject
LAFCo
Administration

CALAFCO Comments: This is the first of three annual validating acts. The joint letter of support is in the attachments section.

Passed and approved by the Governor on 6/29/2023.

SB 879

(Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 31, Statutes of 2023.

Location: 6/29/2023-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 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Position
Support

Subject
LAFCo
Administration

CALAFCO Comments: This is one of three annual validating acts. The joint letter of support is in the attachments section.

Passed and approved by the Governor on 6/29/2023.

SB 880

(Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 32, Statutes of 2023.

Location: 6/29/2023-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 2023, 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 one of three annual validating acts. The joint letter of support is in the attachments section.

Passed and approved by the Governor on 6/29/2023.

Total Measures: 21
Total Tracking Forms: 21

CALAFCO Legislative Committee MEETING AGENDA

**Friday, August 25, 2023 ♦ 9:00 am – 12:00 pm
Virtual via Zoom**

<https://us02web.zoom.us/j/87959818041>

Phone: 669-900-6833

Passcode: 879 5981 8041

	<i>R. LaRoche</i>	<i>Page</i>
1. 9:00 A.M.: Convene and Roll Call	<i>R. LaRoche</i>	
2. Approval of Minutes of the July 28, 2023 meeting	<i>R. LaRoche</i>	3
3. Legislation affecting LAFCos	<i>R. LaRoche</i>	5
A. AB 399 (Boerner) County Water Authority Act: exclusion of territory.	<i>R. LaRoche</i>	11
B. AB 918 (Garcia) Health care district: Imperial (Oppose)	<i>R. LaRoche</i>	31
<u>BROWN ACT BILLS</u>		
C. AB 557 (Hart) Brown Act (Watch)	<i>R. LaRoche</i>	35
D. SB 411 (Portantino) Brown Act (Watch)	<i>R. LaRoche</i>	41
E. SB 537 (Becker) Brown Act (Watch)	<i>R. LaRoche</i>	45
<u>TWO-YEAR BILLS:</u>		
F. AB 68 (Ward) Land use: streamlined housing approvals Subdivision, and utility approvals. (Watch) – 2 Year	<i>R. LaRoche</i>	53
G. AB 805 (Arambula) Drinking water consolidation: sewer service sewer service – 2 Year	<i>R. LaRoche</i>	61
H. AB 817 (Pacheco) Brown Act (Watch) – 2 Year	<i>R. LaRoche</i>	67
I. AB 1379 (Papan) Brown Act (Watch) – 2 Year	<i>R. LaRoche</i>	71
4. Form an Ad Hoc Committee to Consider Quorum Requirements for Legislative Committee	<i>R. LaRoche</i>	83
5. Receive list of CALAFCO tracked bills	<i>R. LaRoche</i>	73
6. Good of the Order	<i>All</i>	
7. Items for Next Meeting	<i>All</i>	
8. Adjournment to November 3, 2023 at 9:00 a.m. – to be held virtually		

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CALAFCO Legislative Committee
DRAFT ACTION MEETING MINUTES

Date:	July 28, 2023
Location:	Held virtually
Present:	
BOARD MEMBERS:	
<input checked="" type="checkbox"/> CONNELLY , Bill (N)	<input checked="" type="checkbox"/> MacKENZIE , Jo (S)
<input checked="" type="checkbox"/> JONES , Gay (A/L)	<input type="checkbox"/> McGILL , Michael (Co)
<input type="checkbox"/> KELLEY , Michael (S, Alt)	<input checked="" type="checkbox"/> MOHLER , Margie (A/L, Alt)
	<input checked="" type="checkbox"/> PAQUE , Anita (Ce)
	<input type="checkbox"/> PARRA , Daniel (Ce, Alt)
	<input type="checkbox"/> ROOT ASKEW , Wendy (Co, Alt)
	<input type="checkbox"/> SUSMAN , Josh (N, Alt)
STAFF APPOINTMENTS:	
<input checked="" type="checkbox"/> ALSOP , Clark	<input checked="" type="checkbox"/> EMERY , Carolyn
<input type="checkbox"/> BELL , Gary	<input checked="" type="checkbox"/> LUCAS , Steve
<input checked="" type="checkbox"/> BRAMFITT , Mark (Sonoma)	<input checked="" type="checkbox"/> LaROCHE , René
<input checked="" type="checkbox"/> BROWNE , Scott	<input checked="" type="checkbox"/> LUOMA , Kai (Co, Ventura)
<input checked="" type="checkbox"/> de SOUSA , Paula	<input checked="" type="checkbox"/> LYTLE-PINHEY , Sara (Ce, Stanisl)
	<input checked="" type="checkbox"/> McINTYRE , Michelle (Ce, Alt, Placer)
	<input checked="" type="checkbox"/> ROMO , Adriana
	<input type="checkbox"/> SERRANO , Joe (Ce Alta, Santa Cruz)
	<input type="checkbox"/> STEPHENSON , Jennifer
	<input checked="" type="checkbox"/> THOMPSON , Gary
ADVISORY COMMITTEE:	
<input checked="" type="checkbox"/> CRAIG , Crystal	<input checked="" type="checkbox"/> SANCHEZ , Erica
<input type="checkbox"/> FITZROY , Rob	<input type="checkbox"/> SPAUNHURST , Brian
<input checked="" type="checkbox"/> MUMPOWER , Priscilla	<input checked="" type="checkbox"/> TAPIA , Luis
	<input checked="" type="checkbox"/> BRAVO , Tara
	<input checked="" type="checkbox"/> FENDER , Brandon
	<input type="checkbox"/> SIMON , Jim
GUESTS:	Rob Bartoli (San Mateo), Jonathan Brinkmann (Monterey), Amanda Castro (Orange), Paula Graf (Imperial), Sam Martinez (San Bernardino), Dawn Mittleman-Longoria (Napa), Mike Prater (Santa Barbara), Sofia Recalde (San Mateo), and Jeren Seibel (Marin.,
RECORDER:	René LaRoche

1. Welcome, Roll Call

9:23 AM: The meeting was called to order by René LaRoche with no quorum. The committee members discussed AB 399.

2. Meeting Convened

10:09 AM: A quorum was established and the meeting was convened.

3. Legislation affecting LAFcos

Under motion of Mohler, with a second by Jones, the committee unanimously approved an oppose position on AB 399 (Boerner) “County Water Authority Act: exclusion of territory”, and ratified the letter of opposition.

The committee also held a robust conversation around AB 918 (Garcia) “Health care district: Imperial” and took action upon motion of Paque, and second by MacKenzie, to change CALAFCO’s position from oppose to Watch. Further conversation ensued regarding CALAFCO’s role when a local

LAFCO holds the opposite position and the speed with which this bill has been changing. A second motion was made by Connelly and seconded by Mohler to condition the Watch position with authority for the ED to change the position, if necessary. However, after further discussion, the motion maker and second withdrew the motion. Consideration of the matter concluded upon unanimous approval of a motion by MacKenzie, with second by Connelly, to nullify the previous action and go back to maintaining an oppose position.

4. Approval of the Minutes of the May 5, 2023 meeting

The minutes were unanimously approved as presented upon motion of MacKenzie, with a second by Mohler.

5. Approval of the Minutes of the June 16, 2023 meeting

With no quorum to hold a meeting on June 16, 2023, the minutes documenting that were accepted and filed as presented upon motion of Mohler, with a second by Connelly, and a unanimous vote.

6. Consider Legislative Proposals for the 2024 Year.

Each of the proposals was considered at discussed, and all were approved as being appropriate for the 2024 Omnibus.

Proposal #1: Distinction between “Proposals” and “Applications”, submitted by Rob Bartoli (San Mateo). Unanimously approved for Omnibus. Connelly (M); Mohler (S).

Proposal #2: Clarify Timing Requirement, submitted by Rob Bartoli (San Mateo). Unanimously approved for Omnibus. Mohler (M); MacKenzie (S).

Proposal #3: Clarify When Determinations of Ad Valorem Property Tax are Required, submitted by Paul Novak. Unanimously approved for Omnibus. Jones (M), Mohler (S).

Proposal #4: Update Definitions and Various Code Sections to Clarify Zones, submitted by Sam Martinez (San Bernardino). Unanimously approved for Omnibus. Mohler (M), MacKenzie (S).

Proposal #5: Expand LAFCo authority regarding governing body composition of new or consolidating special districts, submitted by P. Scott Browne. Unanimously converted to, and approved for, Omnibus. MacKenzie (M), Connelly (S).

7. Receive list of CALAFCO tracked bills

LaRoche gave the staff report.

8. Good of the Order

Given that two meetings have been impaired by a lack of a quorum, it was suggested that the ByLaws may need to be amended, and that the formation of an Ad Hoc Committee might be in order.

9. Items for Next Meeting

No new items were suggested. LaRoche noted that any ideas can be emailed to her.

10. Adjournment to August 25, 2023 meeting at 9:00 a.m. – to be held virtually

11:05 AM: René LaRoche adjourned the meeting, noting the next meeting date and time.

LEGISLATIVE COMMITTEE MEETING STAFF REPORT

Agenda Item No. 3

Discussion and Potential Action on Legislation Affecting LAFCoS

Meeting Date: August 25, 2023

Prepared By: René LaRoche, Chair

RECOMMENDATIONS

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

DISCUSSION

Legislators reconvened after summer recess on August 14, 2023, and are now engaged in a flurry of activity as they attempt to beat the September 14th deadline, which is the last day for each house to pass bills.

Of the major bills that CALAFCO is tracking, four are two-year bills which will return next year (listed at the end of this report), and three are Brown Act bills.

The two remaining bills are AB 399 (Boerner) and AB 918 (Garcia), which have been fast moving.

A. AB 399 (Boerner) Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion

As the committee will recall, this bill was originally agendized for June 16, 2023, as AB 530. It had not cleared through the policy committees by the deadline and had transitioned to a 2-year bill. However, on June 14, 2023, the content transitioned to AB 399 through the gut and amend process and sought to amend the uncodified County Water Authority Act of 1945 to change procedures to detach from a water authority. Under existing statute, for a district to detach from a county water authority requires a vote from among the residents of the detaching district – a process that is essentially consistent with the LAFCo process. However, AB 399 requires a second vote among the residents of the entire water authority, which is not consistent with the legislative intent behind LAFCo laws which have a focus on individual rights. It also contains an urgency clause. Unfortunately, this bill is an attempt to circumvent a detachment process that has been ongoing in San Diego for the last 3 and ½ years. San Diego LAFCo approved the detachment with conditions on July 11, 2023. The Executive Director met with the Author on July 11, 2023, and was Lead Opposition during the July 12, 2023, Senate Governance and Finance Committee Hearing. At that time, the only other party in opposition was the General Manager from the Fallbrook Public Utility District – one of the agencies attempting to detach from the San Diego County Water Authority.

Since then, opposition has mounted against AB 399, primarily over the issue of loss of local control. A coalition of lobbyists have been working together and have amassed some significant opposition to the bill, as evidenced by the letters attached to this item. LAFCoS that have opposed the bill are: San Diego, Contra Costa, Los Angeles, Riverside, Sacramento, and Napa.

The bill was amended on August 14th, and now contains language requiring a fiscal impact statement for the ballot materials, as well as a statement describing the fiscal impacts to the remaining members of the county water authority. More importantly, however, is that the bill also

directs that the county water authority is to prepare this fiscal impact statement. However, one other change to the bill was the addition of language requiring the Commission on State Mandates to consider whether the bill contains mandated costs. If so, the bill also requires those costs to be reimbursed by the State. Because of that last addition, the bill was re-referred to Appropriations on August 28, 2023, to consider if there is sufficient funding in the State's budget.

Separately, the detaching districts sent in the paperwork necessary to call a special election under the existing provisions of the CWAA. However, on August 17, 2023, the SDCWA sent the attached letter to the SD Registrar of Voters requesting that they not conduct the election.

RECOMMENDATION: CONTINUE TO OPPOSE

B. AB 918 (Garcia) Healthcare district; County of Imperial

This bill was introduced in February as a spotholder with a noted intent to create a countywide healthcare district in Imperial County. It was later amended on March 23, 2023, to rename the Pioneer Memorial Healthcare District to the Imperial County Healthcare District (ICHHD) and then set up the process for the countywide expansion of the ICHHD outside of the LAFCo process, despite there being an application on file with the Imperial LAFCo. The Committee viewed this as an attempt to circumvent the LAFCo process and voted to oppose. CALAFCO submitted its initial letter of opposition on April 7, 2023.

Since then, the bill has been amended five times, and oscillates between either containing a ministerial LAFCo process or not considering LAFCo at all. CALAFCO continued to oppose the individual revisions, and additional letters of opposition were submitted on April 20th and July 7th.

The bill was heard and passed the Senate Governance and Finance Committee on July 12, 2023, when it was announced that the Imperial LAFCo was now in support. The committee discussed that fact at the July 28, 2023, committee meeting and felt that it should hold no sway over CALAFCO's opposition. It was later found that Imperial's support was for the May revision.

As of August 18, 2023, the bill was last amended on July 13, 2023 and still forms the new district outside of the LAFCo process. It considers LAFCo only in a tangential way by directing Imperial LAFCo to collaborate with the new health district's board of directors to determine the voting districts and terms of the board positions, to determine the appropriate dates to dissolve the two healthcare districts (and that the dissolution shall occur by January 1, 2025), and to receive annual reports from the new district.

On August 14, 2023, the bill was scheduled before the Appropriations Committee where it was placed in the suspense file.

RECOMMENDATION: CONTINUE TO OPPOSE

ACTIVE BROWN ACT BILLS:

C. AB 557 (Hart) Open meetings; local agencies; teleconferences

Similar in scope to SB 411, this bill is sponsored by CSDA and is follow-on legislation to AB 361 (2022) and seeks to return some of the pandemic-era teleconferencing provisions to the Brown Act and would change the timeline for legislative bodies to reaffirm an emergency from the current 30 day cycle to 45 days.

This bill is now scheduled for third reading on August 21, 2023.

CURRENT POSITION: Watch

D. SB 411 (Portantino) Open meetings: teleconferences: neighborhood councils.

This bill originally sought to add provisions back in to Section 54953.4 of the Brown Act that had been temporarily enacted during the COVID-19 pandemic. Specifically, the amendment would have allowed a legislative body to use teleconferencing provisions, and would define the proper procedure for conducting such a meeting, would require the legislative body to take no further action in the event of a broadcasting disruption within the local agency's control until the broadcast can be resumed, would require time public comment periods to remain open until the public comment time has elapsed, and would not only prevent requiring comments in advance but would also require that the public be afforded the chance to comment in real time. However, the bill was later amended to make it specific to "neighborhood councils" and no longer a concern of CALAFCO.

The bill was amended on August 14, 2023, require that a quorum of the members of the eligible legislative body must meet in person at a location open to the public at least once per year.

CURRENT POSITION: Watch

E. SB 537 (Becker) Open meetings: multijurisdictional, cross-county agencies: teleconferences.

The last of the Brown Act bills, this bill is sponsored by Peninsula Clean Energy, and seeks to add teleconferencing provisions allowing legislative bodies of multijurisdictional agencies to meet remotely. Multijurisdictional agencies are defined as boards, commissions, or advisory bodies of a multijurisdictional, cross county agency, which is composed of appointed representatives from more than one county, city, city and county, special district, or a joint powers entity. Peninsula Clean Energy is a community choice aggregator with a board comprised of local elected officials from the County of San Mateo and its 20 cities, as well as the City of Los Banos.

The bill was amended on August 14, 2023, and now requires eligible legislative bodies that receive compensation to participate from a physical location that is open to the public. The bill is now scheduled for its third reading in the Assembly on August 21, 2023.

CURRENT POSITION: Watch

TWO-YEAR BILLS:

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

2 YEAR BILL

This bill failed to meet deadlines and is now a 2 year bill that cannot be acted upon until January, 2024.

This bill was introduced as a spot holder in December, 2022, then was gutted and amended on March 16, 2023, to create a ministerial approval for developments and certain water and sewer service extensions for developments that met certain parameters. Those parameters included that the parcel was in a high or moderate resource area as categorized by the opportunity maps maintained by the California Tax Credit Allocation Committee, be located within one-mile of transit

but be in a very low vehicle travel area, and within one mile of assorted restaurants, bars, coffee shops, etc. Additionally, types of locations that do not qualify are also enumerated. Those include farmlands, wetlands, high fire hazard severity zones (as determined by Cal Fire), in proximity to a hazardous waste site, within a delineated earthquake fault zone, within a special flood hazard area or within a regulatory floodway, lands identified for conservation, protected habitat, and lands under a conservation easement. Under the procedure that would be established by this bill, a minimum of 30 days notice to LAFCo would be required for the public hearing should a county seek to amend its general plan to increase the planned density on climate resilient lands.

In early discussions with regional representatives, the observation was made that certain aspects of the bill seem to account for the LAFCo process. One such indication is in language that refers to "any other districts providing utilities or services" which implies that services are already being delivered - in which case they have already gone through a LAFCo at some time. The second indication contained within the requirement for a county to increase parcel density. In essence, that language requires the county to first determine that any service providers that are already providing the services have capacity to provide the increased level of service, which shows consideration of the obligation that districts have to serve within their boundaries - and, of course, the boundaries are determined by LAFCo.

On April 12, 2023, the bill was amended. (Attachment 4. -1) In its newest iteration, major changes include retooling the parameters noted above into "mobility indicators," and excluding towns or existing communities with populations of 5,000 or less.

CURRENT POSITION: Watch.

G. AB 805 (Arambula) Drinking water consolidation: sewer service.

2 YEAR BILL

This bill failed to meet deadlines and is now a 2 year bill that cannot be acted upon until January, 2024.

This bill would authorize the state board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities. Under existing section (b)(3) LAFCOs must be consulted and their input considered in regards to the provision of water service but the requirement is ambiguous relative to sewer systems. This bill is in response to an ongoing issue in a central valley county which has gone unaddressed. CALAFCO contacted the author's office and he is willing to work with us to clear up the ambiguities.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

CURRENT POSITION: Watch with Concerns

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

2 YEAR BILL

This bill failed to meet deadlines and is now a 2 year bill that cannot be acted upon until January, 2024.

This bill began as a spot holder but was amended on 3/16/2023 to speak to teleconferenced meetings of subsidiary bodies, defined as a body that serves exclusively in an advisory capacity, and is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements. For qualifying bodies, this bill would remove the requirement to post an

agenda at the location of the subsidiary body member who was participating from off site- providing that the legislative body that formed the subsidiary body has previously made findings noting that teleconferenced meetings of the subsidiary body would enhance public access, and would promote the attractions, retention and diversity of the subsidiary body. The superior legislative body would need to revisit the matter and repeat those finding every 12 months thereafter. This bill also reaffirms that other provisions of the Brown Act are applicable to subsidiary bodies.

AB 817 was scheduled to be heard by the ALGC on April 25, 2023, but the hearing was postponed by the committee. No new date was scheduled and the bill failed to meet deadlines.

CURRENT POSITION: Watch

I. AB 1379 (Papan) Open meetings: local agencies: teleconferences.

2 YEAR BILL

This bill failed to meet deadlines and is now a 2 year bill that cannot be acted upon until January, 2024.

Currently, the Brown Act allows a legislative body to hold teleconferenced meetings, providing that the teleconference locations are identified in the agenda, and that each teleconference location is accessible to the public. It also requires that a quorum of the legislative body's members must participate within the boundaries of the legislative body.

This bill was introduced on February 17, 2023, and seeks to strike those existing teleconferencing provisions, and allow meetings to be held entirely remotely providing that: 1) an agenda is posted in a singular designated physical meeting are location situated within the local agency's jurisdiction; 2) that either a two-way audiovisual platform or two-way telephonic service is available so that the public may remotely hear, observe, and participate in the meeting; and 3) that the legislative body holds at least two in person meetings per calendar year.

AB 1379 is currently in the ALGC. It was scheduled for its first hearing on April 24, 2023, but the hearing was cancelled at the request of the author. The bill is now a 2 year bill.

CURRENT POSITION: Watch

ATTACHMENTS

- A. – AB 399 (Boerner) County Water Authority Act
- A.2 – Letters of Opposition to AB 399
- A.3 – SDCWA Letter requesting that the election not be held

- B. – AB 918 (Garcia) Imperial County Healthcare District

Brown Act Bills:

- C. – AB 557 (Hart) Brown Act, teleconferencing
- D. – SB 411 (Portantino) Brown Act, neighborhood councils
- E. – SB 537 (Becker) Brown Act, multijurisdictional cross-country agencies

Two-Year Bills:

- F. – AB 68 (Ward) Land use: streamlined housing approvals
- G. – AB 805 (Arambula) Drinking water consolidation, sewer service
- H. – AB 817 (Pacheco) Brown Act, subsidiary body
- I. – AB 1379 (Papan) Brown Act, local agencies teleconferences

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3. A. – AB 399 (Boerner) County Water Authority Act

CapitolTrack®		Session: 2023/24	Hello calafco.	Logout	Today's Events
Bill	Keyword	Author	Smart	Regular	ALL
				###	GO
Workspace	My Tools	Links	CTAnalyze	Mark Reviewed	Print/Email
Word Cloud					

AMENDED
IN
SENATE
AUGUST 14, 2023

AMENDED
IN
SENATE
JUNE 14, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 399

Introduced by Assembly Member Boerner

February 02, 2023

An act to amend Section 11 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 399, as amended, Boerner. Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure.

The County Water Authority Act provides for the formation of county water authorities and grants to those authorities specified powers with regards to providing water service. The act provides 2 methods of excluding territory from any county water authority, one of which is that a public agency whose corporate area as a unit is part of a county water authority may obtain exclusion of the area by submitting to the electors within the public agency, at any general or special election, the proposition of excluding the public agency's corporate area from the county water authority. Existing law requires that, if a majority of the electors approve the proposition, specified actions take place to implement the exclusion.

This bill, the Water Ratepayers Protections Act of 2023, would additionally require the public entity to submit the proposition of excluding the public agency's corporate area from the county water authority to the electors within the territory of the county water authority. The bill would require the 2 elections to be separate; however, the bill would authorize both elections to run concurrently. *The bill would require the ballot materials to include a fiscal impact statement, as described. The bill would also require the ballot materials to include a statement describing the annual aggregated fiscal impact to remaining members of the county water authority as a result of the reorganization. The bill would require the county water authority to prepare that statement. By imposing a higher level of service on a local agency, the bill would impose a state-mandated local program.* The bill would require a majority vote for withdrawal in both elections for the withdrawal of the public agency from the territory of the county water authority.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Digest Key

Vote: 2/3 Appropriation: no Fiscal Committee: **noyes** Local Program: **noyes**

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the Water Ratepayers Protections Act of 2023.

SEC. 2. Section 11 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), as amended by Section 3 of Chapter 1408 of the Statutes of 1985, is amended to read:

Sec. 11. (a) Exclusion of territory from any county water authority may be effected by either of the following methods:

(1) Territory excluded from the portion of the corporate area of any public agency that lies within the exterior boundaries of a county water authority, the public agency being a unit of the authority, and that exclusion occurs in accordance with the provisions of law applicable to those exclusions, shall thereby be excluded

ATTACHMENT A

from and shall no longer be a part of the authority; provided, that the taxable property within the excluded territory shall continue to be taxable by the county water authority for the purpose of paying the bonded or other indebtedness outstanding or contracted for at the time of the exclusion and until the bonded or other indebtedness has been satisfied; provided further, that if the taxable property within the excluded territory or any part thereof shall be, at the time of the exclusion, subject to special taxes levied, or to be levied, by the county water authority pursuant to terms and conditions previously fixed under ~~paragraph~~ subdivision (c) or (d) of Section 10 for the annexation of the excluded territory or part thereof to the county water authority, the taxable property within the excluded territory or part thereof so subject to those special taxes shall continue to be taxable by the county water authority for the purpose of raising the aggregate sums to be raised by the levy of special taxes upon taxable property within the respective annexing areas pursuant to terms and conditions for the annexation or annexations as so fixed and until the aggregate sums have been so raised by the special tax levies.

Exclusion of territory from a county water authority pursuant to this paragraph shall not occur if two or more public agencies that are included in a county water authority as separate units are subject to a reorganization of their boundaries under applicable provisions of law that would result in an exchange or transfer, but not an overlapping, of territory that is entirely within the county water authority. The boundaries of those agencies within the county water authority, upon that reorganization and the filing with the secretary of the county water authority of a copy of the certificate of completion prepared, executed, and filed by the executive officer of the local agency formation commission responsible therefore constitute the boundaries of the agencies for all purposes of the county water authority, without action by the board of directors of the county water authority. If the exchange includes territory subject to special conditions and tax levies pursuant to the terms of annexation at the time the territory became a part of the county water authority, the territory shall continue to be subject to those conditions and to be taxable by the county water authority or those levies.

From and after the effective date of the inclusion of the territory by the including public agency, the territory shall be considered to be a part of the corporate area of the including agency; provided, however, that, if the taxable property within the territory, or any portion thereof, is subject to special taxes levied or to be levied by the county water authority pursuant to terms and conditions previously fixed under subdivision (c) or (d) of Section 10 for the annexation of the territory or portion thereof to the county water authority, then the taxable property within the territory shall continue to be taxable by the county water authority for the purpose of raising the aggregate sums to be raised by the levy of the special taxes pursuant to the terms and conditions for the annexation or annexations as so fixed and until the aggregate sums have been so raised by the special tax levy.

(2) Any public agency whose corporate area as a unit has become or is a part of any county water authority may obtain the exclusion of the area therefrom by elections conducted in the following manner:

(A) (i) (I) The governing body of any public agency may submit to the electors thereof at any general or special election the proposition of excluding from the county water authority the corporate area of the public agency. Notice of the election shall be given in the manner provided in subdivision (c) of Section 10. The election shall be conducted and the returns thereof canvassed in the manner provided by law for the conduct of elections in the public agency. If a majority of electors voting thereon vote in favor of withdrawal, the result thereof shall be certified by the governing body of the public agency to the board of directors of the county water authority.

(II) The ballot materials submitted to the electors shall include a fiscal impact statement in the statement of the ordinance to be voted upon, which the public agency shall prepare. The fiscal impact statement shall include an estimate of the measure's impact on the public agency's water rates, any anticipated exit fees the member public agency expects to pay to the county water authority, and the amount and duration of any bonded and other indebtedness the public agency is required to pay pursuant to subparagraph (B).

(ii) (I) The governing body of any public agency may submit to the electors within the territory of the county water authority at any general or special election the proposition of excluding from the county water authority the corporate area of the public agency. Notice of the election shall be given in the manner provided in subdivision (c) of Section 10. The election shall be conducted and the returns thereof canvassed in the manner provided by law for the conduct of elections in the public agency. If a majority of electors within the territory of the county water authority voting thereon vote in favor of withdrawal, the result thereof shall be certified by the governing body of the public agency to the board of directors of the county water authority.

(II) The ballot materials submitted to the electors shall include both of the following:

(ia) The fiscal impact statement described in subclause (II) of clause (i).

(ib) A statement describing the annual aggregated fiscal impact to remaining members of the county water authority as a result of the reorganization. The county water authority shall prepare that statement.

(iii) The elections conducted pursuant to this subparagraph shall be separate elections; however, they may run concurrently with one another. A majority vote in both elections for withdrawal is necessary for the withdrawal of the public agency from the territory of the county water authority.

(iv) The requirement set forth in clause (ii) does not apply to a public agency that is a "federal military reservation" or "military reservation," as defined in Section 10.2, or a "military installation," as defined in Section 2801 of Title 10 of the United States Code.

(B) A certificate of the proceedings shall be made by the secretary of the county water authority and filed with the Secretary of State. Upon the filing of the certificate, the corporate area of the public agency shall be excluded from the county water authority and shall no longer be a part thereof; provided, that the taxable property within the excluded area shall continue to be taxable by the county water authority for the purpose of paying the bonded and other indebtedness of the county water authority outstanding or contracted for at the time of the exclusion and until the bonded or other indebtedness has been satisfied; provided further, that if the taxable property within the excluded area or any part thereof is, at the time of the exclusion, subject to special taxes levied or to be levied by the county water authority pursuant to the terms and conditions previously fixed under subdivision (c) or (d) of Section 10 for the annexation of the excluded area or part thereof to the county water authority, the taxable property within the excluded area or part thereof so subject to the special taxes shall continue to be taxable by the county water authority for the purpose of raising the aggregate sums to be raised by the levy of special taxes upon taxable property within the respective annexing areas pursuant to the terms and conditions for the annexation or annexations as so fixed and until the aggregate sums have been so raised by the special tax levies. Upon the filing of the certificate of proceedings, the Secretary of State shall, within 10 days, issue a certificate reciting the filing of the papers in the Secretary of State's office and the exclusion of the corporate area of the public agency from the county water authority. The Secretary of State shall transmit the original of the certificate to the secretary of the county water authority and shall forward a certified copy thereof to the county clerk of the county in which the county water authority is situated.

(b) Whenever territory is excluded from any public agency in accordance with paragraph (1) of subdivision (a), the governing body, or clerk thereof, of the public agency shall file with the board of directors of the county water authority a statement of the change of boundaries of the public agency, setting forth the legal description of the boundaries of the public agency, as so changed, and of the part thereof within the county water authority, which statement shall be accompanied by a map or plat indicating the boundaries.

(c) Whenever any territory has been excluded from any public agency prior to the effective date of this section, under conditions that would have resulted in the exclusion of the territory from a county water authority had paragraph (1) of subdivision (a) then been in effect, upon compliance with the following provisions of this paragraph, the territory shall be excluded from and shall no longer be a part of, the authority, the last-mentioned provisions being as follows:

(1) The governing body of the public agency may adopt an ordinance that, after reciting that the territory has been excluded from the public agency by proceedings previously taken under statutory authority, and after referring to the applicable statutes and to the date or dates upon which the exclusion became effective, shall describe the territory and shall determine and declare that the territory shall be, and thereby is, excluded from the county water authority.

(2) The governing body, or clerk thereof, of the public agency shall file a certified copy of the ordinance with the Secretary of State. Upon the filing of the certified copy of the ordinance in the office of the Secretary of State, the territory shall be excluded from, and shall no longer be a part of, the county water authority;

ATTACHMENT A

provided, that the taxable property within the excluded territory shall continue to be taxable by the county water authority for the purpose of paying the bonded or other indebtedness outstanding or contracted for at the time of the exclusion, and until the bonded or other indebtedness has been satisfied; provided further, that if the taxable property within the excluded territory or any part thereof is, at the time of the exclusion, subject to special taxes levied or to be levied by the county water authority pursuant to terms and conditions previously fixed under subdivision (c) or (d) of Section 10 for the annexation of the excluded territory or part thereof to the county water authority, the taxable property within the excluded territory or part thereof so subject to the special taxes shall continue to be taxable by the county water authority for the purpose of raising the aggregate sums to be raised by the levy of special taxes upon taxable property within the respective annexing areas pursuant to the terms and conditions for the annexation or annexations as so fixed, and until the aggregate sums have been so raised by the special tax levies.

(3) Upon the filing of the certified copy of the ordinance, the Secretary of State shall, within 10 days issue a certificate describing the territory, reciting the filing of *the* certified copy of the ordinance and the exclusion of the territory from the county water authority, and declaring that the territory is no longer a part of the county water authority. The Secretary of State shall transmit the original of the certificate to the secretary of the county water authority and shall forward a certified copy of the certificate to the county clerk of the county in which the county water authority is situated.

(d) Whenever any territory has been exchanged or transferred pursuant to law prior to January 1, 1986, among two or more public agencies that are included in a county water authority as separate units, the territory shall not be deemed excluded from the county water authority, notwithstanding the failure of the county water authority to give its consent to the exchange or transfer of the territory, if there has been filed with the board of directors of the county water authority prior to January 1, 1986, a statement of the change of boundaries of the agencies, as so changed, and of the part within the county water authority, which statement shall be accompanied by a map or plat indicating those boundaries.

SEC. 3. *If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*

SEC. 3. SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide immediate relief for ratepayers to have a voice in decisions affecting their access to affordable and safe water, essential to public health, it is necessary that this act take effect immediately.

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Attachment 3.A.2 - Letters of Opposition to AB 399



August 4, 2023

August 17, 2023

UPDATED OPPOSITION

AB 399

California State Senators

Re: Opposition to Assembly Bill 399

Senators:

The California Avocado Commission is established in state law and authorized to represent California's 3,000 growers who produce avocados on about 50,000 acres. California produces 90% of total U.S. avocado production and 100% of domestic Hass production, with an average annual farmgate value of more than \$400 million.

The Commission opposes Assembly Bill 399 which attempts to undermine existing authority of local water districts and Local Agency Formation Commissions (LAFCO) which are regional service planning agencies of the State.

One out of five California avocado growers farm within the Rainbow Municipal Water District and Fallbrook Public Utility District. In these two districts, approximately 600 growers produce about ten percent of the state's crop on 5,300 acres.

As background, the author of AB 399 originally attempted to pass the language we oppose in a different bill (AB 530) but when it failed in the Assembly about a month ago, she gutted a totally different bill (AB 399) sitting in the Senate and inserted the language we oppose. Clearly AB 399 is an attempt to circumvent the legislative process, and just like its predecessor, seeks to also circumvent well established law relating to the LAFCO process. Both actions are unacceptable to us and hopefully to you.

Many of our growers, some of whom are represented by the signatories on the following pages, have been and are continuing to face unprecedented economic challenges brought on in part by imports, excessive regulations, and unaffordable water costs, which is at the core of our opposition to AB 399.

For over three years, many of our growers have been working with the Fallbrook and Rainbow water districts in San Diego County, and San Diego LAFCO, to determine whether it is financially advisable to switch water providers from the San Diego County Water Authority to Eastern Municipal Water District. After thorough analysis and numerous public meetings, San Diego LAFCO, recognizing the importance of preserving agriculture in local communities, approved the move along with the requirement that

Fallbrook and Rainbow pay an exit fee of over \$24 million to offset revenue impact on entities remaining in the San Diego County Water Authority.

San Diego LAFCO was fully within its authority to do so which brings us back to AB 399 and its attempt to circumvent the law by creating a precedent potentially harmful to operations of all LAFCO's functioning in California. Specifically, the bill would require an additional vote of approval by all voters in San Diego County, thereby giving the City of San Diego, because of its population, veto power over the San Diego LAFCO process and decision, and pre-empt local control which is fundamental to the legal structure of LAFCO.

In addition to requesting your opposition to AB 399 to prevent harm to our growers, we encourage you to talk to your local LAFCO's and special districts. We are confident that they and others will highlight the downside of this legislation which goes well beyond one area of California.

Sincerely,

Ken Melban, Vice President Industry Affairs & Operations

Cc: Rob Grether, Chair; Jeff Oberman, President

Additional agricultural organizations opposing AB 399:



Fresh produce from our families to yours



MADERA COUNTY



FARM BUREAU



San Luis Obispo County
FARM BUREAU



The following is a partial list of California avocado growers (327 and counting) in opposition to AB 399:

Lunquist Ranches	Santa Paula CA
Camlam Farms. Inc.	Camarillo
Linda G Haque	Oakview, CA 93022
E & R Growers	Fallbrook
GRANGETTOS FARM & GARDEN SUPPLY	Escondido
Matt Nelson	Fallbrook
Adena Boxer-Capitano, BoxCap Groves	Fallbrook
California Avocados Direct	Escondido
James Fergus	Fallbrook
Crooked Creek Ranch	Ojai
Windbridge Orchards	Ramona
Cosmos' Acres	Valley Center
Shehyn Farm	SIMI VALLEY
Chuck Samuelson	Vista
Rachael Laenen, CAC Vice-Chair & Director of Farming at Kimball Ranches - El Hogar	Santa Paula
Tama's Avocado	Santa Barbara
Private Grower	Fallbrook
Steve Drummy	Goleta, CA
Serrato & Son Grove Care	Fallbrook
Serrato Farms LP	Fallbrook
Katherine Cannon	Moorpark
WRK,LLC	Fallbrook
Mark A Brimmer, retired grower	Vista
VFI-Bardsdale, LLC	Fillmore
Kevin Cannon - Hacienda Linda	Santa Rosa Valley
Hellings River Ranch	Fallbrook
Newsom Ranch	Fillmore
Maul Avocado farm	TEMECULA CA
Barbara Peirce, Avocado Marketing Services, Inc.	Lake Elsinore
Foley Avocado Farm	Fallbrook
Fred McNeal	Fallbrook
De La Rosa Grove	Oceanside, CA
Arthur Bliss	Somis
Ogilvie Farm	Temecula
Hutter Groves	Somis
Jim Miller	Cayucos. Ca
Eugene De Biase	Oceanside
Las Palmitas Ranch Carleton Family	Carpinteria
Villa Pacifica	Templeton

STEWART'S AVOCADOS AND CH&H FARMS

GCC contracting
Donald Klinger
Don Thompson, La Casita Ranch
Martin Ranch
Kitzmans Fair Haven
Corner Creek Ranch
Richard Reed
Overman Avocado Farm
Clark / Thomas Ranch
Gaston LeSante, owner Hacienda Restauracionion
Lion Rock Ranch
Bob Lucy
Barry Meadow
Dal Pozzo Ranch LLC
BoxerCado Ranch
Oro Verde Ranch
Edward Grangetto
Frances Hellings
Cerny Ranches
John Manning
S&S Grove Management Services
Luke Hutchinson
Temecula Farm
Rustic Hills
Brian C Moening
Maddock Ranch Nursery
Hans Klein
Eleison Farms
Four Ridges LLC
Oak Hollow Ranch
Terry Wall
Joanne Robles Swanson
Hass Heights Growers, Inc.
george wilkinson
Double H Avocado Ranch
Pankey Farms
Van Latham
Jadeland Dev
Jason Cole
Deahn Johnson
S. and C. Millen dba Heaven on Earth Farms

FALLBROOK

Irvine
Fallbrook
Carpinteria
Ventura
Morro Bay
Fallbrook
Escondido
Fallbrook CA
Ojai
Valley Center
Morro Bay
Fallbrook
Fallbrook
Carpinteria
Fallbrook
Valley Center
Escondido
Fallbrook
Fallbrook
Fallbrook
Vista
De Luz, Temecula
Simi Valley
Temecula
Fallbrook, CA
Bonsall
Carpinteria
San Diego
Fillmore, California
Somis, CA
Temecula
Fallbrook
bonsall, ca
Morro Bay
Fallbrook
Carpinteria
Redlands
Santa Paula
Valley Center
Fallbrook

Kevin Niccum Avocado grower	Fallbrook
Patricia Mangimelli	Vista
Fairfield	San Diego county
Francis Pedace	LA JOLLA
Cody Benton	El Cajon
Charley Wolk. Bejoca Grove Management	Fallbrook CA
Gregg R Mangus (Noble Orchard)	Fallbrook
Jackson Ranch, LLC	Fallbrook
Karaoghlanian Ranch	Temecula
EverDawn Farms	Fallbrook
Grether Farming Co.	Somis
M&W Farms	Fallbrook
Rancho Luna LLC	Fallbrook
Edward Grether / Grether Farming Co.	Somis
Hamer Farms	Camarillo, California
William Bauer	Valley Center, CA
Rosa Sattoria	Fallbrook
Clyde Warren	Cambria
Larry and Louise Balma	Oceanside
Daniel Klittich, Ph.D.	Fillmore
Kurt Bantle	Fallbrook
Agriculture service / grower	Fallbrook
steve taft	Fallbrook
S & D Homze Ranch	Moorpark
Advanced Production Management	Temecula
Menaker Ranch	Valley Center
Cosmos' Acres	Valley Center
Linda G. Haque	Oak View
Francis Biddle International, Inc.	Fallbrook
Arby Kitzman	Morro Bay
Leo McGuire	Carlsbad
Lowell Ranch	Fallbrook
SGG Farms	Escondido, CA
McSLK, LLC	Fallbrook
Ronald Vargas	Bonsall
Ronald Williams	Pauma Valley
Agricultural Growers Service	Nipomo
TMA	El Cajon
Tim Hanify	Fallbrook
Shirley Hanify	Fallbrook
LT Farms	Escondido
Jared Howland	Fallbrook

Gregg Young, Certified Professional Agronomist
Bill Gardner
Mark Ackerman
Cunningham Groves
J & J Brooks Ranch
Ballou's Farm
GGG Grove
Brokaw Nursery LLC
Henry Dominguez
Carolyn S Caughey
J link Leavens
Dickinson Family Farms
Margaret Kimball, Kimball McPheron Ranch
Richard Smith
Berns Farm
Dan Avakian - DansFresh
Cornelius Orchard
Joseph L. Spychaj Sr.
Ranch Arco Iris
Lucky Charms Farms
Grangetto Ranches Inc.
Robert Berger
Justin Jonte
HHH Family Farm
Vista punta gorda
Protea Hills Ranch
Deborah Haydis
Ranchos Dominguez
Victor Avocados
MV Ranch
Cornell Ranch
DeLuz Farms LLC
Amapola Ranch
Gooding Ranch LLC
Joe Fernando
Alegria Ranches, Frank Alegria owner
Padre Farms
K Jermain LLC
Wayne Brydon
Casa Milagro Avocados
Shade Farm Management
Daniel Holtz

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Escondido
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Santa Paula
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Santa Paula
Oceanside
Fallbrook
Alameda
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Rainbow
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Morro Bay
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Santa Barbara
Clovis, CA
Fallbrook
Goleta
Oceanside
OCEANSIDE
Fallbrook, CA
Morro
Carpinteria
Valley Center

Hass Heights Growers, Inc
Bob Schaar
Del Rey Avocado
Grower
Guadalupe H. Pina Landscaping
Zales Family Avocado Farm
Alex Gonzalez , Tradeland Properties, LLC
Petty Ranch LP
Calavo grower
RogerCarr
GILLIGAN GROVES
Brandon Walters
Calavo grower
Camlam Farms, Inc.
Calavo grower
Rex Bartle
GH Maulhardt Associates
Ellen Brokaw, Board Chair of Brokaw Ranch Company
Connor Huser
Doug O'Hara
NB Farms, Inc
Lodge Ranch Enterprises
Andy Klittich/ Otto & Sons Nursery
Gary M. Cramer
Rob Roy, President/General Counsel, VCAA
white farms
Clell Swanson
JD farms
Katie Brokaw
North Street Orchard
DeCarliFarms
Daryl McFarland, Rancho Vista
Rankin H. McDaniel
Calhaven LLC dba Rancho Cielo
Willebaldo Leon Farm
William G. Scholle Ranch
Frank Russell Ranch
Gary Ball
Cathi Wrench
Jeff Dickinson
Chuck Wrench
Michael Friel

Fallbrook
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FALLBROOK
Bonsall, CA 92003
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Pala 92059
Fillmore CA
Moorpark, CA 93021
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Bonsall, CA
Oxnard

Grower
S & L Hasan Inc.
LEP Robotics LLC
Dennis Noble Noble Organic Ranch.com
Golemme Ridge Ranch
Robin Leason, President, REHall-Carpinteria Inc
Farm Bureau of Ventura County
Rincon-Vitova Insectaries
Sharyne Merritt
Dennis Postler
Tres Amigos Viejos Ranch
Grower
Farm ACW
Mellano & Company
Gordon E. Kimball
Amapola Ranch
Sierra Pacific Farms, Inc.
David Comstock
Luis Calderon
Freska Prodcue International
Mike Lister, Grower
Shine Ranch
TKS Ranch, LLC
Angela Hardy
Larry Balma
Joanies Greenhouses
Richard Stevens
Don Deardorff / Sandia Crest Farms, Inc.
Pollen Application Service
Tom Coxe
Susanne Harms
Russ snow
Irvine Valencia Growers
Maul Avocado Farm
Peter Simmons
Rooted in Love Farm
Andrade Farm Labor, Inc
Mohammad aRiaz
Charley Wolk Bejoca Co
Dal Pozzo Ranch LLC
Jesse Smith
LLENROC, LLC

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Santa Barbara
Moorpark
Fallbrook
Carpinteria
Fallbrook
Murrieta

Jana Farms
Paul DeBusschere Ranch
Steve Cully, Nutrien Ag Solutions
Sheri Cully/DBA Skyline Gems
Neff Groves
Steve Cully dba Skyline Gem Avos
Rancho Filoso
Dorcas H. Thille, J. K. Thille Ranches
Peter Thille, Rancho del Tio
TLC Ranch, LLC
Helen McGrath B&T McGrath
Rick Sering
Pete Dal Pozzo/Dal Pozzo Ranch LLC
William hahlbohm
Bryan Brooker
Southland Farms llc
PJ Foley; PJ Foley Ranch. I strongly oppose AB399. It should be defeated and allow the County's avocado industry to continue to grow
Linerik Avocados
OMS
Catherine Keeling
Pete Yakubek
Dan C Pinkerton
Susan V Pinkerton
Leavens Ranches
Ambrosio Orchard
David Fee
Robert Law
Agricultural Growers Services
Howerzyl Groves
Delacruz Farms
Placco LLC
Johnson Ranches
L&M Fertilizer, Inc
Sundance Natural Foods
Camlam Farms, Inc.
Nan Doelling
Jefferson Farms
Milton E. Fuentes
Sundance Natural Foods Company
McDaniel Brothers LLC

Fallbrook
Camarillo
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Santa Paula
Santa Paula
Ventura
Moorpark
Fillmore
Vista
Carpinteria
Valley center
San Clemente
Fallbrook ca
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Valley Center
San marcos
Santa Paula
Valley Center
Santa Paula
Santa Paula
Santa Paula
Fallbrook ca
Ventura
LAGUNA BEACH
Nipomo CA
Escondido
Fallbrook
SOMIS
Pauma Valley, Ca. 92061
Fallbrook
Oceanside
Camarillo
Temecula
Somis
Temecula
Valley Center
Fallbrook

Shade Farm Management, Inc.
Fu-Kuen Lin
citrus grower
Ventura County Coalition of Labor, Agriculture and Business
M prickett
Plum vista LP
Julia S. Rasor
S&S Grove Management Service
John C. Bruch, Jr.
●●-●●●8046
McMann Farms
Stewart's Avocados
Randy Neff
G&M Ranch
Hamilton Ranch LLC
Romo Orchard
Southern California Entomology
Kush Kalathia
Crisell Family Vineyards
Temecula Farms
Kris lindgren
F & F Farms
AMT Ag Sales and Consulting, LLC
MM Ranch
Anthony Stanton
summerfield ranch
Los Perules
Delk Ranch
Nick W. Stamos
E. Leticia Maldonado/Stamos
Wilson Grove
Pat Reilly
James Goodrich
Diane Goodrich
Del Rancho Farms, LLC.
Five Safe T LLC
mosch family farm
Los Perules Ranch

Summerland
Somis
Ojai
Ventura
Poway
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Fallbrook
Santa Barbara, California 93108
ESCONDIDO
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Valley Center
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Arroyo Grande
Ventura
Santa Barbo
Temecula
camarillo
Santa Paula
Carpinteria
Fallbrook, California
Fallbrook
Redlands
Fallbrook
Bonsall
Bonsall
Rancho Santa Fe
Temecula, Ca
Temecula Ca
Santa Paula, CA

SAN LUIS REY INDIAN WATER AUTHORITY

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Telephone: (760) 742-1903
Facsimile: (760) 742-1745
www.slriwa.org

SPECIAL COUNSEL
Robert S. Pelcyger

SPECIAL COUNSEL
Art Bunce

GENERAL COUNSEL
Eugene R. Madrigal

August 18, 2023

The Honorable Tasha Boerner
California State Assembly, District 77
1021 O St. Suite 4150
Sacramento, CA 95814

Re: AB 399 (Boerner) – Opposed

Dear Assemblymember Boerner:

The San Luis Rey Indian Water Authority writes this letter respectfully to oppose your AB 399, which attempts to undermine existing authority of local water districts and Local Agency Formation Commissions (LAFCO). We believe AB 399 is an attempt to circumvent the legislative process through a gut & amend, and just like the previous bill, seeks to also circumvent well established law relating to the LAFCO process.

After thorough analysis and numerous public meetings, San Diego LAFCO, recognizing the importance of preserving agriculture in local communities, approved the move of two water districts in Fallbrook and Rainbow along with the requirement that they pay an exit fee to offset revenue impacts on entities remaining in the regional partnership.

San Diego LAFCO was fully within its authority to do so, which brings us back to AB 399 and its attempt to circumvent the law by creating a precedent potentially harmful to operations of all LAFCO's functioning in California. Specifically, the bill would require an additional vote of approval by all voters in San Diego County, thereby giving the City of San Diego, because of its population, veto power over the San Diego LAFCO process and decision, and pre-empt local control which is fundamental to the legal structure of LAFCO.

SAN LUIS REY
Indian Water Authority

Our agency respectfully suggests that the author reconsider this bill and work with the special districts in the county to make sure that the needs and voices of special districts are not ignored in the legislative process in Sacramento.

Sincerely,

A handwritten signature in blue ink that reads "Bo Mazzetti". The signature is written in a cursive, flowing style.

Bo Mazzetti, President
San Luis Rey Indian Water Authority



BOARD OF DIRECTORS

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Carlos Goytia
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Bob Kuhn
Jody Roberto
Danielle Soto
Mike Ti

GENERAL MANAGER/CHIEF ENGINEER

Matthew H. Litchfield, P.E.

July 31, 2023

The Honorable Tasha Boerner Horvath
State of California, 77th Assembly District
Room 4150
Sacramento, CA 95814

RE: Assembly Bill 399 (Boerner) – Oppose

Dear Assembly Boerner:

The Three Valleys Municipal Water District (TVMWD) regrets to inform you of our opposition to your Assembly Bill 399, which calls for action contradicting a proposed, standard agency detachment under LAFCO law.

AB 399 seeks an affirmative vote of the entire San Diego County Water Authority electorate, as a statutory condition to any member agency receiving LAFCO approval to detach, in lieu of a vote of only the electorate of the affected districts seeking detachment. The legislation also includes an urgency clause that hastily enacts the provisions immediately.

This affirmative vote and the urgency behind it conflicts with the LAFCO process by diluting the votes of the agencies most affected, essentially disenfranchising them in direct contradiction of the intent behind LAFCO laws. This is inconsistent with State law, given that no other provision exists that provides a special district electorate with veto-power over detachments.

Further, approval of AB 399 would set a troubling precedent, one in which any public agency unhappy with the LAFCO processing of a proposal may seek special legislation to undermine LAFCO's authority and thereby change statutory requirements after an application is filed.

AB 399 strips away local control, something that special districts have fought long and hard for. Now is not the time in this late stage of the LAFCO process for circumventing the normal process for managing local agency boundaries and municipal service provisions.

For these reasons, TVMWD must express our opposition to Assembly Bill 399. If you have questions regarding our position, please feel free to contact me via email at mlitchfield@tvmwd.com.

Sincerely,



Matthew Litchfield
General Manager

cc: Assembly Members Calderon, Holden, Rodriguez, Rubio
Senators Archuleta, Portantino, Rubio

**3. A. 3 – SDCWA Letter requesting that the election
not be held**

August 17, 2023

VIA EMAIL and FEDEX

Cynthia L. Paes
San Diego County Registrar of Voters
5600 Overland Ave., Suite 100
San Diego, CA 92123
rovmail@sdcounty.ca.gov

Dear Ms. Paes,

It has come to our attention that you are in receipt of resolutions from the Fallbrook Public Utility District (Fallbrook) and Rainbow Municipal Water District (Rainbow) ordering a special election on November 7, 2023 that would allow their respective electorate to vote on the detachment of their two respective agencies from the San Diego County Water Authority.

We write to respectfully request these elections not be conducted on November 7, 2023, because these elections are premature for the following reasons:

- 1) LAFCO's action requires that elections occur pursuant to the County Water Authority Act.** LAFCO's resolutions require that Fallbrook's and Rainbow's detachments be subject to a vote of their respective electorate pursuant to the requirements of the San Diego County Water Authority Act, Water Code Appendix Section 45-11, subdivision (a)(2). LAFCO further purported to require that the provisions of the Water Authority Act regarding such elections in effect at the time the Executive Officer issued the Certificate of Filing for the proposals shall govern such election. However, LAFCO has no legal authority to interpret or apply the provisions of the Water Authority Act, which may only be interpreted and administered by the agency. Fallbrook and Rainbow have not yet consulted or coordinated with the Water Authority on the requirements and conduct of the elections under the Water Authority Act.
- 2) San Diego County Water Authority is challenging LAFCO's decision conditionally granting detachment in court.** The Water Authority does not believe that the actions taken by LAFCO complied the Water Authority Act, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 or the California Environmental Quality Act. This includes the amount and scope of the exit fees that will be subject to the approval by the

MEMBER AGENCIES

Carlsbad MWD · City of Del Mar · City of Escondido · Fallbrook Public Utility District · Helix Water District · Lakeside Water District · City of National City
City of Oceanside · Olivenhain MWD · Otay Water District · Padre Dam MWD · Camp Pendleton Marine Corps Base · City of Poway · Rainbow MWD
Ramona MWD · Rincon del Diablo MWD · City of San Diego · San Dieguito Water District · Santa Fe Irrigation District · Sweetwater Authority
Vallecitos Water District · Valley Center MWD · Vista Irrigation District · Yuima Municipal Water District

voters. Last week, the Water Authority's Board of Directors authorized the filing of this litigation with over 75% support. The lawsuit is being filed immediately. These issues must be resolved before the measures are submitted to the respective electorates. The voters will not know what they are voting on until such issues are set.

- 3) **The protest period for the Local Agency Formation Commission (LAFCO) reorganization action has not concluded.** LAFCO conditionally approved two resolutions on July 10, 2023. The 30-day protest period for the portion of the action related to potential annexation into Eastern Municipal Water District following LAFCO's filing concludes on Friday, August 18, 2023. Therefore, the resolutions adopted by the two agencies calling for a special election were premature and improper.
- 4) **The Legislature currently is considering enacting AB399, which would require a vote in the entire service area of the Water Authority.** If AB 399 passes and Fallbrook and Rainbow still move forward with their elections on November 7, 2023, it will result in repeated elections over the same issues, resulting in voter confusion and a misuse of public resources. This could obviously impact the entire voting process.

While we understand both agencies' desire to expeditiously conduct a special election, the Water Authority strongly believes such an election is premature at this time, risks the waste of public money and puts all parties at risk.

For all of these reasons, we respectfully request you do not conduct these elections for November 7, 2023, or until the aforementioned issues are resolved. We welcome the opportunity to sit down with you and your staff to discuss these matters.

The Water Authority appreciates your due consideration of this matter. Please let us know if you have any questions or need additional information.

Sincerely,



Mel Katz
Chair, SDCWA Board of Directors

cc via email:

Dan Denham, General Manager, San Diego County Water Authority
David Edwards, General Counsel, San Diego County Water Authority
Nora Vargas, District 1 Chair, San Diego County Board of Supervisors
Joel Anderson, District 2, San Diego County Board of Supervisors
Terra Lawson-Remer, District 3 Vice-Chair, San Diego County Board of Supervisors
Jim Desmond, District 5, San Diego County Board of Supervisors

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IN
SENATE
JULY 13, 2023

AMENDED
IN
SENATE
JULY 06, 2023

AMENDED
IN
ASSEMBLY
MAY 01, 2023

AMENDED
IN
ASSEMBLY
APRIL 17, 2023

AMENDED
IN
ASSEMBLY
MARCH 23, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 918

Introduced by Assembly Member Garcia

February 14, 2023

An act to add Chapter 11 (commencing with Section 32499.5) to Division 23 of the Health and Safety Code, relating to health care districts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 918, as amended, Garcia. Health care district: County of Imperial.

Existing law, the Local Health Care District Law, authorizes the organization and incorporation of local health care districts and specifies the powers of those districts, including, among other things, the power to establish, maintain, and operate, or provide assistance in the operation of, one or more health facilities or health services, including, but not limited to, outpatient programs, services, and facilities; retirement programs, services, and facilities; chemical dependency programs, services, and facilities; or other health care programs, services, and facilities and activities at any location within or without the district for the benefit of the district and the people served by the district.

This bill would form a local health care district in the County of Imperial, designated as the Imperial Valley Healthcare District, that includes all of the County of Imperial. The bill would require the initial board of directors of the Imperial Valley Healthcare District to be appointed from and by specified bodies, including among others, the Imperial County Board of Supervisors, the Pioneers Memorial Healthcare District Board of Directors, and the Heffernan Memorial Healthcare District Board of Directors. The bill would require the initial board of directors to recommend a permanent funding source mechanism to be presented to and approved by voters via ballot measure. The bill would require the initial board of directors to enter negotiations with El Centro Regional Medical Center to decide the terms of the acquisition of the hospital. The bill would require the board of directors to finalize the terms of the acquisition by November 5, 2024. *The bill would require the City of El Centro to negotiate in good faith with the Imperial Valley Healthcare District.* The bill would require the board of directors to hold a minimum of 3 public meetings between the effective date of the bill and January 1, 2025, as specified. The bill would require the board of directors to ~~decide~~ *recommend to the Imperial County Local Agency Formation Commission (LAFCO)* dates for the dissolutions of the Pioneers Memorial Healthcare District and Heffernan Memorial Healthcare District and would authorize the board to ~~choose~~ *recommend* separate dates for each district's dissolution. The ~~bill, on the date or dates decided by the Imperial Valley Healthcare Board of Directors, would~~ *bill would require, by January 1, 2025, the Imperial County LAFCO to* dissolve the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District and would transfer the assets, rights, and responsibilities of the dissolved districts to the Imperial Valley Healthcare District. The bill would require, until the dissolution of both of those districts, the Heffernan Memorial Healthcare District to hold a temporary administrative role for the Imperial Valley Healthcare District Board of Directors, as specified. Following the appointment of the board of directors, the bill would require the board of directors to adopt a resolution to divide the Imperial Valley Healthcare District into voting districts for the purpose of electing members of the board of directors from and by the electors of those voting districts beginning with the next district election occurring after January 1, 2024. *The bill would require the Imperial Valley Healthcare District to annually report to the Imperial County LAFCO regarding health care service provision in the district in 2024 and 2025, as specified. The bill would require the Imperial County*

ATTACHMENT A

LAFCO to conduct a municipal service review regarding health care service provision in the district by December 31, 2026, and by December 31 every 5 years thereafter. By imposing new duties on the *City of El Centro and the* County of Imperial, the bill would impose a state-mandated local program.

This bill would state the intent of the Legislature that the Imperial Valley Healthcare District maximize the use of its assets to provide direct health care services to individuals within the district, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Imperial.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Digest Key

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 11 (commencing with Section 32499.5) is added to Division 23 of the Health and Safety Code, to read:

CHAPTER 11. Imperial Valley Healthcare District

32499.5. (a) A local health care district designated as the Imperial Valley Healthcare District is hereby formed within the County of Imperial. All other provisions of this division shall apply to the Imperial Valley Healthcare District following its formation, except as provided in this chapter.

(b) The territory of the district shall include all of the County of Imperial, including those areas under the jurisdiction of the Pioneers Memorial Healthcare District and the Heffernan Memorial Healthcare District.

(c) Following the formation of the district, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code) governs any change of organization.

(d) As used in this chapter, "district" means the Imperial Valley Healthcare District.

32499.6. (a) The initial board of directors of the district shall be composed of the following members:

- (1) Two members from and appointed by the Pioneers Memorial Healthcare District Board of Directors.
- (2) Two members from and appointed by the Heffernan Memorial Healthcare District Board of Directors.
- (3) Two members from the City of El Centro and appointed by the Imperial County Board of Supervisors. These members shall be residents of the City of El Centro, but not a City of El Centro employee, an elected official of the City of El Centro, or an employee or board member of the El Centro Regional Medical Center.
- (4) One member from and appointed by the Imperial County Board of Supervisors.

(b) The appointing bodies shall have 60 days from the effective date of this chapter to appoint members of the initial board. If a board position is not filled within this ~~time frame~~, *timeframe*, the Imperial County Board of Supervisors shall appoint the remaining members of the initial board of directors.

(c) (1) The initial board of directors, appointed pursuant to this section, shall create a staggered board of directors by choosing a number of board members to remain on the board following the first district election occurring pursuant to subdivision (a) of Section 32499.7.

(2) The initial board of directors, in collaboration with the Imperial County Local Agency Formation Commission (LAFCO), shall determine the years that the voting districts and associated board positions will be up for election by July 1, 2024.

(3) The initial board of directors shall recommend a permanent funding source mechanism to be presented to and approved by voters via ballot measure. The funding source mechanism shall be placed on the ballot for the March 2024 or November 2024 election. The initial board of directors, in collaboration with the Imperial County LAFCO, shall use financial feasibility studies conducted by the City of El Centro and the Imperial County LAFCO to determine the funding source mechanism.

(4) The initial board of directors shall enter negotiations with the El Centro Regional Medical Center to decide the terms of the acquisition of the hospital. Upon reviewing the financial feasibility studies conducted by the City of El Centro and the Imperial County LAFCO and confirming the financial viability of integrating the El Centro Regional Medical Center into the district, the initial board of directors shall determine the terms of the acquisition of the hospital. The initial board shall finalize the terms of acquiring the hospital by November 5, 2024. *The City of El Centro shall negotiate in good faith with the district, but is not required to sell the hospital to the district or agree to the terms that the initial board finalizes.*

(5) (A) The initial board of directors shall ~~decide recommend to the Imperial County LAFCO~~ a date for the dissolution of the Pioneers Memorial Healthcare District. The dissolution date shall be between July 1, 2024, and January 1, 2025. The initial board of directors may ~~decide recommend~~ a date that differs from the dissolution date of the Heffernan Memorial Healthcare District.

(B) The initial board of directors shall ~~decide recommend to the Imperial County LAFCO~~ a date for the dissolution of the Heffernan Memorial Healthcare District. The dissolution date shall be between July 1, 2024, and January 1, 2025. The initial board of directors may ~~decide recommend~~ a date that differs from the dissolution date of the Pioneers Memorial Healthcare District.

(6) The board of directors shall hold a minimum of three public meetings between the effective date of this chapter and January 1, 2025, as follows:

(A) During the first public meeting, the board of directors shall inform the public of the establishment of the Imperial Valley Healthcare District, the cost savings of having one countywide health care district, and the findings of the financial feasibility studies conducted by the City of El Centro and the Imperial County LAFCO.

(B) During the second public meeting, the board of directors shall inform the public of the recommended permanent funding source mechanism for the Imperial Valley Healthcare District.

(C) During the third public meeting, the board of directors shall inform the public about the acquisition of the El Centro Regional Medical Center.

ATTACHMENT A

(D) If the board of directors votes to acquire the El Centro Regional Medical Center, the board of directors shall hold a fourth meeting. During this meeting, the board of directors shall disclose the terms of the acquisition to the ~~public~~: *public and present a financial plan to finance the acquisition and ongoing operations of hospitals in the district.*

(E) At each public meeting held pursuant to this paragraph, the board of directors shall allow time for public comment.

(d) Until both the Heffernan Memorial Healthcare District and Pioneers Memorial Healthcare District are dissolved, the Heffernan Memorial Healthcare District shall hold a temporary administrative role to the board of directors of the Imperial Valley Healthcare District, that includes:

- (1) Providing administrative employees.
- (2) Providing assistance in scheduling board meetings and public meetings.
- (3) Any other administrative tasks associated with establishing a new health care district.

(e) The board of directors shall consist of all elected members by the conclusion of the 2028 general election.

(f) A vacancy in a board position shall be filled by the methods prescribed in Section 1780 of the Government Code, and, after the board of directors consists of all elected members, shall be filled by the methods prescribed in Section 32499.7.

32499.7. (a) (1) Following appointment, the Board of Directors of the Imperial Valley Healthcare District, notwithstanding Section 32100.1, shall adopt a resolution to divide the district into seven voting districts, number the voting districts consecutively, and elect members of the board of directors by voting district beginning with the next district election occurring after January 1, 2024.

(2) The board of directors shall collaborate with the Imperial County Local Agency Formation Commission to establish the voting districts.

(b) In establishing the voting districts described in subdivision (a), the board of directors shall provide for representation in accordance with demographic, including population, and geographic factors of the entire area of the district. The board of directors shall fix the time and place and give public notice for a hearing on the proposed establishment of the voting districts, at which any elector of the district may present their views and plans in relation to the proposed division, but the board of directors shall not be bound thereby and their decision, in the resolution adopted, shall be final.

(c) The resolution adopted pursuant to subdivision (a) shall declare the voting districts and describe the boundaries of each voting district.

(d) The voting districts described in subdivision (a) and any necessary procedures for implementing the election of the board of directors by voting districts shall be established and implemented on or before July 1, 2024.

(e) The voting districts established pursuant to this section shall be effective for subsequent district elections, commencing with the next district election occurring after January 1, 2024. At the expiration of the terms of office of the members of the board of directors then in office, and thereafter, these members of the board of directors shall be elected by voting districts. One member of the board of directors shall be elected by the electors of each of the voting districts. A person shall not be eligible to hold the office of member of the board of directors unless they have been a resident of the voting district from which they are elected for 30 days next preceding the date of the election. A member of the initial board of directors, appointed pursuant to Section 32499.6, shall not be eligible to become an elected board member of the district for the first round of elections for each respective board seat.

(f) A vacancy upon the board that results in a voting district left unrepresented prior to the expiration of the term of that board position shall be filled by appointment of the remaining members of the board of directors. A member of the board of directors appointed pursuant to this subdivision shall be a resident of the voting district left unrepresented on the board of directors.

32499.8. (a) *The district shall make annual reports to the Imperial County Local Agency Formation Commission (LAFCO), by December 31, 2024, and December 31, 2025, regarding health care service provision within the boundaries of the district, using the indices outlined in paragraphs (1) to (6), inclusive, of subdivision (a) of Section 56430 of the Government Code.*

(b) *By December 31, 2026, and by December 31 every five years thereafter, the Imperial County LAFCO shall conduct a municipal service review regarding health care service provision within the boundaries of the district pursuant to Section 56430 of the Government Code.*

~~32499.8.~~

32499.9. It is the intent of the Legislature that the Imperial Valley Healthcare District maximize the use of its assets to provide direct health care services to individuals within the district through direct operation of or funding provided to organizations that own or operate hospitals, medical clinics, ambulance services, transportation programs for seniors or persons with disabilities, wellness centers, health education services, promotoras, mental health services, veterans' health services, and other similar services.

~~32499.9.~~

32499.95. (a) ~~On the date or dates of the health care district dissolutions decided by~~ *Upon receipt of the recommendation from the Imperial Valley Healthcare District Board of Directors pursuant to paragraph (5) of subdivision (c) of Section 32499.6, the Imperial County Local Agency Formation Commission (LAFCO) shall determine the appropriate dates to dissolve the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District. The Imperial County LAFCO may decide on different dissolution dates for the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District. The Imperial County LAFCO shall dissolve the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District by January 1, 2025.*

(b) The Imperial Valley Healthcare District shall be the successor to the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District. Effective on the respective date of their dissolution, all assets, rights, and responsibilities of the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District are transferred to the Imperial Valley Healthcare District. As of the effective date of the dissolution, the Imperial Valley Healthcare District shall have ownership, possession, and control of all books, records, papers, offices, equipment, supplies, moneys, funds, appropriations, licenses, permits, entitlements, agreements, contracts, claims, judgments, land, and other assets and property, real or personal, owned or leased by, connected with the administration of, or held for the benefit or use of the Heffernan Memorial Healthcare District or Pioneers Memorial Healthcare District. Accounts payable and all other contract obligations shall be transferred to the Imperial Valley Healthcare District.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique community needs in the County of Imperial that would be served by the formation of the Imperial Valley Healthcare District to include all of the County of Imperial to provide health care services for an underserved population that suffers from a higher than average prevalence of preventable disease.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

The imminent financial collapse of the El Centro Regional Medical Center is a serious threat to the public health and safety of the residents of the region, as it is one of two hospitals serving the County of Imperial and the only hospital serving the City of El Centro and surrounding area. One countywide health care district will facilitate the coordination of medical services and provide immediate cost-saving benefits to the Imperial Valley Healthcare District through the combined economies of scale of the prior health care districts, including having a single governing body and hospital administration, a single medical staff, financial and clinical integration, unified contracting and supplies management, and an integrated medical system. In order to allow local officials the opportunity to acquire the El Centro Regional Medical Center to stabilize access to health care and to continue ongoing emergency medical services in one of California's most underserved communities at the earliest time possible, it is necessary that this act take effect immediately.

3. C. – AB 557 (Hart) Brown Act, teleconferencing

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AMENDED
IN
SENATE
JUNE 19, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 557

Introduced by Assembly Member Hart
(Coauthors: Assembly Members Garcia and Pacheco)

February 08, 2023

An act to amend and repeal Section 54953 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 557, as amended, Hart. Open meetings: local agencies: teleconferences.

(1) 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 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 *the legislative body of* 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, as specified.~~ *effect. Those circumstances are that (1) state or local officials have imposed or recommended measures to promote social distancing, (2) the legislative body is meeting for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (3) the legislative body has previously made that determination.* If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law requires a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option. Existing law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time.

This bill would ~~extend the above-described~~ *revise the authority of a legislative body to hold a teleconference meeting under those* abbreviated teleconferencing ~~provisions~~ *procedures* when a declared state of emergency is in ~~effect, or in other situations related to public health, as specified, indefinitely.~~ *effect. Specifically, the bill would extend indefinitely that authority in the circumstances under which the legislative body either (1) meets for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (2) has previously made that determination.* The bill would also extend the period for a legislative body to make the above-described findings related to a continuing state of emergency ~~and social distancing~~ to not later than 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures.

The bill would additionally make nonsubstantive changes to those provisions and correct erroneous ~~cross-references.~~ *cross-references.*

(2) 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.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

ATTACHMENT A

SECTION 1. Section 54953 of the Government Code, as amended by Section 1 of Chapter 285 of the Statutes of 2022, is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.
- (b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.
- (2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:
- (A) All votes taken during a teleconferenced meeting shall be by rollcall.
- (B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.
- (C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.
- (D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.
- (3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).
- (c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.
- (2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.
- (3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.
- (d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.
- (2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.
- (3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.
- (e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in ~~any~~ *either* of the following circumstances:
- ~~(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.~~
- ~~(B)~~
- (A) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- ~~(C)~~
- (B) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph ~~(B)~~; (A), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- (2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:
- (A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.
- (B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.
- (C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.
- (D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (D), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (D), or otherwise be recognized for the purpose of providing public comment.

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

(3) If a state of emergency remains active, ~~or state or local officials have imposed or recommended measures to promote social distancing~~, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 45 days after teleconferencing for the first time pursuant to subparagraph ~~(A), (B), or (C)~~ (A) or (B) of paragraph (1), and every 45 days thereafter, make the following findings by majority vote:

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

~~(B) Any of the following circumstances exist:~~

~~(i)~~

~~(B)~~ The state of emergency continues to directly impact the ability of the members to meet safely in person.

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

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

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

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

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

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(6) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(7) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 2. Section 54953 of the Government Code, as amended by Section 2 of Chapter 285 of the Statutes of 2022, is amended to read:

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

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

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

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

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

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

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

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

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the

ATTACHMENT A

number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

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

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

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in ~~any~~ **either** of the following circumstances:

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

~~(B)~~

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

~~(C)~~

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

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

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

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

(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (D), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (D), or otherwise be recognized for the purpose of providing public comment.

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

(3) If a state of emergency remains active, ~~or state or local officials have imposed or recommended measures to promote social distancing~~, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 45 days after teleconferencing for the first time pursuant to subparagraph ~~(A), (B), or (C)~~ (A) or (B) of paragraph (1), and every 45 days thereafter, make the following findings by majority vote:

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

~~(B) Any of the following circumstances exist:~~

~~(i)~~

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

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

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

(1) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(2) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(j) This section shall become operative January 1, 2026.

SEC. 3. Section 54953 of the Government Code, as added by Section 3 of Chapter 285 of the Statutes of 2022, is repealed.

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

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings.

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AMENDED
IN
ASSEMBLY
AUGUST 14, 2023

AMENDED
IN
SENATE
APRIL 24, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 411

Introduced by Senator Portantino
(Coauthor: Senator Menjivar)
(Coauthor: Assembly Member Luz Rivas)

February 09, 2023

An act to add and repeal Section ~~54953.4~~ 54953.8 of the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 411, as amended, Portantino. Open meetings: teleconferences: neighborhood councils.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.

This bill, until January 1, ~~2028~~, 2026, would authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and $\frac{2}{3}$ of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define "eligible legislative body" for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act. The bill would require an eligible legislative body authorized under the bill to provide publicly accessible physical locations for public participation, as prescribed. The bill would also require that at least a quorum of the members of the neighborhood council participate from locations within the boundaries of the city in which the neighborhood council is established. *The bill would require that, at least once per year, at least a quorum of the members of the eligible legislative body participate in person from a singular physical location that is open to the public and within the boundaries of the eligible legislative body.*

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.

This bill would make legislative findings and declarations as to the necessity of a special statute for the neighborhood councils of the City of Los Angeles.

ATTACHMENT A

This bill would declare that it is to take effect immediately as an urgency statute.

Digest Key

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares that neighborhood councils in the City of Los Angeles provide important community input to the city council. Unlike other legislative bodies that have access to a regular meeting locations, these volunteer, uncompensated, elected members have had trouble finding public locations to hold their meetings. While the Legislature recently granted additional teleconferencing flexibility for legislative bodies to use teleconferencing more flexibly, the additional teleconferencing flexibility of this act is necessary to account for the specific needs of neighborhood councils in the City of Los Angeles.

~~SEC. 2. Section 54953.4 is added to the Government Code, to read:~~

~~54953.4.~~

SEC. 2. Section 54953.8 is added to the Government Code, to read:

54953.8. (a) (1) An eligible legislative body may use teleconferencing without complying with paragraph (3) of subdivision (b) of Section 54953 if the eligible legislative body complies with paragraphs (2) to (4), inclusive.

(2) An eligible legislative body may only use teleconferencing as described in this section after all the following have occurred:

(A) The city council for a city described in subdivision (c) considers whether to adopt a resolution to authorize eligible legislative bodies to use teleconferencing as described in paragraph (1) at an open and regular meeting.

(B) If the city council adopts a resolution described in subparagraph (A), an eligible legislative body may elect to use teleconferencing pursuant to this section if two-thirds of the eligible legislative body votes to do so. The eligible legislative body shall notify the city council if it elects to use teleconferencing pursuant to this section and its justification for doing so.

(C) Upon receiving notification from a legislative body as described in subparagraph (B), the city council may adopt a resolution to prohibit the eligible legislative body from using teleconferencing pursuant to this section.

(3) After completing the requirements in paragraph (2), an eligible legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the eligible legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the eligible legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the eligible legislative body's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the eligible legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the eligible legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The eligible legislative body shall not require public comments to be submitted in advance of the meeting and shall provide an opportunity for the public to address the legislative body and offer comment in real time.

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

(E) (i) An eligible legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (D), to provide public comment until that timed public comment period has elapsed.

(ii) An eligible legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (D), or otherwise be recognized for the purpose of providing public comment.

(iii) An eligible legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (D), until the timed general public comment period has elapsed.

(F) At least a quorum of the members of the eligible legislative body shall participate from locations within the boundaries of the city in which the eligible legislative body is established.

(G) At least once per year, at least a quorum of the members of the eligible legislative body shall participate in person from a singular physical location that is open to the public and within the boundaries of the eligible legislative body.

(4) An eligible legislative body that holds a meeting pursuant to this subdivision shall do the following, as applicable:

(A) If the meeting is during regular business hours of the offices of the city council member that represents the area that includes the eligible legislative body, the eligible legislative body shall provide a publicly accessible physical location from which the public may attend or comment, which shall be the offices of the city council member council member who represents the area where the eligible legislative body is located, unless the eligible legislative body identifies an alternative location.

(B) If the meeting is outside regular business hours, the eligible legislative body shall make reasonable efforts to accommodate any member of the public that requests an accommodation to participate in the meeting. For the purposes of this subparagraph, "accommodation" means providing a publicly accessible physical location for the member of the public to participate from, providing access to technology necessary to participate in the meeting, or identifying locations or resources available that could provide the member of the public with an opportunity to participate in the meeting.

(b) The legislative body shall comply with all other requirements of Section 54953.

(c) As used in this section, "eligible legislative body" means a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to this chapter.

ATTACHMENT A

(d) This section shall remain in effect only until January 1, ~~2028~~, 2026, and as of that date is repealed.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section ~~54953.4~~ 54953.8 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

During the COVID-19 public health emergency, audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and those public meetings have been productive, increased public participation by all members of the public regardless of their location and ability to travel to physical meeting locations, increased the pool of people who are able to serve on these bodies, and protected the health and safety of civil servants and the public. Extending the operation of teleconference as conducted during the COVID-19 public health emergency for neighborhood councils will continue these benefits.

SEC. 4. The Legislature finds and declares that Section 2 of this act, which adds Section ~~54953.4~~ 54953.8 to the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

During the COVID-19 public health emergency, audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and those public meetings have been productive, increased public participation by all members of the public regardless of their location and ability to travel to physical meeting locations, increased the pool of people who are able to serve on these bodies, and protected the health and safety of civil servants and the public. Extending the operation of teleconference as conducted during the COVID-19 public health emergency for neighborhood councils will continue these benefits.

SEC. 5. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the specific needs of neighborhood councils in the City of Los Angeles.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Virtual meetings have allowed much easier access to neighborhood councils with far more members of the public participating in each meeting. This has created greater equity in the process and fostered the health of our democracy. In-person meetings may jeopardize the health and safety of vulnerable citizens due to ongoing risks of COVID-19 and other illnesses.

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AUGUST 14, 2023

AMENDED
IN
SENATE
APRIL 24, 2023

AMENDED
IN
SENATE
MARCH 22, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 537

Introduced by Senator Becker

February 14, 2023

An act to amend Section 54953 of, and to add and repeal Section 54953.4 of, the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 537, as amended, Becker. Open meetings: multijurisdictional, cross-county agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely.

This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

The bill would authorize the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance and the number of public comments on its internet website within 7 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from *one or more physical* locations *that are open to the public and* within the boundaries of the territory over which the local agency exercises jurisdiction. *The bill would require a member who receives compensation for their service, as specified, on the legislative body to participate from a physical location that is open to the public.* The bill would require the legislative body to identify in the agenda each member who plans to participate remotely and to include the address of the publicly accessible building from *which* each member will participate via teleconference. The bill would prohibit a member from participating remotely pursuant to these provisions unless the remote location is the member's office or another location in a publicly accessible building and is more than 40 miles from the *in-person* location of the ~~in-person~~ meeting. The bill would repeal these alternative teleconferencing provisions on January 1, ~~2028~~ 2026.

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.

ATTACHMENT A

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.

This bill would declare that it is to take effect immediately as an urgency statute.

Digest Key

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 54953 of the Government Code, as amended by Section 1 of Chapter 285 of the Statutes of 2022, is amended to read:

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

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

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

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

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

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

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

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

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

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

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

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

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

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

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

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

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using

ATTACHMENT A

the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

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

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

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

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

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

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

(B) Any of the following circumstances exist:

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

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

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

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

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

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

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

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(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(E) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(6) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(7) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

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

SEC. 2. Section 54953 of the Government Code, as amended by Section 2 of Chapter 285 of the Statutes of 2022, is amended to read:

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

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

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

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

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d).

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

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

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

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

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

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

(e) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

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

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

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

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

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- (h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.
- (2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.
- (i) For the purposes of this section, the following definitions shall apply:
- (1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.
- (2) "Just cause" means any of the following:
- (A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.
- (B) A contagious illness that prevents a member from attending in person.
- (C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).
- (D) Travel while on official business of the legislative body or another state or local agency.
- (E) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.
- (3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.
- (4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.
- (5) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.
- (6) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.
- (7) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.
- (8) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.
- (j) This section shall become operative January 1, 2024, shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 3. Section 54953.4 is added to the Government Code, to read:

54953.4. (a) For purposes of this section, the following definitions apply:

- (1) "Eligible legislative body" means a board, commission, or advisory body of a multijurisdictional, cross-county agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to this chapter.
- (2) "Multijurisdictional" means a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1.
- (b) An eligible legislative body may use teleconferencing without complying with paragraph (3) of subdivision (b) of Section 54953 if the legislative body complies with this section.
- (c) An eligible legislative body shall not use teleconferencing pursuant to this section unless the eligible legislative body has adopted a resolution that authorizes the eligible legislative body to use teleconferencing at a regular meeting in open session.
- (d) An eligible legislative body that holds a meeting pursuant to this section shall comply with all of the following:
- (1) In each notice and posting of the time or agenda of the teleconferenced meeting, the eligible legislative body shall include the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.
- (2) In the event of a disruption that prevents the eligible legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the eligible legislative body's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the eligible legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the eligible legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.
- (3) The eligible legislative body shall not require public comments to be submitted in advance of the meeting and shall provide an opportunity for the public to address the legislative body and offer comment in real time.
- (4) (A) If an eligible legislative body provides a timed public comment period for each agenda item, the eligible legislative body shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subdivision (f), to provide public comment until that timed public comment period has elapsed.
- (B) If an eligible legislative body does not provide a timed public comment period, but takes public comment separately on each agenda item, the eligible legislative body shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subdivision (f).
- (C) If an eligible legislative body provides a timed general public comment period that does not correspond to a specific agenda item, the eligible legislative body shall not close the public comment period or the opportunity to register, pursuant to subdivision (f), until the timed general public comment period has elapsed.
- (5) Except as provided in Section 54953.3, an eligible legislative body, within seven days of holding a teleconference meeting, shall provide both of the following on its internet website:
- (A) A record of attendance of both community members and members of the eligible legislative body.

(B) The number of public comments in the meeting.

(6) (A) At least a quorum of the members of the eligible legislative body shall participate from *one or more physical* locations *that are open to the public and* within the boundaries of the territory over which the local agency exercises jurisdiction.

(B) Any member of the eligible legislative body who receives compensation for their service on the eligible legislative body shall participate from a physical location that is open to the public. For purposes of this subparagraph, "compensation" does not include reimbursement for traveling or other actual and necessary expenses incurred in connection with participating in person.

~~(B)~~

(C) The eligible legislative body shall identify each member of the eligible legislative body who plans to participate remotely in the agenda and shall include the address of the publicly accessible building from where they will participate via teleconference. The specific room or location within the publicly accessible building from which a member participates via teleconference is not required to be publicly accessible.

(7) The eligible legislative body shall provide a physical location from which the public may attend or comment.

(8) The eligible legislative body shall comply with all requirements of Section 54953 except paragraph (3) of subdivision (b) of that section.

(e) A member of the eligible legislative body shall not participate in a meeting remotely pursuant to this section unless they meet both of the following requirements:

(1) The location from which the member participates is more than 40 miles from the *in-person* location of the ~~in-person~~ meeting.

(2) The member participates from their office or another location in a publicly accessible building.

(f) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of a third-party internet website or other online platform during a meeting held pursuant to this section may be required to register to log in to the teleconference if both of the following conditions are met:

(1) The internet website or online platform requires that registration.

(2) The decision to require registration is not under the control of the legislative body.

(g) This section shall remain in effect only until January 1, ~~2026~~, 2026, and as of that date is repealed.

SEC. 4. The Legislature finds and declares that Sections 1, 2, and 3 of this act, which amend Section 54953 of, and add Section 54953.4 to, the Government Code, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

Permitting remote participation for just cause due to a member's immunocompromised family member, as well as extending the operation of teleconferencing for legislative bodies of multijurisdictional, cross-county agencies with appointed membership, will further increase public participation, increase the pool of people who are able to serve on these bodies, including those that would otherwise have to travel long distances to attend meetings in person, and protect the health and safety of the public.

SEC. 5. The Legislature finds and declares that Sections 1, 2, and 3 of this act, which amend Section 54953 of, and add Section 54953.4 to, the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Permitting remote participation for just cause due to a member's immunocompromised family member, as well as extending the operation of teleconferencing for legislative bodies of multijurisdictional, cross-county agencies with appointed membership, will further increase public participation, increase the pool of people who are able to serve on these bodies, including those that would otherwise have to travel long distances to attend meetings in person, and protect the health and safety of the public.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Virtual meetings have allowed much easier access to appointed bodies of local agencies with far more members of the public participating in each meeting. This has created greater equity in the process and fostered the health of our democracy. In-person meetings may jeopardize the health and safety of vulnerable citizens due to ongoing risks of illnesses.

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3. F. – AB 68 (Ward) Land use, streamlined housing approvals

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Bill Keyword Author Smart Regular ALL ### GO

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AMENDED
IN
ASSEMBLY
APRIL 12, 2023

AMENDED
IN
ASSEMBLY
MARCH 16, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 68

Introduced by Assembly Member Ward

December 08, 2022

An act to amend Section 65585 of, to add Sections 65040.18, 65914.7.5, and 66425.5 to, and to add Chapter 4.3.1 (commencing with Section 65918.5) to Division 1 of Title 7 of, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 68, as amended, Ward. Land use: streamlined housing approvals: density, subdivision, and utility approvals.

Existing law, the Planning and Zoning Law, 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.

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

Existing law requires the department to notify a city, county, or city and county, and authorizes the department to notify the office of the Attorney General, that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to the housing element does not substantially comply with specified provisions of the Planning and Zoning Law, or that the local government has taken action in violation of specified provisions of law relating to housing, including, among others, the Housing Accountability Act, the Density Bonus Law, and the Housing Crisis Act of 2019.

This bill would add the streamlining procedures added by the bill to the list of laws subject to this notification requirement.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Existing law also sets forth various procedures related to land use actions and utility service in local jurisdictions, including, but not limited to, a requirement that a tentative a final map be made for certain housing projects, including all subdivisions creating 5 or more parcels.

This bill would prohibit a county, or city if certain conditions are met, from increasing the planned density on climate resilient lands, as defined, from approving any tentative, final, or parcel maps for the subdivision of property within climate risk lands or climate refugia lands, as defined, and from approving an extension of water or sewer services on climate resilient lands unless specified planning requirements or conditions are met. The bill would require, as part of those requirements or conditions, the county or city to make certain findings that are confirmed by the Office of Planning and Research. The bill would set forth procedures for requesting those findings from the office. The bill would make conforming changes.

By imposing additional duties on local officials, the bill would impose a state-mandated local program.

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 a specified reason.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

ATTACHMENT A

Bill Text**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:****SECTION 1.** Section 65040.18 is added to the Government Code, to read:

65040.18. (a) A county may submit an application to the office, in the form and manner prescribed by the office, for the following purposes:

- (1) Receiving findings from the office for purposes of subparagraphs (A) and (B) of paragraph (3) of subdivision (c) of Section 65918.5.03.
- (2) Receiving findings from the office for purposes of subparagraph (D) of paragraph (3) of subdivision (c) of Section 65918.5.03.

(b) The office shall, in consultation with the Department of Housing and Community Development and the Natural Resources Agency, review applications submitted by a county pursuant to subdivision (a).

(c) (1) For applications submitted pursuant to paragraph (2) of subdivision (a), the office shall issue findings in favor of the county for purposes of subparagraph (D) of paragraph (3) of subdivision (c) of Section 65918.5.03 if all of the following apply:

(A) There is a lack of sufficient acreage in existing communities for the proposed residential development that is necessary to meet the county's regional housing need.

(B) Acres that may be designated in existing communities for the proposed residential development for purposes of meeting the county's regional housing need are unlikely to be developed in the required timeframe to meet the county's regional housing need.

(C) The county cannot redesignate sufficient acreage on lands outside of climate resilient lands to meet the county's regional housing need because the redesignation of land is infeasible or because there is insufficient acreage available for redesignation.

(2) For purposes of this subdivision, "proposed residential development" means the development related to the county's increase in planned density, subdivision of property, or extension of water or sewer service pursuant to Chapter 4.3.1 (commencing with Section 65918.5).

(d) The office may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section.

(e) For purposes of this section, the definitions in Chapter 4.3.1 (commencing with Section 65918.5) apply.

(f) References to "county" in this section shall also refer to a city when related to lands subject to Section 65918.5.04.

SEC. 2. Section 65585 of the Government Code is amended to read:

65585. (a) In the preparation of its housing element, each city and county shall consider the guidelines adopted by the department pursuant to Section 50459 of the Health and Safety Code. Those guidelines shall be advisory to each city or county in the preparation of its housing element.

(b) (1) At least 90 days prior to adoption of a revision of its housing element pursuant to subdivision (e) of Section 65588, or at least 60 days prior to the adoption of a subsequent amendment to this element, the planning agency shall submit a draft element revision or draft amendment to the department. The local government of the planning agency shall make the first draft revision of a housing element available for public comment for at least 30 days and, if any comments are received, the local government shall take at least 10 business days after the 30-day public comment period to consider and incorporate public comments into the draft revision prior to submitting it to the department. For any subsequent draft revision, the local government shall post the draft revision on its internet website and shall email a link to the draft revision to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting the draft revision to the department.

(2) The planning agency staff shall collect and compile the public comments regarding the housing element received by the city, county, or city and county, and provide these comments to each member of the legislative body before it adopts the housing element.

(3) The department shall review the draft and report its written findings to the planning agency within 90 days of its receipt of the first draft submittal for each housing element revision pursuant to subdivision (e) of Section 65588 or within 60 days of its receipt of a subsequent draft amendment or an adopted revision or adopted amendment to an element. The department shall not review the first draft submitted for each housing element revision pursuant to subdivision (e) of Section 65588 until the local government has made the draft available for public comment for at least 30 days and, if comments were received, has taken at least 10 business days to consider and incorporate public comments pursuant to paragraph (1).

(c) In the preparation of its findings, the department may consult with any public agency, group, or person. The department shall receive and consider any written comments from any public agency, group, or person regarding the draft or adopted element or amendment under review.

(d) In its written findings, the department shall determine whether the draft element or draft amendment substantially complies with this article.

(e) Prior to the adoption of its draft element or draft amendment, the legislative body shall consider the findings made by the department. If the department's findings are not available within the time limits set by this section, the legislative body may act without them.

(f) If the department finds that the draft element or draft amendment does not substantially comply with this article, the legislative body shall take one of the following actions:

(1) Change the draft element or draft amendment to substantially comply with this article.

(2) Adopt the draft element or draft amendment without changes. The legislative body shall include in its resolution of adoption written findings which explain the reasons the legislative body believes that the draft element or draft amendment substantially complies with this article despite the findings of the department.

(g) Promptly following the adoption of its element or amendment, the planning agency shall submit a copy to the department.

(h) The department shall, within 90 days, review adopted housing elements or amendments and report its findings to the planning agency.

(i) (1) (A) The department shall review any action or failure to act by the city, county, or city and county that it determines is inconsistent with an adopted housing element or Section 65583, including any failure to implement any program actions included in the housing element pursuant to Section 65583. The department shall issue written findings to the city, county, or city and county as to whether the action or failure to act substantially complies with this article, and provide a reasonable time no longer than 30 days for the city, county, or city and county to respond to the findings before taking any other action authorized by this section, including the action authorized by subparagraph (B).

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(B) If the department finds that the action or failure to act by the city, county, or city and county does not substantially comply with this article, and if it has issued findings pursuant to this section that an amendment to the housing element substantially complies with this article, the department may revoke its findings until it determines that the city, county, or city and county has come into compliance with this article.

(2) The department may consult with any local government, public agency, group, or person, and shall receive and consider any written comments from any public agency, group, or person, regarding the action or failure to act by the city, county, or city and county described in paragraph (1), in determining whether the housing element substantially complies with this article.

(j) The department shall notify the city, county, or city and county and may notify the office of the Attorney General that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to this element, or any action or failure to act described in subdivision (i), does not substantially comply with this article or that any local government has taken an action in violation of the following:

- (1) Housing Accountability Act (Section 65589.5).
- (2) Section 65863.
- (3) Chapter 4.3 (commencing with Section 65915).
- (4) Section 65008.
- (5) Housing Crisis Act of 2019 (Chapter 654, Statutes of 2019, Sections 65941.1, 65943, and 66300).
- (6) Section 8899.50.
- (7) Section 65913.4.
- (8) Article 11 (commencing with Section 65650).
- (9) Article 12 (commencing with Section 65660).
- (10) Section 65913.11.
- (11) Section 65400.
- (12) Section 65863.2.
- (13) Chapter 4.1 (commencing with Section 65912.100).
- (14) Section 65914.7.5.

(k) Commencing July 1, 2019, prior to the Attorney General bringing any suit for a violation of the provisions identified in subdivision (j) related to housing element compliance and seeking remedies available pursuant to this subdivision, the department shall offer the jurisdiction the opportunity for two meetings in person or via telephone to discuss the violation, and shall provide the jurisdiction written findings regarding the violation. This paragraph does not affect any action filed prior to the effective date of this section. The requirements set forth in this subdivision do not apply to any suits brought for a violation or violations of paragraphs (1) and (3) to (9), inclusive, of subdivision (j).

(l) In any action or special proceeding brought by the Attorney General relating to housing element compliance pursuant to a notice or referral under subdivision (j), the Attorney General may request, upon a finding of the court that the housing element does not substantially comply with the requirements of this article pursuant to this section, that the court issue an order or judgment directing the jurisdiction to bring its housing element into substantial compliance with the requirements of this article. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If a court determines that the housing element of the jurisdiction substantially complies with this article, it shall have the same force and effect, for purposes of eligibility for any financial assistance that requires a housing element in substantial compliance and for purposes of any incentives provided under Section 65589.9, as a determination by the department that the housing element substantially complies with this article.

(1) If the jurisdiction has not complied with the order or judgment after 12 months, the court shall conduct a status conference. Following the status conference, upon a determination that the jurisdiction failed to comply with the order or judgment compelling substantial compliance with the requirements of this article, the court shall impose fines on the jurisdiction, which shall be deposited into the Building Homes and Jobs Trust Fund. Any fine levied pursuant to this paragraph shall be in a minimum amount of ten thousand dollars (\$10,000) per month, but shall not exceed one hundred thousand dollars (\$100,000) per month, except as provided in paragraphs (2) and (3). In the event that the jurisdiction fails to pay fines imposed by the court in full and on time, the court may require the Controller to intercept any available state and local funds and direct such funds to the Building Homes and Jobs Trust Fund to correct the jurisdiction's failure to pay. The intercept of the funds by the Controller for this purpose shall not violate any provision of the California Constitution.

(2) If the jurisdiction has not complied with the order or judgment after three months following the imposition of fees described in paragraph (1), the court shall conduct a status conference. Following the status conference, if the court finds that the fees imposed pursuant to paragraph (1) are insufficient to bring the jurisdiction into compliance with the order or judgment, the court may multiply the fine determined pursuant to paragraph (1) by a factor of three. In the event that the jurisdiction fails to pay fines imposed by the court in full and on time, the court may require the Controller to intercept any available state and local funds and direct such funds to the Building Homes and Jobs Trust Fund to correct the jurisdiction's failure to pay. The intercept of the funds by the Controller for this purpose shall not violate any provision of the California Constitution.

(3) If the jurisdiction has not complied with the order or judgment six months following the imposition of fees described in paragraph (1), the court shall conduct a status conference. Upon a determination that the jurisdiction failed to comply with the order or judgment, the court may impose the following:

(A) If the court finds that the fees imposed pursuant to paragraphs (1) and (2) are insufficient to bring the jurisdiction into compliance with the order or judgment, the court may multiply the fine determined pursuant to paragraph (1) by a factor of six. In the event that the jurisdiction fails to pay fines imposed by the court in full and on time, the court may require the Controller to intercept any available state and local funds and direct such funds to the Building Homes and Jobs Trust Fund to correct the jurisdiction's failure to pay. The intercept of the funds by the Controller for this purpose shall not violate any provision of the California Constitution.

(B) The court may order remedies available pursuant to Section 564 of the Code of Civil Procedure, under which the agent of the court may take all governmental actions necessary to bring the jurisdiction's housing element into substantial compliance pursuant to this article in order to remedy identified deficiencies. The court shall determine whether the housing element of the jurisdiction substantially complies with this article and, once the court makes that determination, it shall have the same force and effect, for all purposes, as the department's determination that the housing element substantially complies with this article. An agent appointed pursuant to this paragraph shall have expertise in planning in California.

(4) This subdivision does not limit a court's discretion to apply any and all remedies in an action or special proceeding for a violation of any law identified in subdivision (j).

(m) In determining the application of the remedies available under subdivision (l), the court shall consider whether there are any mitigating circumstances delaying the jurisdiction from coming into compliance with state housing law. The court may consider whether a city, county, or city and county is making a good faith effort to come into substantial compliance or is facing substantial undue hardships.

(n) Nothing in this section shall limit the authority of the office of the Attorney General to bring a suit to enforce state law in an independent capacity. The office of the Attorney General may seek all remedies available under law including those set forth in this section.

(o) Notwithstanding Sections 11040 and 11042, if the Attorney General declines to represent the department in any action or special proceeding brought pursuant to a notice or referral under subdivision (j) the department may appoint or contract with other counsel for purposes of representing the department in the action or special proceeding.

(p) Notwithstanding any other provision of law, the statute of limitations set forth in subdivision (a) of Section 338 of the Code of Civil Procedure shall apply to any action or special proceeding brought by the Office of the Attorney General or pursuant to a notice or referral under subdivision (j), or by the department pursuant to subdivision (o).

SEC. 3. Section 65914.7.5 is added to the Government Code, to read:

65914.7.5. (a) For purposes of this section, the following definitions apply:

(1) "Climate smart parcel" means a parcel located in a highest resource, ~~high resource, or moderate resource~~ *high-resource, or moderate-resource* area, as categorized by the California Tax Credit Allocation Committee's opportunity maps, that ~~meets~~ *satisfies at least* one ~~of the following mobility indicators:~~ *mobility indicator*.

~~(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop.~~

~~(B) The parcel is located in a very low vehicle travel area.~~

~~(C) The parcel is located within a mile from a cluster of six or more of the following:~~

~~(i) Restaurants.~~

~~(ii) Bars.~~

~~(iii) Coffee shops.~~

~~(iv) Supermarkets.~~

~~(v) Grocery stores.~~

~~(vi) Hardware stores.~~

~~(vii) Parks.~~

~~(viii) Pharmacy.~~

~~(ix) Drugstore.~~

(2) "High-quality transit corridor" has the same meaning as defined in subdivision (b) of Section 21155 of the Public Resources Code.

(3) "Housing development" has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(4) "Local agency" means a city, county, or city and county, whether general law or chartered.

(5) "Major transit stop" has the same meaning as defined in ~~Section 21064.3~~ *subdivision (b) of Section 21155* of the Public Resources Code.

(6) *"Mobility indicator" means any of the following:*

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop.

(B) The parcel is located in a very low vehicle travel area.

(C) The parcel is located within one mile from a cluster of six or more of the following:

(i) Restaurant.

(ii) Bar.

(iii) Coffee shop.

(iv) Supermarket.

(v) Grocery store.

(vi) Hardware store.

(vii) Park.

(viii) Pharmacy.

(ix) Drugstore.

~~(6)~~

(7) "Objective zoning standards" and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(7)

(8) "Priority development area" means an area identified under the region's most recent sustainable communities strategy as prime locations for additional growth. These areas may include job centers, transit priority areas, or other characteristics where mobility options support achieving greenhouse gas emissions reduction.

(8)

(9) (A) "Very low vehicle travel area" means an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per ~~capita~~ *capita, or county vehicle miles per capita.*

(B) For purposes of this subdivision, "area" may include a travel analysis zone, hexagon, or grid.

(C) For purposes of determining "regional vehicle miles traveled per capita" pursuant to this subdivision, a "region" is the entirety of incorporated and unincorporated areas governed by a multicounty or single-county metropolitan planning organization, or the entirety of the incorporated and unincorporated areas of an individual county that is not part of a metropolitan planning organization.

(b) A proposed housing development shall be subject to a streamlined, ministerial approval process in subdivision (c) without discretionary review or hearing, if the proposed housing development *consists of multiple units and* satisfies all of the following objective planning standards:

(1) (A) ~~For incorporated areas, the proposed housing development is proposed to be developed on a legal parcel or parcels that includes at least a portion of an~~ *It is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either* urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) For unincorporated areas, the proposed housing development is proposed to be developed on a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The proposed parcel for the proposed housing development is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use. Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground space, such as basements or underground parking garages.

(3) (A) The proposed parcel for the proposed housing development satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(B) The proposed parcel is not in an area projected to experience flooding at less than or equal to sea level rise of five feet according to information from the National Oceanic and Atmospheric Administration or according to the best available science.

(C) The proposed parcel is not on natural lands within 100 meters width of streams or rivers, including, but not limited to, streams or rivers mapped in the United States Environmental Protection Agency National Hydrography Dataset NHDPlus, and not on natural lands mapped by the United States Forest Service, Pacific Southwest Region, existing Vegetation CALVEG, or best available science.

(4) The development on the proposed parcel would not require the demolition or alteration of either of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, as defined in Sections 50093 and 50105 of the Health and Safety Code.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(5) The development on the proposed parcel would not require the demolition of a historic structure that was placed on a national or state historic register.

(6) (A) Subject to subparagraph (B), the proposed parcel is included in the applicable region's sustainable communities strategy as a priority development area or is a climate-smart parcel.

(B) If the parcel is included in the applicable region's sustainable communities strategy as a priority development area or is part of a master environmental impact report pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), meets one of the mobility indicators defined in paragraph (1) of subdivision (a), and the proposed development would not be eligible for ministerial approval under Section 65913.4 because it does not meet the requirements of subparagraph (5) of subdivision (a) of that section, then it shall be treated ~~it shall be treated~~ as a climate-smart parcel for purposes of this section.

(7) If the proposed housing development is ____ units or more, the development proponent certifies to the locality that it will comply with the requirements of Section 65912.130 or 65912.131 of the Government Code.

(8) The proposed development dedicates a minimum of ____ percent of the total number of units, before calculating any density bonus, to deed-restricted affordable housing.

(c) (1) If a local agency determines that a development submitted pursuant to this section is consistent with the objective planning standards specified in subdivision (b) and pursuant to paragraph (3), it shall approve the development. If a local agency determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (b), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(A) Within 60 days of submittal of the development to the local agency pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local agency pursuant to this section if the development contains more than 150 housing units.

(2) If the local agency fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (b).

(3) For purposes of this section, a development is consistent with the objective planning standards specified in subdivision (b) if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards. ~~The local agency shall not determine that a~~

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development, including an application for a modification under subdivision (b), is in conflict with the objective planning standards on the basis that application materials are not included, if the application contains substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

(d) (1) (A) A development proponent may request a modification to a development that has been approved under the streamlined, ministerial approval process provided in subdivision (c) if that request is submitted to the local agency before the issuance of the final building permit required for construction of the development.

(B) Except as provided in paragraph (3), the local agency shall approve a modification if it determines that the modification is consistent with the objective planning standards specified in subdivision (b) that were in effect when the original development application was first submitted.

(C) The local agency shall evaluate any modifications requested pursuant to this subdivision for consistency with the objective planning standards using the same assumptions and analytical methodology that the local agency originally used to assess consistency for the development that was approved for streamlined, ministerial approval pursuant to subdivision (c).

(D) A guideline that was adopted or amended by the department pursuant to subdivision (f) after a development was approved through the streamlined, ministerial approval process described in subdivision (c) shall not be used as a basis to deny proposed modifications.

(2) Upon receipt of the development proponent's application requesting a modification, the local agency shall determine if the requested modification is consistent with the objective planning standard and either approve or deny the modification request within 60 days after submission of the modification, or within 90 days if design review is required.

(3) Notwithstanding paragraph (1), the local agency may apply objective planning standards adopted after the development application was first submitted to the requested modification in any of the following instances:

(A) The development is revised such that the total number of residential units or total square footage of construction changes by 15 percent or more. The calculation of the square footage of construction changes shall not include underground space.

(B) The development is revised such that the total number of residential units or total square footage of construction changes by 5 percent or more and it is necessary to subject the development to an objective standard beyond those in effect when the development application was submitted in order to mitigate or avoid a specific, adverse impact, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (j) of Section 65589.5, upon the public health or safety and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact. The calculation of the square footage of construction changes shall not include underground space.

(C) Objective building standards contained in the California Building Standards Code (Title 24 of the California Code of Regulations), including, but not limited to, building plumbing, electrical, fire, and grading codes, may be applied to all modification applications that are submitted prior to the first building permit application. Those standards may be applied to modification applications submitted after the first building permit application if agreed to by the development proponent.

(4) The local agency's review of a modification request pursuant to this subdivision shall be strictly limited to determining whether the modification, including any modification to previously approved density bonus concessions or waivers, modify the development's consistency with the objective planning standards and shall not reconsider prior determinations that are not affected by the modification.

(e) (1) For ~~multifamily~~ housing developments *that consist of multiple units* on a climate-smart parcel that are submitted pursuant to this section, the following shall apply:

(A) A local agency shall not ~~require~~ *impose* a setback greater than four feet from the side, rear, and front lot lines.

~~(B) The height limit applicable to the housing development shall not exceed 50 feet, unless the base density allows a greater height, in which case the larger of the two shall be used.~~

(B) A local agency shall not impose a height limit on a housing development that is less than 50 feet.

(C) ~~The~~ A local agency shall not impose ~~requirements that preclude a development project that has~~ a maximum lot coverage ~~of 60 percent.~~ *applicable to the housing development of less than 60 percent.*

(D) ~~The~~ A local agency shall not impose or enforce a minimum parking requirement.

(E) Depending on the number of mobility ~~indicators~~ *indicators*, the local agency shall ~~impose the following floor area ratios:~~ *not do any of the following:*

(i) For a housing development project on a parcel with one mobility indicator, *impose* a floor area ratio that is less than 1.0.

(ii) For a housing development project on a parcel with two mobility indicators, *impose* a floor area ratio that is less than 1.25.

(iii) For a housing development project on a parcel with all three mobility indicators, *impose* a floor area ratio that is less than 1.5.

(2) A development proposed pursuant to this section shall be eligible for a density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios pursuant to Section 65915.

(3) A local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section. However, the local agency shall not do the following:

(A) Impose standards that would have the effect of physically precluding the construction of projects that meet or exceed the density standards described in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2.

(B) Adopt or impose any requirement that applies to a development project solely or partially on the basis that the project is eligible to receive streamlined, ministerial review pursuant to this section, including, but not limited to, increased fees or inclusionary housing requirements.

(f) The Department of Housing and Community Development may review, adopt, amend, and repeal guidelines, rules, and regulations to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section.

SEC. 4. Chapter 4.3.1 (commencing with Section 65918.5) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 4.3.1. Density, Subdivisions, and Utilities on Climate Resilient, Risk, and Refugia Lands

65918.5. For purposes of this chapter, the following definitions apply:

(a) "Climate resilient lands" means lands that are not existing communities and that are not excluded lands.

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- (b) "Climate risk lands" mean lands within climate resilient lands that have been identified as lands within very high and high fire severity zones, lands identified as flood zones, or lands identified as having a sea level rise risk *of five feet* according to the latest science.
- (c) "Climate refugia lands" means lands within Terrestrial Connectivity categories 3, 4, and 5 of the Department of Fish and Wildlife's Area of Conservation Emphasis.
- (d) "Existing communities" means the following:
- (1) For incorporated areas, lands within municipal boundaries as of January 1, 2024.
 - (2) For unincorporated areas, an urbanized area or urban cluster, as designated by the United States Census Bureau.
- (e) "Excluded lands" are lands that meet one of the following criteria:
- (1) Parcels with vested rights.
 - (2) Lands within specific plans with an environmental impact report adopted on or before January 1, 2024.
 - (3) Lands zoned for agriculture, rural, or rangeland ~~succession reasons~~ to accommodate agricultural workforce that result in uses that remain accessory to the primary use.
- (f) "Planned density" means the density of housing that is planned for the land or parcel, as set on January 1, 2024, in the county's general plan.

65918.5.01. The Legislature finds and declares that the purpose of this chapter is to protect the public health and safety by preserving high value natural and working lands for the benefit of climate resilience, equitable access to open space, biodiversity, wildlife corridors, and food security.

65918.5.02. (a) Notwithstanding any law, a county shall not increase the planned density on climate resilient lands unless the planning requirements or conditions set forth in Section 65918.5.03 are met.

(b) Notwithstanding any law, a county shall not approve any tentative, final, or parcel maps pursuant to Division 2 (commencing with Section 66410) for the subdivision of property within climate risk lands or climate refugia lands unless the planning requirements or conditions set forth in Section 65918.5.03 are met.

(c) Notwithstanding any law, a county shall not approve an extension of water or sewer services on climate resilient lands unless the planning requirements or conditions set forth in Section 65918.5.03 are met or the extension of these services are to meet public health and safety requirements for existing residents.

(d) This section does not apply to a town or existing community that has a population fewer than 5,000, is unincorporated, and ____.

65918.5.03. A county is not subject to Section 65918.5.02 if *all of* the following planning requirements ~~or~~ *and* conditions are met:

- (a) The county has a housing element that is approved by the Department of Housing and Community Development.
- (b) The county's board of supervisors makes a finding, based on a preponderance of the evidence, of housing necessity.
- (c) Following the finding in subdivision (b), the county's board of supervisors does the following:
 - (1) Amends its general plan, pursuant to procedures required by law, including Article 6 (commencing with Section 65350), to increase the planned density on climate resilient lands, to authorize the subdivision of property within climate risk lands or climate refugia lands, or to authorize the extension of water or sewer services on climate resilient lands, as applicable.
 - (2) In addition to notice required by Article 6 (commencing with Section 65350), provides at least 30 days' notice of the public hearing on the proposed amendments to the general plan to the owners of properties adjacent to the area affected by the proposed planned density increase, subdivision of property, or extension of water or sewer services, as applicable, to the applicable local agency formation commission, to any city in whose sphere of influence the proposed planned density increase, subdivision of property, or extension of water or sewer services, as applicable, is located, and any other party that requests notice from the county by submitting their name and contact information with the county clerk.
 - (3) Makes, in conjunction with the amendment of the general plan, *all of* the following findings:
 - (A) The proposed development requiring the increase in planned density, subdivision of property, or extension of water or sewer services is necessary to comply with state housing requirements, as confirmed by the Office of Planning and Research.
 - (B) The parcels requiring the increase in planned density, subdivision of property, or extension of water or sewer service, as applicable, will not exceed the minimum area necessary to comply with state housing law, as confirmed by the Office of Planning and Research.
 - (C) The proposed development requiring an increase in planned density, subdivision of property, or extension of water or sewer service is immediately adjacent to developed areas and housing proponent has provided evidence to the county that the county's departments, any applicable community services districts, and any other districts providing utilities or services to the relevant parcel have adequate capacity to accommodate the proposed development for the succeeding 30 years. For purposes of this subparagraph, the county's departments and other districts providing utilities and services include, but are not limited to, the fire department, sheriff's department, public works department, water and sewer districts, and school districts.
 - (D) There is no other existing residential or commercial property available to accommodate the proposed development on lands outside of climate resilient lands and it is not feasible to accommodate the proposed development by redesignating lands outside of climate resilient lands, as confirmed by the Office of Planning and Research.

65918.5.04. Notwithstanding any law, any land that is subject to Section 65918.5.02 that is annexed by a city after January 1, 2024, shall still be subject to the prohibitions of this chapter unless it is an excluded land. For purposes of land that is subject to this section, references in this chapter to "county" shall also refer to the city that annexed the land.

SEC. 5. Section 66425.5 is added to the Government Code, to read:

66425.5. Notwithstanding any law, a county shall not approve any tentative, final, or parcel maps for the subdivision of property pursuant to this division unless the planning requirements or conditions set forth in Section 65918.5.03 are met for the affected parcels.

SEC. 6. The Legislature finds and declares that the provision of adequate housing, in light of the severe shortage of housing at all income levels in this state, and the preservation of high value natural and working lands are matters of statewide concern and are not municipal affairs as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 2, 3, 4, and 5 of this act amending Section 65585 of, adding Sections 65914.7.5 and 66425.5 to, and adding Chapter 4.3.1 (commencing with Section 65918.5) to Division 1 of Title 7 of, the Government Code applies to all cities, including charter cities.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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3. G. – AB 805 (Arambula) Drinking water consolidation, sewer service

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Bill	Keyword	Author	Smart	Regular	ALL
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Workspace		My Tools		Links	
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AMENDED
IN
ASSEMBLY
MARCH 09, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 805

Introduced by Assembly Member Arambula

February 13, 2023

An act to amend Sections 116682 and 116686 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 805, as amended, Arambula. Drinking ~~water consolidation~~: water consolidation: sewer service.

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties. The act authorizes the state board to order consolidation with, or extension of service from, a receiving water system in either of the following circumstances: (1) a public water system or state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water, or is an at-risk water system, or ~~(2)~~ (2) a disadvantaged community, in whole or in part, is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water, or are at-risk domestic wells.

This bill would authorize the state board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities, including, but not limited to, consulting with the relevant regional water board and the receiving water system and conducting outreach to ratepayers and residents served by the receiving and subsumed water systems, as provided.

Existing law authorizes the state board, if sufficient funds are available, to contract with, or provide a grant to, an administrator to provide administrative, technical, operational, legal, or managerial services, or any combination of these services to a designated water system to assist with the provision of an adequate supply of affordable, safe drinking water.

The bill would also authorize the state board to require the administrator to provide administrative, technical, legal, or managerial services for any sewer service provided by the designated water system.

~~This bill would state the intent of the Legislature to enact subsequent legislation to authorize the board to order consolidation of wastewater.~~

Digest Key

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 116682 of the Health and Safety Code is amended to read:

116682. (a) (1) The state board, in circumstances described in subparagraph (A) or (B), may order consolidation with a receiving water system as provided in this section and Section 116684. The consolidation may be physical or operational. The state board may also order the extension of service to an area within a disadvantaged community that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation for consolidation. The consolidation shall occur within six months of the initiation of the extension of service. The state board may set timelines and performance measures to facilitate completion of consolidation.

(A) A public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water, or is an at-risk water system.

(B) A disadvantaged community, in whole or in part, is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water, or are at-risk domestic wells.

(2) No later than July 1, 2020, the state board shall develop and adopt a policy that provides a process by which members of a disadvantaged community may petition the state board to consider ordering consolidation. The state board shall adopt the policy in a policy handbook consistent with the process provided for in

ATTACHMENT A

subdivision (a) of Section 116760.43.

(b) Before ordering consolidation or extension of service as provided in this section, the state board shall do all of the following:

(1) Encourage voluntary consolidation or extension of service.

(2) Consider other enforcement remedies specified in this article.

(3) Consult with, and fully consider input from, the relevant local agency formation commission regarding the provision of water service in the affected area, the recommendations for improving service in a municipal service review, whether the consolidation or extension of service is cost effective, and any other relevant information.

(4) Consult with, and fully consider input from, the Public Utilities Commission when the consolidation would involve a water corporation subject to the commission's jurisdiction. If a receiving water system is regulated by the Public Utilities Commission, the state board shall inform the commission at least 60 days before the consolidation order, and upon issuance of the order the commission shall open a proceeding to determine cost allocation, ratemaking, and commission public participation requirements for the consolidation process.

(5) Consult with, and fully consider input from, the local government with land use planning authority over the affected area, particularly regarding any information in the general plan required by Section 65302.10 of the Government Code.

(6) Consult with, and fully consider input from, the potentially receiving water system and all public water systems in the chain of distribution of the potentially receiving water system. The input from the potentially receiving water system may include, but is not limited to, information related to the classification of the potentially subsumed water system as an at-risk water system or a state small water system or of at-risk domestic wells.

(7) Consult with, and fully consider input from, any groundwater sustainability agency in a basin that provides groundwater supply, in whole or in part, to the affected area.

(8) (A) Notify the potentially receiving water system and the potentially subsumed water system, if any, and establish a reasonable deadline of no less than six months, unless a shorter period is justified, for the potentially receiving water system and the potentially subsumed water system, if any, to negotiate consolidation or another means of providing an adequate supply of safe drinking water.

(B) During this period, the state board shall provide technical assistance and work with the potentially receiving water system and the potentially subsumed water system to develop a financing package that benefits both the receiving water system and the subsumed water system.

(C) Upon a showing of good cause, the deadline may be extended by the state board at the request of the potentially receiving water system, potentially subsumed water system, the local agency formation commission with jurisdiction over the potentially subsumed water system, or the Public Utilities Commission.

(9) Consider the affordability of the anticipated monthly rates for drinking water service to residential customers of the potentially subsumed water system.

(10) (A) Hold at least one public meeting at the initiation of this process in a place as close as feasible to the affected areas. The state board shall make reasonable efforts to provide a 30-day notice of the meeting to the ratepayers, renters, and property owners to receive water service through service extension or in the area of the subsumed water system and all affected local government agencies and drinking water service providers. The 30-day notice shall include information about water quality concerns in the area, relevant information about health effects of water contaminants, and information about opportunities for consolidation or extension of service to address water quality issues. The meeting shall provide representatives of the potentially subsumed water system, affected ratepayers, renters, property owners, the potentially receiving water system, and the public an opportunity to present oral and written comments.

(B) The state board shall provide an opportunity to submit comments by mail or electronically during the notice period and for at least one week after the meeting.

(C) The state board shall review comments received during the meeting and received by mail and electronically during the notice period and for one week after the public meeting.

(11) If the potentially subsumed water system to be consolidated into the receiving water system is an at-risk water system, the state board shall do all of the following:

(A) Conduct outreach to ratepayers and residents served by the at-risk water system, including identifiable local community groups. These outreach efforts shall gauge community support for consolidation of the at-risk water system. The state board shall consider the results of this outreach when deciding whether to order consolidation of the at-risk water system.

(B) Consider any petition submitted pursuant to paragraph (2) of subdivision (a) by members of a disadvantaged community served by the at-risk water system.

(C) (i) If the potentially subsumed water system contends during the initial written comment period set forth in subparagraph (B) of paragraph (10) that it is not an at-risk water system, the state board shall consider during a public meeting any information provided by the potentially subsumed water system in support of its contention that it is not an at-risk water system.

(ii) The state board shall make reasonable efforts to provide a 30-day notice of the public meeting described in clause (i) to the ratepayers, renters, and property owners to receive water service through service extension or in the area of the subsumed water system and all affected local government agencies and drinking water service providers.

(c) If a consolidation or other means of providing an adequate supply of safe drinking water has not been negotiated by the potentially receiving water system and the potentially subsumed water system before the expiration of the deadline set by the state board pursuant to paragraph (8) of subdivision (b), the state board shall do the following:

(1) Consult with the potentially receiving water system and the potentially subsumed water system, if any.

(2) (A) If the consolidation has not concluded within six months following the first public meeting held pursuant to paragraph (10) of subdivision (b), conduct a public meeting in a location as close as feasible to the affected communities. The meeting shall be held after the state board has made the findings described in subdivision (d).

(B) The state board shall make reasonable efforts to provide a 30-day notice of the meeting to the ratepayers, renters, property owners to receive water service through service extension or in the area of the subsumed water system, and the public, and to all affected local government agencies and drinking water service providers.

(C) The meeting shall provide representatives of the potentially subsumed water system, affected ratepayers, renters, property owners, and the potentially receiving water system an opportunity to present oral and written comments.

(D) The meeting shall provide an opportunity for public comment.

(3) The state board shall make reasonable efforts to ensure that a receiving water system and a subsumed water system are informed on a regular basis of progress regarding actions taken pursuant to this section.

(d) Before ordering consolidation or extension of service, the state board shall find all of the following:

(1) The potentially subsumed water system has consistently failed to provide an adequate supply of safe drinking water or it is at risk of doing so, as determined by the state board.

(2) Reasonable efforts to negotiate *voluntary* consolidation or extension of service were made.

(3) Consolidation of the receiving water system and subsumed water system or extension of service is appropriate and technically and economically feasible. In making this finding, the state board shall consider how many owners of dwelling units served by domestic wells in the service area have provided, or are likely to provide, written consent to extension of service. The state board need not find that any specific percentage of the owners of dwelling units served by domestic wells in the service area are likely to consent to the consolidation or extension of service to serve their dwelling unit.

(4) There is no pending local agency formation commission process that is likely to resolve the problem in a reasonable amount of time.

(5) Concerns regarding water rights and water contracts of the subsumed and receiving water systems have been adequately addressed.

(6) Consolidation or extension of service is an effective and cost-effective means to provide an adequate supply of safe drinking water.

(7) The capacity of the proposed interconnection needed to accomplish the consolidation is limited to serving the current customers of the subsumed water system, infill sites within the community served by the subsumed water system, residents of disadvantaged communities in existence as of the date of consolidation and that are located along the service line connecting the subsumed water system and the receiving water system, and vacant lots within the community served by the subsumed water system that are zoned to allow residential use and have no more than one other vacant lot between that parcel and an infill parcel, including capacity needed for services such as firefighting.

(e) Upon ordering consolidation or extension of service, the state board shall do all of the following:

(1) As necessary and appropriate, as determined by the state board, compensate the receiving water system for any capacity lost as a result of the consolidation or extension of service either by paying the water system's capacity charge set out in the water system's adopted rate structure or by providing additional capacity needed as a result of the consolidation or extension of service, and by paying legal fees. When the receiving water system is compensated for capacity lost by payment of a capacity charge, the capacity charge shall be paid only to the extent that it does not exceed the reasonable cost of providing the service in accordance with Section 66013 of the Government Code. If capacity beyond what is needed for consolidation is provided by a project funded through the state board, the state board shall retain an option to use that capacity for future consolidations, without paying additional capacity charges, for five years, unless it releases that option in writing. Funding pursuant to this paragraph is available for the general purpose of providing financial assistance for the infrastructure needed for the consolidation or extension of service and does not need to be specific to each individual consolidation project. The state board shall provide appropriate financial assistance for the water infrastructure needed for the consolidation or extension of service. The state board's existing financial assistance guidelines and policies shall be the basis for the financial assistance.

(2) Ensure payment of standard local agency formation commission fees caused by state board-ordered consolidation or extension of service.

(3) Adequately compensate the owners of a privately owned subsumed water system for the fair market value of the system, as determined by the Public Utilities Commission or the state board.

(4) Coordinate with the appropriate local agency formation commission and other relevant local agencies to facilitate the change of organization or reorganization.

(5) If ordering consolidation or extension of service between two water systems, consider any existing domestic wells within the service area that could also be subject to consolidation or extension of service pursuant to this section.

(6) If ordering consolidation or extension of service to a community containing residences served by domestic wells, promptly take all reasonable steps to obtain written consent to the consolidation or extension of service from an owner of each residence served by a domestic well.

(f) If funds are appropriated for this purpose, the state board may make funds available for the purposes of subdivision (e), as necessary and appropriate, to the receiving water system, the subsumed water system, or an administrator providing full oversight of construction or development projects related to a consolidation or extension of service.

(g) (1) For purposes of this section, fees, charges, and terms and conditions that may be imposed on new and existing customers of a receiving water system shall be subject to the following limitations:

(A) The consolidated water system shall not increase charges on existing customers of the receiving water system solely as a consequence of the consolidation or extension of service unless the customers receive a corresponding benefit.

(B) Except as provided in paragraph (2), fees or charges imposed on a customer of a subsumed water system shall not exceed the costs of the service.

(C) Except as provided in paragraph (2), the receiving water system shall not charge any fees to, or place conditions on, customers of the subsumed water system that it does not charge to, or impose on, new customers that are not subject to the consolidation with the receiving water system.

(2) (A) Notwithstanding subparagraph (B) or (C) of paragraph (1), if costs incurred by the receiving water system in completing the consolidation or extension of service are not otherwise recoverable as provided in subparagraph (B) of this paragraph, the receiving water system may charge fees to customers of the subsumed water system to recover those costs.

(B) A receiving water system shall not charge a fee pursuant to subparagraph (A) for costs that are otherwise recoverable from the state, the federal government, programs administered by local agencies, parties responsible for causing contamination that the consolidation or extension of service is designed to address, or other sources, as determined by the state board.

(h) The state board shall not, pursuant to this section, fund public works or upgrades unrelated to the delivery of an adequate supply of affordable, safe drinking water, including, but not limited to, the installation of streetlights, sidewalks, curbs, and gutters. A local agency's decision whether to provide these public works or upgrades shall not delay the consolidation or extension of service.

(i) When a public water system is operated by a local educational agency, the state board may order a receiving water system to consolidate or extend service to a public water system operated by a local educational agency pursuant to this section if both the following additional conditions are met:

(1) The local educational agency serves students from one or more census blocks that are disadvantaged communities.

(2) The state board obtains a written determination from the local educational agency that the state board's analysis in the financing package, developed pursuant to subparagraph (B) of paragraph (8) of subdivision (b), indicates that consolidating or extending service would not result in additional unacceptable costs to the local educational agency and would result in safe drinking water being available to the local educational agency.

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(j) An order pursuant to this section shall not require consolidation or extension of service to a residence served solely by a domestic well until an owner of the affected residence provides written consent to the consolidation or extension of service. Any domestic well owner within the consolidation or extended service area that does not provide written consent shall be ineligible, until the consent is provided, for any future water-related grant funding from the state other than funding to mitigate a well failure, disaster, or other emergency.

(k) A finding that a disadvantaged community, in whole or in part, is substantially reliant on at-risk domestic wells shall be based on the maps created pursuant to paragraph (1) of subdivision (a) of Section 116772 and inspection or testing of the domestic wells showing an imminent risk of failing to provide an adequate supply of safe drinking water.

(l) The state board may prioritize consolidation of an at-risk water system that has historically been overburdened by pollution and industrial development or faced other environmental justice hurdles.

(m) Division 3 (commencing with Section 56000) of Title 5 of the Government Code does not apply to an action taken by the state board pursuant to this section.

(n) If sufficient funding is available, the state board may order consolidation of sewer service along with an order of consolidation of drinking water pursuant to this section, when both the subsumed water system and receiving water system provide sewer service, after doing all of the following:

(1) Consulting with, and fully considering input from, the relevant regional water board.

(2) Consulting with, and fully considering input from, the receiving water system.

(3) Conducting outreach to ratepayers and residents served by the receiving water system and subsumed water system, including identifiable local community groups. These outreach efforts shall gauge community support for consolidation of the subsumed water system. The state board shall consider the results of this outreach when deciding whether to order consolidation of the sewer services of the subsumed water system.

SEC. 2. Section 116686 of the Health and Safety Code is amended to read:

^{116686.} (a) (1) To provide an adequate supply of affordable, safe drinking water to disadvantaged communities, voluntary participants, and public water systems that have demonstrated difficulty in maintaining technical, managerial, and financial capacity and to prevent fraud, waste, and abuse, the state board may do any of the following, if sufficient funding is available:

(A) (i) Contract with, or provide a grant to, an administrator to provide administrative, technical, operational, legal, or managerial services, or any combination of those services, to a designated water system to assist the designated water system with the provision of an adequate supply of affordable, safe drinking water, which services may include steps necessary to enable consolidation.

(ii) To fulfill the requirements of this section, the state board may contract with more than one administrator, but only one administrator may be assigned to provide services to a given designated water system.

(iii) An administrator may provide services to more than one designated water system.

(B) Order a designated water system to accept administrative, technical, operational, legal, or managerial services, including full management and control of all aspects of the designated water system, from an administrator selected by the state board.

(C) Order a designated water system to accept administrative, technical, operational, legal, or managerial services from an administrator appointed by the state board for full oversight of construction or development projects related to a consolidation or extension of service, including, but not limited to, accepting loans and grants issued by the state board and entering into contracts on behalf of the designated water system.

(2) In performing its duties pursuant to paragraph (1), the state board may use criteria from the handbook adopted pursuant to subdivision (g).

(3) When contracting with, or ordering a designated water system to accept, an administrator pursuant to paragraph (1), the state board may also require the administrator to provide administrative, technical, legal, or managerial services for any sewer service provided by the designated water system.

(b) Unless the state board has already held a public meeting pursuant to subdivision (b) of Section 116682, the state board shall do all of the following to determine that a public water system or state small water system is a designated water system:

(1) Provide the public water system or state small water system with notice and an opportunity to show either of the following:

(A) That the public water system or state small water system has neither consistently failed to provide an adequate supply of affordable, safe drinking water nor is it an at-risk water system.

(B) That the public water system or state small water system has taken steps to timely address its failure to provide an adequate supply of affordable, safe drinking water and that it is not an at-risk water system.

(2) (A) Conduct a public meeting in a location as close as feasible to the affected community.

(B) The state board shall make reasonable efforts to provide a 30-day notice of the public meeting to affected ratepayers, renters, and property owners.

(C) The state board shall provide representatives of the public water system or state small water system, affected ratepayers, renters, and property owners with an opportunity to present oral and written comments at the public meeting.

(D) The state board shall provide at the meeting an opportunity for public comment.

(3) Provide the public with an opportunity to submit comments by mail or electronically during the 30-day notice period and for at least one week after the public meeting described in paragraph (2).

(4) If the public water system is operated by a local educational agency, obtain the local educational agency's agreement, in writing, to the appointment of an administrator.

(c) The state board shall make financial assistance available to an administrator of a designated water system, as appropriate and to the extent that funding is available.

(d) The authority granted to an administrator by the state board pursuant to subdivision (a) may include, but shall not be limited to, the authority to do all of the following:

(1) Expend available moneys for capital infrastructure improvements that the designated water system needs to provide an adequate supply of affordable, safe drinking water or to execute a consolidation ordered pursuant to Section 116682.

(2) Set and collect user water rates and fees, subject to approval by the state board. The state board shall consider affordability when approving water rates and fees. The provisions of this section are subject to all applicable constitutional requirements, including Article XIII D of the California Constitution.

ATTACHMENT A

- (3) Expend available moneys for operation and maintenance costs of the designated water system.
- (4) Expend available moneys necessary to achieve consolidation, including conducting feasibility or planning studies, or addressing outstanding technical or legal issues.
- (e) The state board shall work with the administrator of a designated water system and the communities served by that designated water system to develop, within the shortest practicable time, adequate technical, managerial, and financial capacity to deliver an adequate supply of affordable, safe drinking water so that the services of the administrator are no longer necessary.
- (f) A designated water system shall not be responsible for any costs associated with an administrator that are higher than the costs necessary to maintain the designated water system and provide an adequate supply of affordable, safe drinking ~~water~~ *water or provision of sewer service*.
- (g) Before ordering a designated water system to accept administrative, technical, operational, legal, or managerial services from an administrator pursuant to subdivision (a), the state board shall develop standards, terms, and procedures in a handbook adopted consistent with the process provided for in subdivision (a) of Section 116760.43 for all of the following:
- (1) Ensuring compliance with subdivision (f).
 - (2) Providing opportunity for public comment on the selection of an administrator and the services to be provided.
 - (3) Providing public access to budgets, ownership and financial information, and other documents and records related to the provision of water service to the designated water system or affected residences and to the management of the designated water system by the administrator.
 - (4) Providing regular public meetings, notifications, opportunities for public comment, and other forms of engagement with customers of the designated water system for significant decisions or actions made on behalf of the designated water system, including, but not limited to, establishing operating budgets, altering water rates, adopting system policies, entering into long-term contracts or financing commitments, and developing system projects or plans.
 - (5) Formal requests to the state board to reverse or modify a decision of an administrator or to request substitution of an administrator.
 - (6) Ensuring an administrator acts in the best interests of the community served.
 - (7) Development and approval of a post-administrator drinking water service plan to ensure compliance with subdivision (e). Development of the plan shall include, but is not limited to, an evaluation of long-term public governance or community ownership options.
- (h) An administrator appointed pursuant to this section for a designated water system shall not be liable for claims by past or existing ratepayers, or those who consumed water provided through the designated water system, if good faith, reasonable effort, and ordinary care were used by the administrator to assume possession of, or to operate, the designated water system.
- (i) An administrator appointed pursuant to this section for a designated water system shall not be liable for claims by past or existing ratepayers, or those who consumed water provided through the designated water system, for any injury or damages that occurred before the commencement of the operation period.
- (j) This section does not limit or supersede any other law authorizing claims against the state board or providing a defense to liability, and shall not be construed to create any new or expanded basis for liability.
- (k) Nothing in this section shall be construed to do any of the following:
- (1) Relieve a water district, water wholesaler, or any other entity from complying with any provision of federal or state law, including those pertaining to drinking water quality.
 - (2) Impair any cause of action by the Attorney General, a district attorney, a city attorney, or other public prosecutor, or impair any other action or proceeding brought by, or on behalf of, a regulatory agency.
 - (3) Impair any claim alleging the taking of property without compensation within the meaning of either the Fifth Amendment to the United States Constitution or Section 19 of Article I of the California Constitution.
 - (4) Relieve any person or entity from liability for action or inaction in bad faith, or without reasonable effort or ordinary care.
- (l) Nothing in this section shall absolve, indemnify, or protect a prior operator, designated water system, or individual from liability based on an act or failure to act prior to the operation period.
- (m) Administrative and managerial contracts pursuant to this section shall be exempt from Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code and may be awarded on a noncompetitive bid basis as necessary to implement the purposes of this section.
- (n) For purposes of this section, a local government, as defined in Article XIII C of the California Constitution, that sets water rates in accordance with Article XIII D of the California Constitution shall be deemed to be providing affordable water.
- (o) This section does not apply to a charter city, charter county, or charter city and county.
- (p) (1) For purposes of this section, an administrator is authorized to act on behalf of an affected residence to the same extent, and in the same manner, as a designated water system with the consent of the affected residence.
- (2) For purposes of this section, where an administrator is authorized to act on behalf of a designated public water system, it may also act on behalf of a voluntary participant.
- (q) The Legislature finds and declares that the funding provided to a state small water system, affected residence, public water system, voluntary participant, or administrator for purposes of this section serves a public purpose and does not constitute a gift of public funds within the meaning of Section 6 of Article XVI of the California Constitution.
- (r) For purposes of this section, the following terms have the following meanings:
- (1) "Administrator" means a person whom the state board has determined is competent to perform the administrative, technical, operational, legal, or managerial services required for purposes of this section, pursuant to criteria set forth in the handbook adopted pursuant to subdivision (g). Notwithstanding any other law, a privately owned public utility may serve as an administrator for purposes of this section.
 - (2) "Designated water system" means any of the following:
 - (A) A public water system or state small water system that has been ordered to consolidate pursuant to Section 116682.

(B) A public water system or state small water system that serves a disadvantaged community and that the state board finds consistently fails to provide an adequate supply of affordable, safe drinking water.

(C) An at-risk water system.

(3) "Voluntary participant" means the owner of a domestic well or state small water system who has agreed to accept financial assistance pursuant to Chapter 4.6 (commencing with Section 116765) for the provision of an adequate and affordable supply of safe drinking water.

~~SECTION 1. It is the intent of the Legislature to enact subsequent legislation to authorize the State Water Resources Control Board to order consolidation of wastewater.~~

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AMENDED
IN
ASSEMBLY
MARCH 16, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 817

Introduced by Assembly Member Pacheco
(Coauthor: Assembly Member Wilson)

February 13, 2023

An act to ~~amend Section 54950 of the Government Code, relating to local government.~~ add Section 54953.05 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 817, as amended, Pacheco. ~~Local government: open meetings.~~ *Open meetings: teleconferencing: subsidiary body.*

Existing law, the Ralph M. Brown Act, ~~requires~~ *requires, with specified exceptions*, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. *The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.*

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.

This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

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.

~~This bill would make nonsubstantive changes to a provision of the Ralph M. Brown Act.~~

Digest Key

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 54953.05 is added to the Government Code, to read:*

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54953.05. (a) (1) The definitions in Section 54953, as that section may be amended from time to time, apply for purposes of this section.

(2) For purposes of this section, "subsidiary body" means a legislative body that meets all of the following:

(A) Is described in subdivision (b) of Section 54952.

(B) Serves exclusively in an advisory capacity.

(C) Is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements.

(b) A subsidiary body may use teleconferencing without complying with paragraph (3) of subdivision (b) of Section 54953, if the subsidiary body complies with all of the following:

(1) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the subsidiary body.

(2) Each member of the subsidiary body shall participate through both audio and visual technology.

(3) The subsidiary body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the subsidiary body:

(A) A two-way audiovisual platform.

(B) A two-way telephonic service and a live webcasting of the meeting.

(4) The subsidiary body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(5) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the subsidiary body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(6) The agenda shall identify and include an opportunity for all persons to attend and address the subsidiary body directly pursuant to Section 54954.3 via a call-in option or via an internet-based service option.

(7) In the event of a disruption that prevents the subsidiary body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the subsidiary body's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the subsidiary body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the subsidiary body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

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

(9) The subsidiary body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the subsidiary body and offer comment in real time.

(A) A subsidiary body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to paragraph (8), to provide public comment until that timed public comment period has elapsed.

(B) A subsidiary body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to paragraph (8), or otherwise be recognized for the purpose of providing public comment.

(C) A subsidiary body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to paragraph (8), until the timed general public comment period has elapsed.

(c) In order to use teleconferencing pursuant to this section, the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action shall make the following findings by majority vote before the subsidiary body uses teleconferencing pursuant to this section for the first time, and every 12 months thereafter:

(1) The legislative body has considered the circumstances of the subsidiary body.

(2) Teleconference meetings of the subsidiary body would enhance public access to meetings of the subsidiary body.

(3) Teleconference meetings of the subsidiary body would promote the attraction, retention, and diversity of subsidiary body members.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 54953.05 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Section 54953.05 to the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to provide opportunities for public participation in meetings of specified public agencies and to promote the attraction and retention of members of those agencies.

~~SECTION 4. Section 54950 of the Government Code is amended to read:~~

~~54950. (a) In enacting this chapter, the Legislature finds and declares that the public commissions, boards, councils, and the other public agencies in this state exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.~~

~~(b) The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the~~

ATTACHMENT A

~~instruments they have created:~~

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3. I. – AB 1379 (Papan) Brown Act, local agencies teleconferences

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AMENDED
IN
ASSEMBLY
MARCH 23, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 1379

Introduced by Assembly Member Papan

February 17, 2023

An act to amend ~~Section 53908 of and repeal Section 54953~~ of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1379, as amended, Papan. ~~Local agencies: financial affairs. Open meetings: local agencies: teleconferences.~~

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

This bill, with respect to those general provisions on teleconferencing, would require a legislative body electing to use teleconferencing to instead post agendas at a singular designated physical meeting location, as defined, rather than at all teleconference locations. The bill would remove the requirements for the legislative body of the local agency to identify each teleconference location in the notice and agenda, that each teleconference location be accessible to the public, and that at least a quorum of the members participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The bill would instead provide that, for purposes of establishing a quorum of the legislative body, members of the body may participate remotely, at the designated physical location, or at both the designated physical meeting location and remotely. The bill would require the legislative body to have at least 2 meetings per year in which the legislative body's members are in person at a singular designated physical meeting location.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing provisions without complying with the general teleconferencing requirements that agendas be posted at each teleconference, 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. Under existing law, these alternative teleconferencing provisions require the legislative body to provide at least one of 2 specified means by which the public may remotely hear and visually observe the meeting. Under existing law, these alternative teleconferencing provisions authorize a member to participate remotely if the member is participating remotely for just cause, limited to twice per year, or due to emergency circumstances, contingent upon a request to, and action by, the legislative body, as prescribed. Existing law specifies that just cause includes travel while on official business of the legislative body or another state or local agency.

This bill would revise the alternative provisions, operative until January 1, 2026, to make these provisions operative indefinitely. The bill would delete the restriction that prohibits a member, based on just cause, from participating remotely for more than 2 meetings per calendar year. The bill would delete the requirement for the legislative body to provide at least one of 2 specified means by which the public may remotely hear and visually observe the meeting. The bill would also delete a provision that requires a member participating remotely to publicly disclose at the meeting before action is taken whether there are individuals 18 years of age present in the room at the remote location and the general nature of the member's relationship to those individuals. The bill would further delete a provision that prohibits a member from participating remotely for a period of more than 3 consecutive months or 20% of the regular meetings within a calendar year, or more than 2 meetings if the legislative body regularly meets fewer than 10 times per calendar year. The bill would expand the definition of just cause to include travel related to a member of a legislative body's occupation. The bill would make related, conforming changes.

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.

~~Existing law requires that the officer of each local agency who has charge of the financial records furnish to the Controller a report of all the financial transactions of the local agency during the preceding fiscal year. If a local agency maintains an internet website, existing law requires that the local agency post information on the annual compensation of its elected officials, as specified.~~

ATTACHMENT A

~~This bill would make nonsubstantive changes to that law.~~

Digest Key

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: ~~no~~yes

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 54953 of the Government Code, as amended by Section 2 of Chapter 285 of the Statutes of 2022, is amended to read:*

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

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

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

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

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) ~~(A) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d); the singular designated physical meeting location, as defined in subparagraph (B). Establishment of a quorum of a legislative body may include all of the following:~~

~~(i) A legislative body consisting of members participating remotely.~~

~~(ii) A legislative body consisting of members participating at the designated physical meeting location.~~

~~(iii) A legislative body consisting of members participating at the designated physical meeting location and members participating remotely.~~

~~(B) "Singular designated physical meeting location" means the location that is clearly identified on the agenda, is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body provides at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:~~

~~(i) A two-way audiovisual platform.~~

~~(ii) A two-way telephonic service.~~

~~(C) The legislative body shall have at least two meetings per calendar year in which the legislative body's members are in person at a singular designated physical meeting location.~~

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

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

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

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

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

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

(e) (1) The legislative body of a local agency may ~~also~~ use teleconferencing ~~without complying in accordance~~ with paragraph (3) of subdivision (b) if, during the teleconference meeting, ~~at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:~~ *the legislative body complies with all of the following:*

~~(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:~~

~~(i) A two-way audiovisual platform;~~

~~(ii) A two-way telephonic service and a live webcasting of the meeting;~~

~~(B)~~

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

~~(C)~~

(B) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

~~(D)~~

(C) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

~~(E)~~

(D) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

~~(F)~~

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

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. ~~The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.~~

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

~~(B) The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals;~~

~~(C)~~

(B) The member shall participate through both audio and visual technology.

~~(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.~~

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

ATTACHMENT A

(2) "Just cause" means any of the following:

- (A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.
- (B) A contagious illness that prevents a member from attending in person.
- (C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).
- (D) Travel while on official business of the legislative body or another state or local ~~agency~~; *agency, or travel related to a member of a legislative body's occupation.*

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(6) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(7) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

~~(8) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.~~

(j) This section shall become operative January 1, ~~2024, shall remain in effect only until January 1, 2026, and as of that date is repealed: 2024.~~

SEC. 2. *Section 54953 of the Government Code, as added by Section 3 of Chapter 285 of the Statutes of 2022, is repealed.*

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

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

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

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

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

~~(c)(1) No legislative body shall take action by secret ballot, whether preliminary or final:~~

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

~~(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation:~~

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

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

~~(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14010.7, 14007.31, 14007.35, 14007.36, 14007.38, and 14007.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14007.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members:~~

~~(e) This section shall become operative January 1, 2026:~~

SEC. 3. *The Legislature finds and declares that Section 1 of this act, which amends Section 54953 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:*

ATTACHMENT A

By removing the requirement for agendas to be posted at all teleconference locations, and removing the requirement for members to publicly disclose whether any other individuals 18 years of age or older are present at the remote location with the member, and the general nature of the member's relationship with individuals before action is taken, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 4. *The Legislature finds and declares that Section 1 of this act, which amends Section 54953 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:*

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings.

~~SECTION 1. Section 53908 of the Government Code is amended to read:~~

~~53908.(a) If a local agency, which is required to report to the Controller under Section 53891, maintains an internet website, it shall post, in a conspicuous location on its internet website, information on the annual compensation of its elected officials, officers, and employees that is submitted to the Controller under Section 53891.~~

~~(b) A local agency may comply with subdivision (a) by posting, in a conspicuous location on its internet website, a link to the Controller's Government Compensation in California internet website.~~

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LEGISLATIVE COMMITTEE MEETING STAFF REPORT

Agenda Item No. 4 Form an Ad Hoc Committee to Consider Legislative Committee Quorum Requirements

Meeting Date: August 25, 2023

Prepared By: René LaRoche, Chair

RECOMMENDATIONS

Form an Ad Hoc Committee to Consider Legislative Committee Quorum Requirements.

DISCUSSION

On October 7, 2022, the Legislative Committee approved and adopted its schedule for the following year. That schedule (Attachment A) consisted of ten meetings running from November 4, 2022, to December 8, 2023. However, despite that advance notice, and despite the ability to attend virtually, the Legislative Committee has had difficulty attaining a quorum on two occasions in 2023.

Currently, the Legislative Committee is defined as a total of 16 voting members and ten alternates. That total is broken down into three categories:

- 5 appointed Board members, and their alternates (4 regional, 1 at-large)
- 8 voting staff members (each region having 2 voting staff, plus an alternate), and
- 3 legal counsel voting members, plus an alternate.

However, despite have 16 voting members, current policy defines a quorum as being 50% of the appointed Board members, which amounts to 5 Board members. Additionally, the policy also specifically denotes that same quorum as being required for decision-making.

Without a quorum, the committee cannot convene a meeting nor take any action – a fatal flaw with fast-moving legislation. While committee members opted to discuss the issues at those meetings without a quorum, that did not remove the item from the agenda nor negate the need to revisit everything again the following meeting. Additionally, cost versus benefit of these non-quorum meetings is also a consideration as they still incur staffing and legal expenses.

Consequently, it was suggested at the July 28, 2023, meeting that the issue of the quorum needed to be reconsidered. At that time, it was thought that such an adjustment would require a Bylaws change. However, the Legislative Committee quorum is addressed in CALAFCO Policy 4.5 (Attachment B), which would make for a more streamlined process. That procedure would begin with a recommendation of the proposed policy change from the Legislative Committee to the Executive Committee (EC). If the EC approves the proposed policy revision, they then recommend it to the full Board for adoption.

Assuming that a policy revision is approved by the Legislative Committee at its next meeting on November 3, 2023, it is conceivable that the EC's approval can be obtained in the week that follows (especially since members of the EC sit on this committee.) That would allow sufficient time for

preparation and submission of an agenda item for the Board's first meeting after the conference on December 1, 2023, when it will also be considering the Legislative Policies and Priorities.

Rather than attempt to fashion a new policy at this time, staff is recommending the formation of an Ad Hoc Committee composed of 3 or 4 members, to consider the issue and to draft a proposed policy amendment for consideration and possible approval by the Legislative Committee on November 3, 2023.

ATTACHMENTS

- A. - Legislative Committee 2022-23 Meeting Calendar, approved 10/7/2022
- B. - CALAFCO Policy 4.5 - Legislative Policies and Committee



Legislative Committee 2022-23 Meeting Calendar

2022

Friday, November 4, 2022 - 9:00 AM
Location: Virtual

2023

Friday, January 13, 2023 – 9:00 AM
Location: Virtual

Friday, February 24, 2023 – 10:00 AM
Location: Sacramento*

Friday, March 31, 2023 – 9:00 AM
Location: Virtual

April 26-29th: Staff Workshop

Friday, May 5, 2023 – 9:00 AM
Location: Virtual

Friday, June 16, 2023 – 10:00 AM
Location: San Diego*

Friday, July 28, 2023 (as needed) – 9:00 AM
Location: Virtual

Friday, August 25, 2023 (as needed) – 9:00 AM
Location: Virtual

Oct. 18-20th: CALAFCO Annual Conference

Friday, November 3, 2023 – 9:00 AM
Location: Virtual

Friday, December 8, 2023 – 10:00 AM
Location: Sacramento*

*Phone Conferencing will be available.

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4.5 Legislative Policies and Committee

Legislative Policies

In the fall of each year the Board shall review and update the CALAFCO Legislative Policies. These policies are intended to drive the work of the Legislative Committee and provide the Committee and staff with policy direction on legislative positions. The Legislative Policies consist of two parts: 1) the longer-term legislative policies of the association; and 2) legislative priorities that the Board may establish for the legislative session through its strategic planning session.

Legislative Committee

In the fall of each year the Board shall appoint the members of the CALAFCO Legislative Committee.

The committee shall consist of 16 voting members and ten alternate voting members appointed annually by the Board. Members shall include: five Board Members, one from each region plus one at-large, each with their own alternate, eight voting staff members – two from each region plus one alternate member per region, and three legal counsel voting members plus one alternate. One of the three legal counsel shall be the CALAFCO Legal Counsel. The CALAFCO Executive Director shall be a non-voting member of the committee. The CALAFCO Executive Officer or designated Deputy Executive Officer shall also be a member and shall be one of the regional voting or alternate member appointees. Members shall include representatives from all regions. Recommendations for appointments shall be made to the Board by the committee’s Chair and Vice Chair.

Preference for staff appointments is based on interest, expertise and past participation. Appointments will include statewide representation. Alternates will be appointed for the staff seats and will serve on a rotating basis whenever a regular member is absent. No more than one voting staff member appointee may serve from any one LAFCo. The Board will endeavor to appoint balanced representation from all regions.

If there is an insufficient number of volunteers in a region, those voting or alternate seats may be filled at-large by other regions, as recommended by the committee’s Chair and Vice Chair.

The Committee acts on behalf of the Board in developing and taking positions on legislation based on the Board’s Legislative Polices. The Committee meets monthly, as needed, during key periods of the legislative session.

A quorum consisting of at least 50% of the appointed Board members is required for decisions. The Committee will strive towards consensus on all decisions. Should a consensus not be possible, decisions will be made by a majority vote. In cases where legislative policy is unclear, there is significant disagreement, or a financial commitment is required or at the request of any of the participating Board members, the Committee shall send an item to the full Board for consideration. The Board is to be presented with a full update on Committee activity at every Board meeting.

There shall also be a Legislative Committee Advisory Committee which consists of staff and legal counsel volunteers who are not appointed as voting or alternate members, and two volunteer Associate Members. The role of the Advisory Committee shall be to assist the

Legislative Committee on an as-needed basis on certain pieces of legislation or legislative projects.

All CALAFCO members are encouraged to offer proposed legislation, request agenda items, attend meetings and participate in Committee discussions. The Committee will meet in person at alternating locations between Sacramento and Southern California. Meetings may also be conducted virtually. Action minutes will be prepared for each meeting and distributed to each member as well as the Executive Officer of each LAFCo.

Legislative Committee Chair and Vice Chair

The Board has designated the Executive Director to serve as Chair of the Legislative Committee. In this capacity, the Executive Director shall be a non-voting member of the Committee. The Chair shall appoint a volunteer LAFCo staff member who is a member of the Legislative Committee as Vice Chair. The Vice Chair serves as Chair in the absence of the Chair, and retains his/her voting rights while serving in that capacity. The Vice Chair will provide a leadership role in legislative research and may assist in developing the CKH omnibus bill.

LEGISLATIVE COMMITTEE MEETING STAFF REPORT

Agenda Item No. 5 Receive the List of CALAFCO Tracked Bills

Meeting Date: August 25, 2023

Prepared By: René LaRoche, Chair

RECOMMENDATIONS

Receive the List of CALAFCO Tracked Bills.

DISCUSSION

Every meeting the Legislative Committee is presented with a comprehensive list of bills being tracked by CALAFCO since not every tracked bill ends up on the discussion item. The attachment shows a complete list of all CALAFCO tracked bills and their status as of August 18, 2023.

ATTACHMENTS

5. A - List of CALAFCO Tracked Bills

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CALAFCO List of Current Bills
8/18/2023

AB 530**(Boerner D) Vehicles: electric bicycles.****Current Text:** Amended: 7/13/2023 [html](#) [pdf](#)**Introduced:** 2/8/2023**Last Amend:** 7/13/2023**Status:** 8/14/2023-Re-referred to Com. on RLS.**Location:** 6/8/2023-A. RLS.

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

Summary: Would prohibit a person under 12 years of age from operating an electric bicycle of any class. The bill would state the intent of the Legislature to create an e-bike license program with an online written test and a state-issued photo identification for those persons without a valid driver's license, prohibit persons under 12 years of age from riding e-bikes, and create a stakeholders working group composed of the Department of Motor Vehicles, the Department of the California Highway Patrol, the Transportation Agency, bicycle groups, policy and fiscal staff, and other relevant stakeholders to work on recommendations to establish an e-bike training program and license. Because the bill would prohibit certain persons from riding electric bicycles, the violation of which would be a crime, the bill would impose a state-mandated local program.

Position**Subject**

Water

CALAFCO Comments: As introduced, this bill was relative to greenhouse emissions. However, it was gutted and amended on 5/15/2023 and now addresses county water authorities.

Under existing law, the governing body of any public agency has an option (phrased as a "may") to submit to the voters any proposition to exclude the corporate area of that public agency from a county water authority. This bill would add the procedures under which that optional election would be conducted. Specifically, notice would be required in the manner already defined within subdivision (c) of Section 10. The election would be conducted and returns canvassed as provided by law for the elections in the public agency, and a majority of electors within county water authority territory would be needed for passage. The new procedure would also require that these elections will be separate elections but may run with another election.

On 6/16/2023, this topic was transitioned to AB 399 through the gut and amend process.

Amendments of 7/13/2023 make this bill now relative to electric bicycles which is not a concern to CALAFCO. Position updated to -None-.

AB 828**(Connolly D) Sustainable groundwater management: managed wetlands.****Current Text:** Amended: 4/17/2023 [html](#) [pdf](#)**Introduced:** 2/13/2023**Last Amend:** 4/17/2023**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/2/2023)(May be acted upon Jan 2024)**Location:** 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	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. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the term "managed wetland."

Position

None at this time

Subject

Water

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

4/17/2023: Amended to define agencies and entities required or excluded from existing 10726.4 (a) (4). Amends Water Code section 10730.2 to add language regarding fees, and amends Water Code

section 10733 to address groundwater sustainability plans.
Failed to make April policy committee deadline and now cannot be acted upon until January 2024.

AB 930

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

Current Text: Amended: 4/26/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amend: 4/26/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/25/2023) (May be acted upon Jan 2024)

Location: 5/19/2023-A. 2 YEAR

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

Summary: Current law authorizes certain local agencies to form a community revitalization authority within a community revitalization and investment area, as defined, and authorizes an authority to, among other things, provide for low- and moderate-income housing and issue bonds, as provided. Current law authorizes a community revitalization and investment plan to provide for the division of taxes within the plan area. This bill would authorize the legislative bodies of 2 or more cities or counties to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would authorize a special district to join a RISE district, by resolution, as specified.

Position
Neutral

Subject
Special District
Principle Acts

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

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

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 1460

(Bennett D) Local government.

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

Introduced: 2/17/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023) (May be acted upon Jan 2024)

Location: 5/5/2023-A. 2 YEAR

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

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

Position
Neutral

Subject
CKH General
Procedures,
Other

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

3/24/2023: No change since introduction.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 1637

(Irwin D) Local government: internet websites and email addresses.

Current Text: Amended: 6/29/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amend: 6/29/2023

Status: 7/10/2023-In committee: Referred to APPR. suspense file.

Location: 7/10/2023-S. APPR. SUSPENSE FILE

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

Summary: Would, no later than January 1, 2029, require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a ".gov" top-level

domain or a ".ca.gov" second-level domain and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a ".gov" or ".ca.gov" domain. This bill, no later than January 1, 2029, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a ".gov" domain name or a ".ca.gov" domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

Position
Watch

Subject
LAFCo
Administration

CALAFCO Comments: As introduced, this bill would have required LAFCos who do not already have website domains ending with the ".gov" extension to transition to it no later than January 1, 2027. This bill was not considered as having a broad impact on LAFCos given that 12 of them already use the .gov extension.

5/18/2023: The bill was amended and is not longer applicable to LAFCos as its definition of a local agency has been narrowly defined to only cities and counties. However, we are continue our Watch position to monitor for potential changes.

SB 768

(Caballero D) California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.

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

Introduced: 2/17/2023

Last Amend: 3/22/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/29/2023) (May be acted upon Jan 2024)

Location: 4/28/2023-S. 2 YEAR

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

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

Position
Neutral

Subject
CEQA

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

3/22/2023: The bill was amended and would add language into the Public Resource Code to provide that a public agency, in approving or carrying out certain types of projects, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project’s vehicle miles traveled if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

SB 865

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

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

Introduced: 2/17/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/1/2023) (May be acted upon Jan 2024)

Location: 4/28/2023-S. 2 YEAR

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

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

Position
Neutral

Subject
Annexation
Proceedings

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

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

2

AB 68

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

Current Text: Amended: 4/12/2023 [html](#) [pdf](#)

Introduced: 12/8/2022

Last Amend: 4/12/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 3/16/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

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

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

Position
Watch

Subject
Planning

CALAFCO Comments: This bill was introduced as a spot holder in December, 2022, then was gutted and amended on March 16, 2023.

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

3/31/2023: Watch position taken by Leg Committee.

4/21/2023: CALAFCO received word from the Assembly Housing and Community Development Committee, that this bill will not be heard this year.

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

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 918

(Garcia D) Health care district: County of Imperial.

Current Text: Amended: 7/13/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amend: 7/13/2023

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Location: 8/14/2023-S. APPR. SUSPENSE FILE

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

Summary: The Local Health Care District Law authorizes the organization and incorporation of local health care districts and specifies the powers of those districts, including, among other things, the power to establish, maintain, and operate, or provide assistance in the operation of, one or more health facilities or health services, including, but not limited to, outpatient programs, services, and facilities; retirement programs, services, and facilities; chemical dependency programs, services, and facilities; or other health care programs, services, and facilities and activities at any location within or without the district for the benefit of the district and the people served by the district. This bill would form a local health care district in the County of Imperial, designated as the Imperial Valley Healthcare District, that includes all of the County of Imperial. The bill would require the initial board of directors of the Imperial Valley Healthcare District to be appointed from and by specified bodies, including among others, the Imperial County Board of Supervisors, the Pioneers Memorial Healthcare District Board of Directors, and the Heffernan Memorial Healthcare District Board of Directors. The bill would require the initial board of directors to recommend a permanent funding source mechanism to be presented to and approved by voters via ballot measure. The bill would require the initial board of directors to enter negotiations with El Centro Regional Medical Center to decide the terms of the acquisition of the hospital. The bill would require the board of directors to finalize the terms of the acquisition by November 5, 2024. The bill would require the City of El Centro to negotiate in good faith with the Imperial Valley Healthcare District. The bill would require the board of directors to hold a minimum of 3 public meetings between the effective date of the bill and January 1, 2025, as specified. The bill would require the board of directors to recommend to the Imperial County Local Agency Formation Commission (LAFCO) dates for the dissolutions of the Pioneers Memorial Healthcare District and Heffernan Memorial Healthcare District and would authorize the board to recommend separate dates for each district's dissolution. The bill would require, by January 1, 2025, the Imperial County LAFCO to dissolve the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District and would transfer the assets, rights, and responsibilities of the dissolved districts to the Imperial Valley Healthcare District.

Position
Oppose

Subject
Other

CALAFCO Comments: As introduced, this bill was merely a spotholder that stated an intent to create a countywide healthcare district in Imperial County.

March 23, 2023, the bill was amended with specifics. It now seeks to rename the Pioneer Memorial Healthcare District to the Imperial County Healthcare District (ICHHD) and then sets up what, in essence, is a ministerial process for the countywide expansion of the ICHD. The expansion process is first initiated by the ICHD Resolution of Application, which is required to be filed with LAFCo no later than January 5, 2024. The LAFCo then has 150 days to complete the entire process, including the vote. Protest proceedings for that expansion would be waived under this bill. The bill also does not allow the LAFCo to deny the application. The bill also notes that future changes of organization or reorganization of the resulting districts would need to follow the normal provisions of CKH. A copy of CALAFCO's letter in opposition can be found in the attachments section.

4/17/2023: the bill was amended to entirely remove LAFCo involvement. CALAFCO's second letter of opposition that addresses this amended version can be found in the attachments section.

5/15/2023: The bill was amended again with a return of LAFCo into the process. However, it does again require LAFCo approval. As amended, the bill would rename the Pioneers Memorial Healthcare District to the Imperial Valley Healthcare District, then authorizes the expansion of the newly formed Imperial Valley Healthcare District to include all of the County of Imperial. As before, the bill requires the newly formed district to submit a resolution of application to the Imperial County LAFCo to initiate proceedings to expand the district, then requires the commission to order the expansion subject to a vote of the registered voters within the territory to be annexed. The bill provides for expansion of the district upon voter approval and providing that a funding source is also approved, if necessary. If expansion is approved, the Heffernan Memorial Healthcare District would transfer its assets, rights, and responsibilities to the Imperial Valley Healthcare District. The bill goes on to address other housekeeping issue such as the composition of the newly formed district board of directors.

7/12/2023, the bill was approved by the Senate Governance and Finance Committee, with the support of Imperial LAFCo.

Position change to Neutral will be recommended to the Legislative Committee on 7/28/2023. Senate Appropriations hearing set for August 14, 2023.

7/13/2023, the bill was again amended. It still forms the new district outside of the LAFCo process and only considers LAFCo in a tangential way. Specifically, Imperial LAFCo is to collaborate with the new health district's board of directors to determine the voting districts and terms of the board positions,

to determine the appropriate dates to dissolve the two healthcare districts (and that the dissolution shall occur by January 1, 2025), and to receive annual reports from the new district.

8/14/2023, heard in Appropriations but placed in the Suspense file.

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

Current Text: Chaptered: 7/21/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amend: 6/14/2023

Status: 7/21/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 108, Statutes of 2023.

Location: 7/21/2023-S. CHAPTERED

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

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

Position

Support

Subject

Other

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

3/24/2023: No change since introduction.

3/31/2023: Position changed to support. The Fact Sheet and a copy of CALAFCO's Support letter can be found in the attachments.

After two minor amendments, the bill was passed on 7/6/2023, Enrolled and presented to the Governor for signature at 11 a.m. on 07/11/2023.

3

AB 399 (Boerner D) Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure.

Current Text: Amended: 8/14/2023 [html](#) [pdf](#)

Introduced: 2/2/2023

Last Amend: 8/14/2023

Status: 8/15/2023-Re-referred to Com. on APPR pursuant to Joint Rule 10.5.

Location: 8/15/2023-S. APPR.

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

Calendar: 8/28/2023 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, ANTHONY, Chair

Summary: The County Water Authority Act provides for the formation of county water authorities and grants to those authorities specified powers with regards to providing water service. The act provides 2 methods of excluding territory from any county water authority, one of which is that a public agency whose corporate area as a unit is part of a county water authority may obtain exclusion of the area by submitting to the electors within the public agency, at any general or special election, the proposition of excluding the public agency's corporate area from the county water authority. Current law requires that, if a majority of the electors approve the proposition, specified actions take place to implement the exclusion. This bill, the Water Ratepayers Protections Act of 2023, would additionally require the public entity to submit the proposition of excluding the public agency's corporate area from the county water authority to the electors within the territory of the county water authority. The bill would require the 2 elections to be separate; however, the bill would authorize both elections to run concurrently. The bill would require the ballot materials to include a fiscal impact statement, as described. The bill would also require the ballot materials to include a statement describing the annual aggregated fiscal impact to remaining members of the county water authority as a result of the reorganization. The bill would require the county water authority to prepare that statement

Position

Oppose

Subject

Detachment Proceedings

CALAFCO Comments: AB 399 was previously AB 530, which did not pass out of policy committee before deadlines.

AB 399, originally addressed the Vehicle Code but was gutted and amended on 6/14/2023 to become: the Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure. A fast moving bill, this is proceeding as an urgency bill which would take effect upon passage. The action is being undertaken to counter two detachments that have been approved by the San Diego LAFCo, subject to exit fees.

Under the uncodified County Water Authority Act of 1943, detachment proceedings require a vote of the residents in the detaching district. This bill seeks to add a second vote among the larger population of the full county water authority. While the vote among the residents of the detaching district is essentially consistent with LAFCo laws, requiring a second vote among the larger population of the entire water authority is not. AB 399 would set many precedents including: legislative "fixes" for contested LAFCo decisions; the ability of the legislature to unilaterally change the exit terms for multi-government consortiums after entities join; and the permissibility of requiring double votes on matters.

Staff met with the author on 7/11/2023 who remained steadfast on the bill. The bill was heard the next day (7/12/23) by the Senate Gov & Finance Committee where CALAFCO provided lead opposition. The bill passed by a 5-3 vote and is now headed to the Senate floor for consideration sometime after the summer recess. If AB 399 passes there, it will return to the Assembly. It is unclear at this time whether it would be immediately scheduled for Assembly concurrence, or before the ALGC.

The author's Fact Sheet, as well as CALAFCO's letter in opposition, can be found in the attachments section.

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

Current Text: Amended: 6/19/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amend: 6/19/2023

Status: 6/29/2023-Read second time. Ordered to third reading.

Location: 6/29/2023-S. THIRD READING

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

Calendar: 8/21/2023 #125 SENATE ASSEMBLY BILLS - THIRD READING FILE

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 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 revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect. Specifically, the bill would extend indefinitely that authority in the circumstances under which the legislative body either (1) meets for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (2) has previously made that determination.

Position

Watch

Subject

Brown Act

CALAFCO Comments: Similar in scope to SB 411, this bill is follow-on legislation to AB 361 (2022) and seeks to return some of the pandemic-era teleconferencing provisions to the Brown Act and would change the timeline for legislative bodies to reaffirm an emergency from the current 30 days to 45 days. This bill is sponsored by CSDA.

[AB 805](#) (Arambula D) Drinking water consolidation: sewer service.

Current Text: Amended: 3/9/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amend: 3/9/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-A. 2 YEAR

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

Summary: Would authorize the State Water Resources Control Board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities, including, but not limited to, consulting with the relevant regional water board and the receiving water system and conducting outreach to ratepayers and residents served by the receiving and subsumed water systems, as provided.

Position
Watch With
Concerns

Subject
Water

CALAFCO Comments: This bill would authorize the state board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities. Under existing section (b)(3) LAFcos must be consulted and their input considered in regards to the provision of water service but sewer systems seem to be lacking.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 817

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

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

Introduced: 2/13/2023

Last Amend: 3/16/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/16/2023) (May be acted upon Jan 2024)

Location: 5/5/2023-A. 2 YEAR

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

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

Position
Watch

Subject
Brown Act

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

3/16/2023: The bill was amended to speak specifically to teleconferenced meetings of subsidiary bodies, defined as a body that serves exclusively in an advisory capacity, and is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements. For qualifying bodies, this bill would remove the requirement to post an agenda at the location of the subsidiary body member who was participating from off site- providing that the legislative body that formed the subsidiary body has previously made findings noting that teleconferenced meetings of the subsidiary body would enhance public access, and would promote the attractions, retention and diversity of the subsidiary body. The superior legislative body would need to revisit the matter and repeat those finding every 12 months thereafter. This bill also reaffirms that other provisions of the Brown Act are applicable to subsidiary bodies.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 1379

(Papan D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 3/23/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amend: 3/23/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/23/2023) (May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	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 be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. This bill, with respect to those general provisions on teleconferencing, would require a legislative body electing to use teleconferencing to instead post agendas at a singular designated physical meeting location, as defined, rather than at all teleconference locations. The bill would remove the requirements for the legislative body of the local agency to identify each teleconference location in the notice and agenda, that each teleconference location be accessible to the public, and that at least a quorum of the members participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

Position
Watch

Subject
Brown Act

CALAFCO Comments: Originally introduced as a spotholder to address "Local agencies: financial affairs", this bill was gutted and amended on March 23, 2023, and now seeks amendment of the Brown Act's teleconferencing provisions. If successful, GC Section 54953 (b)(3) would be amended to remove the requirement to post agendas for teleconferenced meetings at all locations, and would instead limit the posting to a newly defined "singular designated physical meeting location", which is required to have either two-way audiovisual capabilities, or two-way telephone service for the public to remotely hear and address the body. Additionally, the body would have to hold at least two meetings in person each year.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 1753

(Committee on Local Government) Local government: reorganization.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)

Introduced: 3/2/2023

Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 25, Statutes of 2023.

Location: 6/29/2023-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 sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. The act requires a petitioner or legislative body desiring to initiate proceedings for a change of organization or reorganization to submit an application to the executive officer of the principal county. The act specifies when an application is complete and acceptable for filing, and requires the executive officer to immediately issue a certificate of filing when an application is accepted for filing, as specified. Upon the filing of an application or a resolution pursuant to the act, but prior to the issuance of a certificate of filing, current law requires the executive officer to give notice of the filing to the assessor and auditor of each county within which the territory subject to the jurisdiction change is located, as specified. Current law prohibits the executive officer from issuing a certificate pursuant to the provisions described above until resolutions are adopted by specified counties and cities in which they agree to accept the exchange of property tax revenues. Current law authorizes a county and any local agency within the county to develop and adopt a master property tax transfer agreement, as specified. This bill would, if applicable, prohibit the executive officer from accepting for filing an application for change or organization or reorganization and issuing a certificate of filing pursuant to the provisions described above, and would provide that an application is not deemed accepted for filing pursuant to the provisions described above, if an agreement for the exchange of property tax revenues has not been adopted pursuant to the provisions described above.

Position
Support

Subject
CKH General
Procedures

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

CALAFCO's letter of support can be found in the attachments.

SB 411

(Portantino D) Open meetings: teleconferences: neighborhood councils.

Current Text: Amended: 8/14/2023 [html](#) [pdf](#)

Introduced: 2/9/2023

Last Amend: 8/14/2023

Status: 8/15/2023-Read second time. Ordered to third reading.

Location: 8/15/2023-A. THIRD READING

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

Calendar: 8/21/2023 #86 ASSEMBLY THIRD READING FILE - SENATE BILLS

Summary: Would, until January 1, 2026, authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define "eligible legislative body" for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act. The bill would require an eligible legislative body authorized under the bill to provide publicly accessible physical locations for public participation, as prescribed. The bill would also require that at least a quorum of the members of the neighborhood council participate from locations within the boundaries of the city in which the neighborhood council is established. The bill would require that, at least once per year, at least a quorum of the members of the eligible legislative body participate in person from a singular physical location that is open to the public and within the boundaries of the eligible legislative body.

Position

Watch

Subject

Brown Act

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

4/24/2023: The bill was amended to make it specific to neighborhood councils and is no longer a concern for CALAFCO. However, we continue to monitor in case of changes.

8/14/2023: Amended to require that a quorum of the members of the eligible legislative body must meet in person at a location open to the public at least once per year.

SB 537

(Becker D) Open meetings: multijurisdictional, cross-county agencies: teleconferences.

Current Text: Amended: 8/14/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amend: 8/14/2023

Status: 8/15/2023-Read second time. Ordered to third reading.

Location: 8/15/2023-A. THIRD READING

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

Calendar: 8/21/2023 #87 ASSEMBLY THIRD READING FILE - SENATE BILLS

Summary: The Ralph M. Brown Act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that

requires the member to participate remotely. This bill would expand the circumstances of “just cause” to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

Position

Watch

Subject

Brown Act

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

3/22/2023: was amended and fleshed out to add teleconferencing provisions to allow legislative bodies of multijurisdictional agencies to meet remotely. Multijurisdictional agencies are defined as boards, commissions, or advisory bodies of a multijurisdictional, cross county agency, which is composed of appointed representatives from more than one county, city, city and county, special district, or a joint powers entity.

The bill is sponsored by Peninsula Clean Energy, a community choice aggregator with a board comprised of local elected officials from the County of San Mateo and its 20 cities, as well as the City of Los Banos.

4/24/2023: The bill was amended to further clarify definitions and the requirements needed for members of an eligible legislative body to meet remotely.

The bill passed Senate Judiciary on 5/2/23, and had its third reading in the Senate on 5/30/2023. 7/12/23: The bill passed the Assembly Local Government Committee.

Amended on August 14, 2023, to require eligible legislative bodies that receive compensation to participate from a physical location that is open to the public.

SB 878

(Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 30, Statutes of 2023.

Location: 6/29/2023-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 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Position

Support

Subject

LAFCo
Administration

CALAFCO Comments: This is the first of three annual validating acts. The joint letter of support is in the attachments section.
Passed and approved by the Governor on 6/29/2023.

SB 879

(Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 31, Statutes of 2023.

Location: 6/29/2023-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 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Position

Support

Subject

LAFCo
Administration

CALAFCO Comments: This is one of three annual validating acts. The joint letter of support is in the attachments section.
Passed and approved by the Governor on 6/29/2023.

SB 880

(Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 32, Statutes of 2023.

Location: 6/29/2023-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 2023, 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 one of three annual validating acts. The joint letter of support is in the attachments section.

Passed and approved by the Governor on 6/29/2023.

Total Measures: 21

Total Tracking Forms: 21