

LAFCO MEMORANDUM

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION

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

August 12, 2021 (Agenda)

TO: Each Member of the Commission

FROM: Mike Prater
Executive Officer

SUBJECT: **Report on the 2021 CALAFCO Legislative Committee Meetings – June 18 & July 23, 2021**

This is an Informational Report. No Action is Necessary

DISCUSSION

The CALAFCO Legislative Committee convened two meetings on June 18 & July 23, 2021. Your Executive Officer participated by ZOOM. A copy of the Meeting Agendas are attached as **Attachment A**.

A number of the listed bills, have progressed through the legislative process since the July 23, 2021 meeting. Staff will verbally update the Commission on the status of these bills at the meeting.

Attachments

Attachment A – CALAFCO Legislative Committee Agenda- June 18, 2021, & July 23, 2021

Please contact the LAFCO office if you have any questions.

CALAFCO Legislative Committee MEETING AGENDA

**Friday, June 18, 2021 ♦ 10:00 am – 12:00 pm
Virtual via Zoom**

<https://us02web.zoom.us/j/84951122837?pwd=WEhVZVNKRfIVVTFNd0lNM0ROMGh0Zz09>

Meeting ID: 849 5112 2837

Passcode: 033435

Phone: 669-900-6833

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**CALAFCO Legislative Committee
DRAFT SUMMARY MEETING MINUTES**

Date: May 7, 2021

Location: Virtual

Participants: Kris Berry, Mark Bramfitt, Scott Browne, **Bill Connelly**, **Gay Jones**, Rachel Jones, Blair Knox, **Chris Lopez**, Steve Lucas, Kai Luoma, **Mike McGill**, **Jo MacKenzie**, Sam Martinez, Pamela Miller, **Tom Murray**, Bill Nicholson, Paul Novak, **Anita Paque**, Paula deSousa, and Jennifer Stephenson.

Others present: Advisory Committee Members: Brendon Freeman, Erica Sanchez, and Luis Tapia.

Guests included: Priscilla Allen (San Diego), Jonathan Brinkman (Monterey), Sara Lytle-Pinhey (Stanislaus), and Jeren Seibel (Marin).

Recorder: Pamela Miller

1. Welcome, Roll Call, Review Agenda

Roll call was taken and a quorum established. The meeting was called to order at 10:07 a.m.

2. Approval of minutes of the March 26, 2021 meeting

MOTION: *Mike McGill motioned to approve the minutes of the March 26, 2021 meeting. The motion was seconded by Jo MacKenzie and passed unanimously.*

3. 2021 Omnibus update – AB 1581

Sam Martinez provided an update on the Omnibus bill, noting it passed out of the Assembly Local Government Committee earlier this week and is now on the Assembly floor for passage.

4. Discussion and potential action on legislation affecting LAFcos

Priority Two Bills:

a. AB 1195 (C. Garcia)

Pamela Miller reported the subcommittee (her, Paul Novak, Bill Connelly and Jim Simon) met virtually and crafted the letter of concern that was sent on the bill. She noted after the letter was sent, she and Paul talked with the author and speaker's staff to discuss concerns and talk about potential amendments. She and Paul then crafted the suggested conceptual and specific amendments noted on pages 47-48 in the packet that were sent to the author and speaker's offices. She further commented she just heard from the author's staff that they have collected numerous suggested amendments and are scheduling a meeting with all stakeholders to review all suggested amendments next week.

Paul Novak and Bill Connelly also added their comments on the process the subcommittee went through.

Pamela also reported the bill is now in Assembly Appropriations. The committee took no action on this item, and CALAFCO will retain a Watch With Concerns position until amendments are made and may then reconsider a position.

b. SB 403 (Gonzalez)

Pamela began by thanking subcommittee members Steve Lucas and Ryan Reed for their help in reviewing the bill and crafting the Oppose Unless Amended letter that was sent. She shared the author accepted amendments relating to defining both an “at risk” system and wells, creating an appeal process for potentially subsumed water systems, requiring inspection or testing of wells to determine "at risk" status, and allowing the Water Board to prioritize systems historically overburdened by pollution and industrial development or other environmental justice concerns. Pamela noted the author did agree to a cap on the number of users to be added by the subsuming system, however that amendment is not in print yet.

She suggested not changing our position at this time given not all three of our specific amendments had been taken. No action was taken by the committee.

Priority Three Bills:

a. SB 13 (Dodd)

Pamela reported she, Brendon Freeman and Sam Martinez met several times with the author’s staff and staff from Senate Governance & Finance Committee (SGFC) on the proposed amendments by the City of St. Helena (shared with the committee in draft form last meeting). She noted all the amendments requested by CALAFCO (on page 29 of the staff report) were accepted by the author during the SGFC hearing yesterday. However, there are still concerns about the growth inducing nature of future development and that is not aligned with the original intent of the pilot program (designed to address planned development, not future development).

Brendon shared his commission supported the prior version of the bill but has not met recently nor taken a position on the amended version, also noting the County of Napa supports the amendments. He indicated the new language flips the intent of the bill by adding new development. Sam reported given the San Bernardino portion of the bill remains intact, he believes his commission will support the bill.

Discussion ensued and several committee members shared their concern that this new language appears to support a very specific project and creates a slippery slope in terms of giving LAFCo authority and decision making to the state. After further discussion, the committee took the following action:

MOTION: *Bill Connelly motioned for CALAFCO to take an Oppose Unless Amended position on SB 13 with the amendments to be removal of the special provisions relating to the City of St. Helena. The motion was seconded by Gay Jones and passed with Sam Martinez abstaining and all other voting yes.*

5. Discussion of other CALAFCO tracked legislation

Priority One Bills:

a. AB 339 (Lee)

Pamela noted the bill had been drastically amended on 4-15-21 and again during the ALGC hearing, noting those additional amendments are on page 69 of the packet which came into print on 5-4-21. Discussion ensued about the various bills amending the Brown Act in terms of public participation in and access to local government meetings after the Governor lifts the current Executive Orders in terms of meetings. The committee took no action on the bill.

Priority Three Bills:

a. AB 1053 (Gabriel)

Pamela reported the bill was significantly amended to focus solely on the City Selection Committee for Los Angeles County, and as a result, once the amendments were in print she issued a letter removing CALAFCO's opposition. No action was taken on the bill.

6. Review of other CALAFCO tracked legislation

Pamela provided an update on the current status of bills noted in the report on pages 99-116.

7. Update on Protest Provision Rewrite Working Group

Pamela reported that 7 of the 8 obsolete provisions the working group approved are now in the Omnibus. She also said she is working with the ALGC consultant to get the working group to provide consensus on the consolidation draft. Jo MacKenzie reported she talked with Anthony at CSDA who indicated to her they do not plan to respond to us until June after there is a break in the legislative session. It was also noted the SGFC consultant has been too overwhelmed with the condensed timeframe to reconvene the subcommittee that is discussing the threshold percentages.

8. Items for next meeting

Pamela mentioned receiving notice from Kathy Rollings-McDonald that in the effects section of CKH, beginning with 57300, there is no section relating to the effects of formation. She questioned if we have gotten along without it for this long, is a section on formation really needed?

No other items for the next meeting were suggested.

9. Adjournment to June 18, 2021 virtual meeting at 10:00 a.m.

The meeting was adjourned at 11:52 a.m. to the June 18, 2021 virtual meeting.

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2021 Omnibus Bill Items Tracking Log

Item No.	Person Responsible	Section/Change	Actions	Due Date	Status
1	Kai Luoma	§56066, 56123, and 56124 – (amend) adding "...or determination of a sphere of influence"; §56387 and §56388 (delete).	Part of Amended Omnibus Bill published April 19, 2021		Passed Assembly & SGFC. On Senate floor.
2	Kai Luoma	§56133(a) (amend) adding "...of the county in which the affected territory is located." and §56133(f) (delete).	Part of Omnibus Bill published March 9, 2021		Passed Assembly & SGFC. On Senate floor.
3	Paul Novak	§56325.1 (amend) removing independent judgement language; §56331.4 (new) adding independent judgement language.	Part of Omnibus Bill published March 9, 2021		Passed Assembly & SGFC. On Senate floor.
4	Keene Simonds	§56375(e) (amend) adding "...with written notice provided no less than 21 days to the commission..."	Part of Amended Omnibus Bill published April 19, 2021		Passed Assembly & SGFC. On Senate floor.
5	Protest Working Group	§56375.2 (delete) special provision related to Marin LAFCO additional powers.	Part of Amended Omnibus Bill published April 19, 2021		Passed Assembly & SGFC. On Senate floor.
6	Keene Simonds	§56427 (amend) replace "...revise spheres..." with "...update spheres..."	Part of Omnibus Bill published March 9, 2021		Passed Assembly & SGFC. On Senate floor.
7	Protest Working Group	§56747 (delete) special provision related to City of Cupertino	Part of Amended Omnibus Bill published April 19, 2021		Passed Assembly & SGFC. On Senate floor.
8	Protest Working Group	§56760 (delete) special provision regarding notice requirements for a city with a population of more than 100,000 in Los Angeles County	Part of Amended Omnibus Bill published April 19, 2021		Passed Assembly & SGFC. On Senate floor.
9	Roseanne Chamberlain	§56879(c)(4) (new) adding language to remove the property tax transfer process (R & T Section 99 and 99.01) when dissolving inactive districts.	Part of Omnibus Bill published March 9, 2021		Passed Assembly & SGFC. On Senate floor.

10	Protest Working Group	§57001.1 (delete) special provision related to Santa Cruz County	Part of Amended Omnibus Bill published April 19, 2021	Passed Assembly & SGFC. On Senate floor.
11	Protest Working Group	§57075.5 (delete) special provision related to Los Angeles County	Part of Amended Omnibus Bill published April 19, 2021	Passed Assembly & SGFC. On Senate floor.
12	Protest Working Group	§57202.1 (delete) special provision related to Santa Cruz County	Part of Amended Omnibus Bill published April 19, 2021	Passed Assembly & SGFC. On Senate floor.
13	Protest Working Group	§57383 (delete) special provision related to Los Angeles County	Part of Amended Omnibus Bill published April 19, 2021	Passed Assembly & SGFC. On Senate floor.

AMENDED IN ASSEMBLY APRIL 19, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1581

Introduced by Committee on Local Government

March 9, 2021

An act to amend Sections 56066, 56123, 56124, 56133, 56375, 56427, and 56879 of, ~~and~~ to amend and renumber Section 56325.1 of, *and to repeal Sections 56375.2, 56387, 56388, 56747, 56760, 57001.1, 57075.5, 57202.1, and 57383 of*, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

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

~~Existing~~

(1) *Existing* law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Existing law requires a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. ~~Existing law requires the commission, in order to prepare and update spheres of influence in accordance with this requirement, to conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission, as specified. Existing law requires, when a proposed change of organization or reorganization~~

applies to 2 or more affected counties, that exclusive jurisdiction vest in the commission of the principal county, unless certain things occur.

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

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

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

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

This bill would repeal that authorization.

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

This bill would repeal both that provision and the exceptions.

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

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

~~Existing~~

(6) Existing law authorizes a commission in the county which an extension of service is proposed to approve (1) a city or district to provide new or extended services by contract or agreement outside its

jurisdictional boundary in writing, (2) a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization, and (3) a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory if specified conditions are met.

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

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

This bill would repeal that provision.

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

This bill would repeal that provision.

~~Existing~~

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

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

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

determinations includes terms and conditions that allow for the completion of the reorganization in 2 or more segments.

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

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

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

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

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

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

the agreement by the city to continue to use and maintain the property as a public parking lot.

This bill would repeal that provision.

~~This~~

(13) This bill would make other nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

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

1 *SECTION 1. Section 56066 of the Government Code is*
2 *amended to read:*

3 56066. "Principal county" means the county having the greater
4 portion of the entire assessed value, as shown on the last equalized
5 assessment roll of the county or counties, of all taxable property
6 within a district or districts for which a change of ~~organization or~~
7 ~~reorganization~~ *organization, reorganization, or determination of*
8 *a sphere of influence* is proposed.

9 *SEC. 2. Section 56123 of the Government Code is amended to*
10 *read:*

11 56123. Except as otherwise provided in Section 56124, if a
12 proposed change of ~~organization or a reorganization~~ *organization,*
13 *reorganization, or determination of a sphere of influence* applies
14 to two or more affected counties, for the purpose of this division,
15 exclusive jurisdiction shall be vested in the commission of the
16 principal county. Any notices, proceedings, orders, or any other
17 acts authorized or required to be given, taken, or made by the
18 commission, board of supervisors, clerk of a county, or any other
19 county official, shall be given, taken, or made by the persons
20 holding those offices in the principal county. The commission of
21 the principal county shall provide notice to the legislative body
22 and the executive officer of all affected agencies of any
23 proceedings, actions, or reports on the proposed change of
24 organization or reorganization. Any officer of a county other than
25 the principal county shall cooperate with the commission of the
26 principal county and shall furnish the commission of the principal
27 county with any certificates, records, or certified copies of records
28 as may be necessary to enable the commission of the principal
29 county to comply with this division.

1 SEC. 3. Section 56124 of the Government Code is amended to
2 read:

3 56124. If a proposed change of ~~organization or a reorganization~~
4 *organization, reorganization, or determination of a sphere of*
5 *influence* applies to two or more affected counties, for purposes
6 of this division, exclusive jurisdiction may be vested in the
7 commission of an affected county other than the commission of
8 the principal county if all of the following occur:

9 (a) The commission of the principal county approves of having
10 exclusive jurisdiction vested in another affected county.

11 (b) The commission of the principal county designates the
12 affected county which shall assume exclusive jurisdiction.

13 (c) The commission of the affected county so designated agrees
14 to assume exclusive jurisdiction.

15 If exclusive jurisdiction is vested in the commission of an
16 affected county other than the principal county pursuant to this
17 section, any notices, proceedings, orders, or any other acts
18 authorized or required to be given, taken, or made by the
19 commission, board of supervisors, clerk of a county, or any other
20 officer of a county, shall be given, taken, or made by the persons
21 holding those offices in the affected county. Any officer of a county
22 other than the affected county shall cooperate with the commission
23 of the affected county and shall furnish the commission of the
24 affected county with any certificates, records, or certified copies
25 of records as may be necessary to enable the commission of the
26 affected county to comply with this division.

27 ~~SECTION 4.~~

28 SEC. 4. Section 56133 of the Government Code is amended
29 to read:

30 56133. (a) A city or district may provide new or extended
31 services by contract or agreement outside its jurisdictional
32 boundary only if it first requests and receives written approval
33 from the commission of the county in which the affected territory
34 is located.

35 (b) The commission may authorize a city or district to provide
36 new or extended services outside its jurisdictional boundary but
37 within its sphere of influence in anticipation of a later change of
38 organization.

39 (c) The commission may authorize a city or district to provide
40 new or extended services outside its jurisdictional boundary and

1 outside its sphere of influence to respond to an existing or
2 impending threat to the health or safety of the public or the
3 residents of the affected territory, if both of the following
4 requirements are met:

5 (1) The entity applying for approval has provided the
6 commission with documentation of a threat to the health and safety
7 of the public or the affected residents.

8 (2) The commission has notified any alternate service provider,
9 including any water corporation as defined in Section 241 of the
10 Public Utilities Code, that has filed a map and a statement of its
11 service capabilities with the commission.

12 (d) The executive officer, within 30 days of receipt of a request
13 for approval by a city or district to extend services outside its
14 jurisdictional boundary, shall determine whether the request is
15 complete and acceptable for filing or whether the request is
16 incomplete. If a request is determined not to be complete, the
17 executive officer shall immediately transmit that determination to
18 the requester, specifying those parts of the request that are
19 incomplete and the manner in which they can be made complete.
20 When the request is deemed complete, the executive officer shall
21 place the request on the agenda of the next commission meeting
22 for which adequate notice can be given but not more than 90 days
23 from the date that the request is deemed complete, unless the
24 commission has delegated approval of requests made pursuant to
25 this section to the executive officer. The commission or executive
26 officer shall approve, disapprove, or approve with conditions the
27 extended services. If the new or extended services are disapproved
28 or approved with conditions, the applicant may request
29 reconsideration, citing the reasons for reconsideration.

30 (e) This section does not apply to any of the following:

31 (1) Two or more public agencies where the public service to be
32 provided is an alternative to, or substitute for, public services
33 already being provided by an existing public service provider and
34 where the level of service to be provided is consistent with the
35 level of service contemplated by the existing service provider.

36 (2) The transfer of nonpotable or nontreated water.

37 (3) The provision of surplus water to agricultural lands and
38 facilities, including, but not limited to, incidental residential
39 structures, for projects that serve conservation purposes or that
40 directly support agricultural industries. However, prior to extending

1 surplus water service to any project that will support or induce
 2 development, the city or district shall first request and receive
 3 written approval from the commission in the affected county.

4 (4) An extended service that a city or district was providing on
 5 or before January 1, 2001.

6 (5) A local publicly owned electric utility, as defined by Section
 7 9604 of the Public Utilities Code, providing electric services that
 8 do not involve the acquisition, construction, or installation of
 9 electric distribution facilities by the local publicly owned electric
 10 utility, outside of the utility's jurisdictional boundary.

11 (6) A fire protection contract, as defined in subdivision (a) of
 12 Section 56134.

13 ~~SEC. 2.~~

14 *SEC. 5.* Section 56325.1 of the Government Code is amended
 15 and renumbered to read:

16 56331.4 While serving on the commission, all commission
 17 members shall exercise their independent judgment on behalf of
 18 the interests of residents, property owners, and the public as a
 19 whole in furthering the purposes of this division. Any member
 20 appointed on behalf of local governments shall represent the
 21 interests of the public as a whole and not solely the interests of the
 22 appointing authority. This section does not require the abstention
 23 of any member on any matter, nor does it create a right of action
 24 in any person.

25 *SEC. 6. Section 56375 of the Government Code is amended to*
 26 *read:*

27 56375. The commission shall have all of the following powers
 28 and duties subject to any limitations upon its jurisdiction set forth
 29 in this part:

30 (a) (1) To review and approve with or without amendment,
 31 wholly, partially, or conditionally, or disapprove proposals for
 32 changes of organization or reorganization, consistent with written
 33 policies, procedures, and guidelines adopted by the commission.

34 (2) The commission may initiate proposals by resolution of
 35 application for any of the following:

36 (A) The consolidation of a district, as defined in Section 56036.

37 (B) The dissolution of a district.

38 (C) A merger.

39 (D) The establishment of a subsidiary district.

40 (E) The formation of a new district or districts.

1 (F) A reorganization that includes any of the changes specified
2 in subparagraph (A), (B), (C), (D), or (E).

3 (G) The dissolution of an inactive district pursuant to Section
4 56879.

5 (3) A commission may initiate a proposal described in paragraph
6 (2) only if that change of organization or reorganization is
7 consistent with a recommendation or conclusion of a study
8 prepared pursuant to Section 56378, 56425, or 56430, and the
9 commission makes the determinations specified in subdivision (b)
10 of Section 56881.

11 (4) A commission shall not disapprove an annexation to a city,
12 initiated by resolution, of contiguous territory that the commission
13 finds is any of the following:

14 (A) Surrounded or substantially surrounded by the city to which
15 the annexation is proposed or by that city and a county boundary
16 or the Pacific Ocean if the territory to be annexed is substantially
17 developed or developing, is not prime agricultural land as defined
18 in Section 56064, is designated for urban growth by the general
19 plan of the annexing city, and is not within the sphere of influence
20 of another city.

21 (B) Located within an urban service area that has been delineated
22 and adopted by a commission, which is not prime agricultural land,
23 as defined by Section 56064, and is designated for urban growth
24 by the general plan of the annexing city.

25 (C) An annexation or reorganization of unincorporated islands
26 meeting the requirements of Section 56375.3.

27 (5) As a condition to the annexation of an area that is
28 surrounded, or substantially surrounded, by the city to which the
29 annexation is proposed, the commission may require, where
30 consistent with the purposes of this division, that the annexation
31 include the entire island of surrounded, or substantially surrounded,
32 territory.

33 (6) A commission shall not impose any conditions that would
34 directly regulate land use density or intensity, property
35 development, or subdivision requirements.

36 (7) The decision of the commission with regard to a proposal
37 to annex territory to a city shall be based upon the general plan
38 and rezoning of the city. When the development purposes are not
39 made known to the annexing city, the annexation shall be reviewed
40 on the basis of the adopted plans and policies of the annexing city

1 or county. A commission shall require, as a condition to
2 annexation, that a city prezone the territory to be annexed or present
3 evidence satisfactory to the commission that the existing
4 development entitlements on the territory are vested or are already
5 at build-out, and are consistent with the city's general plan.
6 However, the commission shall not specify how, or in what
7 manner, the territory shall be rezoned.

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

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

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

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

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

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

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

39 (d) To approve the annexation of unincorporated, noncontiguous
40 territory, subject to the limitations of Section 56742, located in the

1 same county as that in which the city is located, and that is owned
2 by a city and used for municipal purposes and to authorize the
3 annexation of the territory without notice and hearing.

4 (e) To approve the annexation of unincorporated territory
5 consistent with the planned and probable use of the property based
6 upon the review of general plan and rezoning designations. No
7 subsequent change may be made to the general plan for the annexed
8 territory or zoning that is not in conformance to the rezoning
9 designations for a period of two years after the completion of the
10 annexation, unless the legislative body for the city makes a finding
11 at a public hearing *with written notice provided no less than 21*
12 *days to the commission* that a substantial change has occurred in
13 circumstances that necessitate a departure from the rezoning in
14 the application to the commission.

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

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

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

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

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

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

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

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

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

24 (o) If the proposal includes the incorporation of a city, as defined
25 in Section 56043, or the formation of a district, as defined in
26 Section 2215 of the Revenue and Taxation Code, the commission
27 shall determine the property tax revenue to be exchanged by the
28 affected local agencies pursuant to Section 56810. If the proposal
29 includes the disincorporation of a city, as defined in Section 56034,
30 the commission shall determine the property tax revenue to be
31 exchanged by the affected local agencies pursuant to Section
32 56813.

33 (p) To authorize a city or district to provide new or extended
34 services outside its jurisdictional boundaries pursuant to Section
35 56133.

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

1 (r) To approve with or without amendment, wholly, partially,
2 or conditionally, or disapprove pursuant to this section the
3 annexation of territory served by a mutual water company formed
4 pursuant to Part 7 (commencing with Section 14300) of Division
5 3 of Title 1 of the Corporations Code that operates a public water
6 system to a city or special district. Any annexation approved in
7 accordance with this subdivision shall be subject to the state and
8 federal constitutional prohibitions against the taking of private
9 property without the payment of just compensation. This
10 subdivision shall not impair the authority of a public agency or
11 public utility to exercise eminent domain authority.

12 *SEC. 7. Section 56375.2 of the Government Code is repealed.*

13 ~~56375.2. (a) In addition to those powers enumerated in Section~~
14 ~~56375, the Marin Local Agency Formation Commission may~~
15 ~~initiate and approve, after notice and hearing, a reorganization or~~
16 ~~consolidation of the Sewerage Agency of Southern Marin and its~~
17 ~~member districts, without protest hearings.~~

18 ~~(b) If the commission initiates and approves the reorganization~~
19 ~~or consolidation pursuant to subdivision (a), the commission may~~
20 ~~impose terms and conditions on the reorganization or consolidation~~
21 ~~that would require the Sewerage Agency of Southern Marin and~~
22 ~~its member agencies to be responsible for payment of the~~
23 ~~commission's costs incurred in association with the reorganization~~
24 ~~or consolidation.~~

25 ~~(c) This section shall become effective on January 1, 2011.~~

26 *SEC. 8. Section 56387 of the Government Code is repealed.*

27 ~~56387. Except as otherwise provided in Section 56388, if any~~
28 ~~district is, or as a result of a proposed change of organization or~~
29 ~~reorganization would be, located in more than one county, the~~
30 ~~commission of the principal county shall have exclusive jurisdiction~~
31 ~~over the matters authorized and required by this part.~~

32 *SEC. 9. Section 56388 of the Government Code is repealed.*

33 ~~56388. If any proposal involves a district which is, or as a result~~
34 ~~of a proposed change of organization or reorganization would be,~~
35 ~~located in more than one county, exclusive jurisdiction for that~~
36 ~~proposal over the matters authorized and required by this part may~~
37 ~~be vested in the commission of a county, other than the principal~~
38 ~~county, in which territory of the district is located or is proposed~~
39 ~~to be located if all of the following occur:~~

1 ~~(a) The commission of the principal county agrees to having~~
2 ~~the exclusive jurisdiction vested in the commission of another~~
3 ~~county.~~

4 ~~(b) The commission of the principal county designates the~~
5 ~~commission of another county which shall assume exclusive~~
6 ~~jurisdiction.~~

7 ~~(c) The commission of the county so designated agrees to~~
8 ~~assume exclusive jurisdiction.~~

9 ~~SEC. 3.~~

10 *SEC. 10.* Section 56427 of the Government Code is amended
11 to read:

12 56427. The commission shall adopt, amend, or update spheres
13 of influence after a public hearing called and held for that purpose.
14 At least 21 days prior to the date of that hearing, the executive
15 officer shall give mailed notice of the hearing to each affected
16 local agency or affected county, and to any interested party who
17 has filed a written request for notice with the executive officer. In
18 addition, at least 21 days prior to the date of that hearing, the
19 executive officer shall cause notice of the hearing to be published
20 in accordance with Section 56153 in a newspaper of general
21 circulation which is circulated within the territory affected by the
22 sphere of influence proposed to be adopted. The commission may
23 continue from time to time any hearing called pursuant to this
24 section.

25 At any hearing called and held pursuant to this section, the
26 commission shall hear and consider oral or written testimony
27 presented by any affected local agency or affected county or any
28 interested person who wishes to appear.

29 This section shall only apply to spheres of influence adopted by
30 the commission after January 1, 1975.

31 *SEC. 11.* Section 56747 of the Government Code is repealed.

32 ~~56747. (a) Notwithstanding Section 56031, unincorporated~~
33 ~~territory consisting of property abutting on a street, highway, or~~
34 ~~road, and the street, highway, or road, to the extent that it abuts~~
35 ~~that property, together with the road strip may be annexed to a city~~
36 ~~pursuant to this division under the following conditions:~~

37 ~~(1) The annexation may be made only if the property to be~~
38 ~~annexed is within the sphere of influence of the annexing city, as~~
39 ~~adopted by the commission, and lies within an unincorporated area~~
40 ~~wholly surrounded by the annexing city or the annexing city and~~

1 the county line or the annexing city and the Pacific Ocean or the
2 annexing city and a boundary of another city.

3 (2) The property to be annexed shall not be annexed if the
4 distance between the boundary of the annexing city and the point
5 closest to the annexing city at which the road strip connects with
6 the abutting property, as measured by the road strip, is more than
7 one-half mile.

8 (b) Subsequent annexations to the road strip and abutting
9 territory shall not be made unless both of the following conditions
10 are met:

11 (1) The distance between the point at which the original road
12 strip abuts the boundary of the annexing city and the point closest
13 to the city at which the road strip connects with the abutting
14 property to be annexed, as measured by the road strip, is one-half
15 mile or less.

16 (2) The annexation is contiguous to the road strip.

17 (c) As used in this section:

18 (1) "Property to be annexed" means the property abutting on a
19 street, highway, or road, and the street, highway, or road, to the
20 extent it abuts the property.

21 (2) "Road strip" means the street, highway, or road which
22 connects the territory of the property to be annexed to the annexing
23 city.

24 (d) This section applies only to the City of Cupertino.

25 *SEC. 12. Section 56760 of the Government Code is repealed.*

26 56760. (a) Before circulating any petition for change of
27 organization for a city with a population of more than 100,000
28 which is located in a county with a population of over 4,000,000,
29 the proponents shall publish a notice of intention which shall
30 include a written statement not to exceed 500 words in length,
31 setting forth the reasons for the proposal. The notice shall be
32 published pursuant to Section 56153. The notice shall be signed
33 by at least one, but not more than three, chief petitioners and shall
34 be in substantially the following form:

35 Notice of Intent to Circulate Petition

36 Notice is hereby given of the intention to circulate a petition
37 proposing to _____ territory to the City of _____.

38 The reasons for the proposal are:

39 (b) Within five days after the date of publication, the chief
40 petitioners shall file with the clerk of the city and the executive

1 officer a copy of the notice together with an affidavit made by a
 2 representative of the newspaper in which the notice was published
 3 certifying to the fact of publication.

4 ~~(e) After the filing required pursuant to subdivision (b), the~~
 5 ~~petition may be circulated for signatures.~~

6 ~~SEC. 4.~~

7 *SEC. 13.* Section 56879 of the Government Code is amended
 8 to read:

9 56879. (a) On or before November 1, 2018, and every year
 10 thereafter, the Controller shall create a list of special districts that
 11 are inactive, as defined in Section 56042, based upon the financial
 12 reports received by the Controller pursuant to Section 53891. The
 13 Controller shall publish the list of inactive districts on the
 14 Controller's internet website. The Controller shall also notify the
 15 commission in the county or counties in which the district is located
 16 if the Controller has included the district in this list.

17 (b) The commission shall initiate dissolution of inactive districts
 18 by resolution within 90 days of receiving notification from the
 19 Controller pursuant to subdivision (a), unless the commission
 20 determines that the district does not meet the criteria set forth in
 21 Section 56042. The commission shall notify the Controller if the
 22 commission determines that a district does not meet the criteria
 23 set forth in Section 56042.

24 (c) The commission shall dissolve inactive districts. The
 25 commission shall hold one public hearing on the dissolution of an
 26 inactive district pursuant to this section no more than 90 days
 27 following the adoption of the resolution initiating dissolution. The
 28 dissolution of an inactive district shall not be subject to any of the
 29 following:

30 (1) Chapter 1 (commencing with Section 57000) to Chapter 7
 31 (commencing with Section 57176), inclusive, of Part 4.

32 (2) Determinations pursuant to subdivision (b) of Section 56881.

33 (3) Requirements for commission-initiated changes of
 34 organization described in paragraph (3) of subdivision (a) of
 35 Section 56375.

36 (4) Sections 99 and 99.01 of the Revenue and Taxation Code.

37 *SEC. 14.* *Section 57001.1 of the Government Code is repealed.*

38 ~~57001.1. In the case of a reorganization requested by a city in~~
 39 ~~Santa Cruz County that has adopted a voter approved urban limit~~
 40 ~~line, the time limits specified in Section 57001 shall not apply if~~

1 the commission's resolution making determinations includes terms
2 and conditions that allow for the completion of the reorganization
3 in two or more segments. The commission may not use the
4 provisions of this section for any reorganization approved or
5 conditionally approved after January 1, 2009.

6 *SEC. 15. Section 57075.5 of the Government Code is repealed.*

7 ~~57075.5. Notwithstanding Section 57075, if territory proposed~~
8 ~~to be annexed to a city with more than 100,000 residents is~~
9 ~~inhabited and is located in a county with a population of over~~
10 ~~4,000,000, the commission, not more than 30 days after conclusion~~
11 ~~of the hearing, shall make a finding regarding the value of written~~
12 ~~protests filed and not withdrawn and shall take one of the following~~
13 ~~actions:~~

14 ~~(a) Terminate proceedings if written protests have been filed~~
15 ~~and not withdrawn by 50 percent or more of the registered voters~~
16 ~~residing within the affected territory.~~

17 ~~(b) Order the change of organization or reorganization subject~~
18 ~~to confirmation by the registered voters residing within the affected~~
19 ~~territory, and request the city council to call a special election and~~
20 ~~submit to the voters residing within the affected territory the~~
21 ~~question of whether it shall be annexed to the city, if written~~
22 ~~protests have been filed and not withdrawn by either of the~~
23 ~~following:~~

24 ~~(1) At least 15 percent of the registered voters residing within~~
25 ~~the affected territory.~~

26 ~~(2) At least 15 percent of the number of owners of land who~~
27 ~~also own not less than 15 percent of the total assessed value of~~
28 ~~land within the affected territory.~~

29 ~~(c) Order the territory annexed without an election if~~
30 ~~subdivisions (a) and (b) do not apply.~~

31 *SEC. 16. Section 57202.1 of the Government Code is repealed.*

32 ~~57202.1. In the case of a reorganization requested by a city in~~
33 ~~Santa Cruz County that has adopted a voter approved urban limit~~
34 ~~line, the conditions of paragraph (2) of subdivision (a) of Section~~
35 ~~57202 shall not apply and the effective date of that reorganization~~
36 ~~shall be fixed in the terms and conditions of the commission~~
37 ~~resolution. The commission may not use the provisions of this~~
38 ~~section for any reorganization approved or conditionally approved~~
39 ~~after January 1, 2009.~~

40 *SEC. 17. Section 57383 of the Government Code is repealed.*

1 ~~57383. The board of supervisors of Los Angeles County may,~~
2 ~~by a two-thirds vote, convey any parking lot owned by the county~~
3 ~~and situated within the boundaries of an incorporated city to the~~
4 ~~city for public parking purposes, without consideration other than~~
5 ~~the agreement by the city to continue to use and maintain the~~
6 ~~property as a public parking lot.~~

7 ~~This section applies only to parking lots acquired principally~~
8 ~~from revenues raised through onstreet or offstreet parking fees for~~
9 ~~the specific purpose of parking lot development, and does not~~
10 ~~apply to lots purchased through expenditures from the general fund~~
11 ~~or other means to serve as sites for other types of facilities.~~

12 ~~The conveyance provided for by this section shall not occur until~~
13 ~~all liens or financial obligations attached to those lots have been~~
14 ~~satisfied.~~

LEGISLATIVE COMMITTEE MEETING STAFF REPORT

June 18, 2021

Agenda Item No. 4 Legislation Affecting LAFCo

Prepared By: Pamela Miller, Legislative Committee Chair

Date: June 18, 2021

RECOMMENDATIONS

1. Consider bills that may have an impact on LAFCOs and take positions as appropriate.

DISCUSSION

As of the writing of this report, CALAFCO is tracking 33 bills. We are sponsoring the Omnibus, have taken positions on 11 total bills, been actively involved in negotiating amendments for 7 bills and involved in discussions on 3 others. Further, of the 33 bills tracked, 10 are now 2-year bills. It has been quite an active legislative year. The Legislature continues to work within compressed hearing schedules with most legislative staff still working remotely or beginning to transition to a hybrid schedule. Due to that compressed hearing schedule, each legislator was told they could only pass 12 of their bills to the other house, forcing them to prioritize and minimize their legislative agenda for this year.

This report addresses two bills: **AB 1195** (C. Garcia) and **AB 897** (Mullin).

AB 1195 (C. Garcia) Drinking Water

Current position: WATCH WITH CONCERNS

At the committee's May 7 meeting it was reported the subcommittee for this bill (myself, Paul Novak, Bill Connelly and Jim Simon) crafted amendments that created a pilot program for LA LAFCo (and shared that language with the committee). The draft amendments were submitted to the author and speaker's offices and the bill was substantially amended when coming out of Assembly Appropriations (see the current version included as attachment 4a).

For the most part CALAFCO's requested amendments were taken and appear in the May 24, 2021 version of the bill. However, there is still work being done by a large group of stakeholders, many of whom do not agree on what the bill should look like (of if there should even be a bill). Since our May 7 meeting there has been 2 large stakeholder meetings and we've met with the author and speaker's staff several times. We've also met with representatives from the CA Mutual Water Company and CA Water Associations to get feedback on our proposed amendments. In all cases conversations have been valuable. Given the feedback received, the subcommittee crafted another set of amendments as provided in attachment 4b. As the tracked changes version may be hard to read, here is a summary:

- Redefining the jurisdictional boundaries of the state appointed commissioner
- Rewording state water board authority to order consolidation to be subject to LA LAFCo not taking action within the prescribed timeframe
- Require the water board/commissioner apply to LA LAFCo no more than 60 days after identifying a system for consolidation

- Suggested removal of 116689(d)(4)(D) which is confusing language and unnecessary
- Moving the timing of the requested audit to be before the adoption of the plan submitted by the commissioner
- Require the commissioner to identify all entities – public and private – that LA LAFCo shall consider if approving a consolidation or extension of service
- Adding factors LA LAFCo must use when considering an action as part of this pilot program, and requiring them to adopt local policies establishing specific criteria to measure the factors within 9 months of the bill's effective date
- Suggestions on the makeup of the technical advisory board and how they should operate

As of the writing of this report, the bill is triple referred in the Senate to Environmental Quality (EQ), Governance & Finance, and Natural Resources and Water Committees, then to Appropriations. This bill will be fast tracked through those 3 policy committees, first up on July 1 in EQ then having to go to the other 2 before July 14, which is the deadline for policy committees to meet and push out bills.

The subcommittee is requesting your input and feedback during today's meeting on these amendments as we will not have many more opportunities to go back with substantive changes.

AB 897 (Mullin) Regional Climate Networks

Current position: WATCH

As the committee knows, this is one of several climate network bills introduced this year. This is the more reasonable of the bills (and the one moving forward). To date CALAFCo has not taken a position on any of these bills.

Since it's introduction, the bill has been amended twice. The bill builds on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region. It requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. OPR is also required, before 7-1-22, to establish geographic boundaries for regional climate networks and prescribes requirements in doing so. The bill outlines the authority of a regional climate network and defines eligible entities. The bill also requires a regional climate network to develop a regional climate adaptation plan and submit it to OPR for approval.

Prior versions of the bill kept the definition of entities eligible to be a part of the regional climate network as rather generic and with each amended version gets more specific. In the prior definitions, LAFCos were an eligible entity. However now the list of eligible entities is quite specific and does not include LAFCo (even though by definition technical we are eligible). As a result, CALAFCo has requested the author add LAFCos explicitly to the list of entities eligible to participate in these regional climate networks. They have agreed to do so in the first policy committee the bill is heard.

This is an author-sponsored bill. According to the Assembly Appropriations Committee, there is an OPR ongoing annual cost of \$1.5 million to provide the appropriate level of technical support to the regional climate networks. If there is no appropriation in the adopted budget, that will have to come from the General Fund of a special fund.

Staff is recommending a Support position once the amendment to explicitly include LAFCo is taken.

ATTACHMENTS

4a - AB 1195 (as amended 5-24-21)

4b - CALAFCO DRAFT suggested amendments for AB 1195 dated 6-4-21

4c - AB 897 (as amended 4-49-21)

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AMENDED IN ASSEMBLY MAY 24, 2021

AMENDED IN ASSEMBLY APRIL 6, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1195

Introduced by Assembly Member Cristina Garcia

February 18, 2021

An act to amend Section 116681 of, to add Section 116351 to, ~~and~~ to add Article 9.5 (commencing with Section 116688) to Chapter 4 of Part 12 of Division 104 of, *and to repeal Section 116690 of*, the Health and Safety Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1195, as amended, Cristina Garcia. Drinking water.

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 relating to the regulation of drinking water to protect public health. *The act authorizes the state board to order consolidation with, or extension of service from, a receiving water system if 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 if a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water.*

Existing law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Existing law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the

moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients.

~~This bill would prohibit, once an operator of a public water system exercises water rights for the benefit of the public water system, those surface water rights or groundwater rights from being severed or otherwise separated from the public water system. *prohibit a public water system from transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed.*~~

The bill would enact the Southern Los Angeles County Human Right to Water Collaboration Act, which would require the state board to appoint a ~~commissioner~~ *commissioner, from its own staff located in the County of Los Angeles*, to, among other things, expend moneys from the Safe and Affordable Drinking Water Fund on behalf of the state board for eligible purposes and recipients in southern Los Angeles County, within the jurisdictional boundaries of the Water Replenishment District of Southern ~~California~~ *California, excluding the area overlying the West Coast Groundwater Basin*, and in collaboration with the communities and operators of public water systems in the region. The bill would require the commissioner, on or before December 31, 2024, to develop and submit to the state board a plan for the long-term sustainability of public water systems in southern Los Angeles County, in collaboration with a technical advisory board, which the bill would create. The bill would require the technical advisory board to be composed of an unspecified number of members, with one member appointed by the state board and the remaining members *authorized to be appointed by specified and unspecified entities*.

In preparing the plan, the bill would require the commissioner, among other things, to oversee *and collaborate with the state-funded work of the Water Replenishment District of Southern California in a specified assessment and to consult with the Los Angeles County Local Agency Formation Commission regarding effective public water system governance strategies in the region, as specified. region. The bill would authorize the state board to adopt and implement the plan, subject to specified requirements.* The bill would require the commissioner to oversee the expenditure of all state funding for groundwater cleanup in the region and ~~to oversee the operations of the Central Basin Municipal Water District in selling drinking water and recycled water to public water systems in its jurisdiction.~~ The bill would authorize the commissioner to ~~require~~ *order an audit or a financial review of the*

Central Basin Municipal Water District to pay for an audit directed by the commissioner. By imposing or an operator of a public water system that seeks or has received state funding or benefits. To the extent this would impose additional requirements on the Central Basin Municipal Water District, the bill would impose a state-mandated local program.

~~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.~~

The bill would establish a pilot program, until January 1, 2027, pursuant to which the commissioner would be required to submit an application to the Los Angeles County Local Agency Formation Commission proposing a plan for extension of service from, or consolidation and dissolution of, public water systems, as prescribed. The bill would require the Los Angeles County Local Agency Formation Commission, no later than 120 days after receipt of a completed application, to hold 2 public hearings and make final its approval, approval with condition, or denial of the consolidation or extension of service. By imposing additional requirements on the Los Angeles County Local Agency Formation Commission, the bill would impose a state-mandated local program.

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

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

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

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

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

- 1 SECTION 1. ~~Section 116351 is added to the Health and Safety~~
- 2 ~~Code, to read:~~

1 ~~116351. Once an operator of a public water system exercises~~
2 ~~water rights for the benefit of the public water system, those surface~~
3 ~~water rights or groundwater rights shall not be severed or otherwise~~
4 ~~separated from the public water system.~~

5 *SECTION 1. Section 116351 is added to the Health and Safety*
6 *Code, to read:*

7 *116351. A public water system shall not transfer or abandon*
8 *a water right held by the public water system except upon approval*
9 *of the state board, which may condition an approval in furtherance*
10 *of the policies of this chapter and Sections 106.3, 113, and 85023*
11 *of the Water Code.*

12 *SEC. 2. Section 116681 of the Health and Safety Code is*
13 *amended to read:*

14 *116681. The following definitions shall apply to this section,*
15 *Sections 116682, 116684, and 116686, and Article 9.5*
16 *(commencing with Section 116688):*

17 (a) *“Adequate supply” means sufficient water to meet residents’*
18 *health and safety needs at all times.*

19 (b) *“Affected residence” means a residence within a*
20 *disadvantaged community that is reliant on a water supply that is*
21 *either inadequate or unsafe and that is not served by a public water*
22 *system or state small water system.*

23 (c) *“At-risk domestic wells” means domestic wells that serve a*
24 *disadvantaged community and are at risk of consistently failing*
25 *to provide an adequate supply of safe drinking water as determined*
26 *by the state board pursuant to the methodology established in the*
27 *2021 Drinking Water Needs Assessment referenced in subdivision*
28 *(b) of Section 116769, or a substantially similar methodology*
29 *adopted by the state board in an update to the Drinking Water*
30 *Needs Assessment.*

31 (d) *“At-risk water system” means a water system that meets all*
32 *the following conditions:*

33 (1) *The water system is either a public water system with 3,300*
34 *or fewer connections or a state small water system.*

35 (2) *The system serves a disadvantaged community.*

36 (3) *The system is at risk of consistently failing to provide an*
37 *adequate supply of safe drinking water, as determined by the state*
38 *board pursuant to the methodology established in the 2021*
39 *Drinking Water Needs Assessment referenced in subdivision (b)*
40 *of Section 116769, or a substantially similar methodology adopted*

1 *by the state board in an update to the Drinking Water Needs*
2 *Assessment.*

3 ~~(e)~~

4 (e) “Consistently fails” means a failure to provide an adequate
5 supply of safe drinking water.

6 ~~(f)~~

7 (f) “Consolidated water system” means the public water system
8 resulting from the consolidation of a public water system with
9 another public water system, state small water system, or affected
10 residences.

11 ~~(g)~~

12 (g) “Consolidation” means joining two or more public water
13 systems, state small water systems, or affected residences into a
14 single public water system.

15 ~~(h)~~

16 (h) “Disadvantaged community” means a disadvantaged
17 community, as defined in Section 79505.5 of the Water Code.

18 ~~(i)~~

19 (i) “Domestic well” means a groundwater well used to supply
20 water for the domestic needs of an individual residence or a water
21 system that is not a public water system and that has no more than
22 four service connections.

23 ~~(j)~~

24 (j) “Extension of service” means the provision of service through
25 any physical or operational infrastructure arrangement other than
26 consolidation.

27 ~~(k)~~

28 (k) “Infill site” means a site within the area served by a
29 subsumed water system that, as of the date of consolidation, is
30 adjacent to a parcel that is developed for qualified urban uses.

31 (l) “Los Angeles commission” means the local agency formation
32 commission of the County of Los Angeles.

33 ~~(m)~~

34 (m) “Qualified urban use” means any residential, commercial,
35 public institutional, industrial, transit or transportation facility, or
36 retail use, or any combination of those uses.

37 ~~(n)~~

38 (n) “Receiving water system” means the public water system
39 that provides service to a subsumed water system through
40 consolidation or extension of service.

1 ~~(t)~~
2 (o) “Safe drinking water” means water that meets all primary
3 and secondary drinking water standards.

4 ~~(m)~~
5 (p) “State small water system” has the same meaning as provided
6 in Section 116275.

7 ~~(n)~~
8 (q) “Subsumed water system” means the public water system,
9 state small water system, or affected residences served by domestic
10 wells consolidated into or receiving service from the receiving
11 water system.

12 SEC. 3. Article 9.5 (commencing with Section 116688) is
13 added to Chapter 4 of Part 12 of Division 104 of the Health and
14 Safety Code, to read:

15
16 Article 9.5. Southern Los Angeles County Human Right to
17 Water Collaboration Act
18

19 116688. This article shall be known, and may be cited, as the
20 Southern Los Angeles County Human Right to Water Collaboration
21 Act.

22 116689. (a) The state board shall appoint a ~~commissioner~~
23 *commissioner, from its own staff located in the County of Los*
24 *Angeles, to implement the state board’s Safe and Affordable*
25 *Funding for Equity and Resilience (SAFER) Program established*
26 *pursuant to Chapter 120 of the Statutes of 2019 in southern Los*
27 *Angeles County, within the jurisdictional boundaries of the Water*
28 *Replenishment District of Southern—California California,*
29 *excluding the area overlying the West Coast Groundwater Basin,*
30 *and in collaboration with the communities and operators of public*
31 *water systems in the region.*

32 (b) In implementing the SAFER Program in southern Los
33 Angeles County, the commissioner shall, on behalf of the state
34 board, expend moneys from the Safe and Affordable Drinking
35 Water Fund established pursuant to Section 116766, subject to the
36 state board’s approval, for the purposes, and to the eligible
37 recipients, identified in Section 116766. The commissioner may
38 take any reasonable action to accomplish those purposes. Pursuant
39 to subdivision (f) of Section 116766, the commissioner shall make
40 reasonable efforts to ensure that funds are used to secure the

1 long-term sustainability of drinking water service and
2 infrastructure, including, but not limited to, requiring adequate
3 technical, managerial, and financial capacity of eligible applicants
4 as part of funding agreement outcomes.

5 (c) (1) In addition to the authority established in subdivision
6 (b), the commissioner may do either of the following:

7 (A) Assist operators of public water systems in operating and
8 managing their public water systems, including, but not limited
9 to, funding, technical assistance, and other collaboration that
10 promotes economies of scale.

11 (B) Serve as an administrator of a public water system pursuant
12 to Section 116686, or as a receiver of a public water system
13 pursuant to court order, for a public water system that serves a
14 disadvantaged community or that consistently fails or is at risk of
15 doing so, as determined by the commissioner.

16 (2) The commissioner shall seek available funding from state
17 and local sources to fund its activities.

18 (d) The commissioner shall, on or before December 31, 2024,
19 develop and submit to the state board a plan for the long-term
20 sustainability of public water systems in southern Los Angeles
21 County, in collaboration with the technical advisory board
22 established pursuant to Section 116690. In preparing the plan, the
23 commissioner shall do all of the following:

24 (1) Oversee *and collaborate with* the *state-funded* work of the
25 Water Replenishment District of Southern California in assessing
26 the conditions of small public water systems in its jurisdiction
27 pursuant to Item 3860-101-0001 of Section 2.00 of the Budget Act
28 of 2019 (Chapter 23 of the Statutes of 2019), including the
29 sufficiency of each small public water system's water quality and
30 water ~~rights~~ *supply portfolio*. The plan shall include evaluation
31 of each small public water system's technical, managerial, and
32 financial conditions, which may qualify the small public water
33 system for some types of financial assistance.

34 (2) Review the assessment described in paragraph (1) and
35 evaluate public water systems and other water infrastructure in the
36 region. The evaluation shall include assessment of the physical
37 conditions of groundwater wells and groundwater quality.

38 (3) Identify projects, processes, and systems that may assist
39 public water systems that consistently fail or are at risk of doing
40 so, as determined by the ~~commissioner~~ *commissioner in*

1 *accordance with the risk factors used in the SAFER Program. For*
2 *a public water system in a disadvantaged community, the*
3 *commissioner may consider groundwater wells or groundwater*
4 *quality that pose a risk to the public water system of consistently*
5 *failing and identify actions necessary to either assist that public*
6 *water system or determine appropriate changes for the public water*
7 *system in accordance with applicable law.*

8 (4) (A) *Plan for the consolidation of public water systems that*
9 *either consistently fail or are at risk of doing so, as determined by*
10 *the commissioner. The plan shall include identification of a*
11 *receiving water system operated by a municipality or other public*
12 *agency, without regard to jurisdictional boundaries. The*
13 *commissioner shall propose receiving water systems to the state*
14 *board for consolidation proceedings pursuant to Section 116682.*
15 *This paragraph does not preclude the operator of a public water*
16 *system or a state small water system from proposing a voluntary*
17 *consolidation for the identified subsumed water system.*
18 *commissioner after considering comments from stakeholders, the*
19 *customers of the public water systems, and the public. The regional*
20 *plan required by this subdivision shall identify the public water*
21 *systems that may be subject to consolidation, however the decision*
22 *to order consolidations or extensions of service remains with the*
23 *state board pursuant to Section 116682 and subject to the local*
24 *agency formation commission process in Section 116690.*

25 (B) *Before completion of the plan, the commissioner shall*
26 *identify failing and at-risk water systems in the region and request*
27 *the state board to determine, after a public hearing, whether each*
28 *public water system meets the requirements for consolidation in*
29 *Section 116682. The operator of the public water system may*
30 *voluntarily acknowledge, without a public hearing, that it meets*
31 *the requirements for consolidation.*

32 (C) *Upon a determination that a public water system qualifies*
33 *for consolidation, the commissioner shall apply to the Los Angeles*
34 *commission for a plan for extension of service, or consolidation*
35 *and dissolution, as provided in Section 116690.*

36 (D) *If the Los Angeles commission has not completed its work*
37 *under subparagraph (C) on a particular public water system by*
38 *September 30, 2024, the commissioner's plan may identify a public*
39 *water system subject to consolidation without providing a plan*

1 *for extension of service, or consolidation and dissolution of the*
 2 *public water system.*

3 *(E) This paragraph does not preclude the operator of a public*
 4 *water system or a state small water system from proposing a*
 5 *voluntary consolidation for the identified subsumed water system.*

6 ~~(5) Consult with the Los Angeles County Local Agency~~
 7 ~~Formation Commission~~ *commission* regarding effective public
 8 water system governance strategies in the region and how the Los
 9 Angeles County Local Agency Formation Commission may
 10 facilitate consolidation of public water systems that consistently
 11 fail or are at risk of doing so, as determined by the commissioner.
 12 *region.*

13 *(e) The state board may adopt and implement the plan prepared*
 14 *by the commissioner, as required by subdivision (d). Before*
 15 *adopting the plan or approving any substantial revisions after the*
 16 *plan is adopted, the state board shall hold at least one public*
 17 *hearing in southern Los Angeles County, after public notice at*
 18 *least 30 days before the hearing. The state board shall post an*
 19 *adopted plan, as it may be amended, on its internet website.*
 20 *Chapter 3.5 (commencing with Section 11340) of Part 1 of Division*
 21 *3 of Title 2 of the Government Code does not apply to the state*
 22 *board's adoption or amendment of the plan.*

23 ~~(e)~~

24 ~~(f) The commissioner shall oversee the operations of~~ *may order*
 25 *an audit or a financial review of the Central Basin Municipal Water*
 26 *District in selling drinking water and recycled water to public water*
 27 *systems in its jurisdiction. The Central Basin Municipal Water*
 28 *District shall cooperate with the commissioner in exercising the*
 29 *commissioner's oversight responsibilities. The commissioner may*
 30 *require the Central Basin Municipal Water District to pay for an*
 31 *audit directed by the commissioner.* *or an operator of a public*
 32 *water system that seeks or has received state funding or other*
 33 *benefits from the state board to support its public water system.*
 34 *The California State Auditor may cooperate with the commissioner*
 35 *regarding the an audit of the Central Basin Municipal Water*
 36 *District, using the findings of the California State Auditor's 2015*
 37 *audit of the Central Basin Municipal Water District. that district.*

38 ~~(f)~~

39 *(g) The commissioner shall oversee, on behalf of the state board,*
 40 *the expenditure of all state funding for groundwater cleanup in the*

1 region. This oversight shall include identification, for basins in
2 the region, of significant contaminants and potential remediation
3 of perfluorooctane sulfonate (PFOS). The commissioner shall
4 investigate a range of options to pay for remediating groundwater
5 contamination in the region, including methods to hold polluters
6 accountable for their groundwater contamination.

7 *116690. (a) For purposes of this article, a pilot program is*
8 *hereby established for the Los Angeles commission. The application*
9 *to the Los Angeles commission proposing a plan for extension of*
10 *service, or consolidation and dissolution if appropriate, as*
11 *provided in subparagraph (C) of paragraph (4) of subdivision (d)*
12 *of Section 116689, shall include all of the following:*

13 *(1) A plan for services pursuant to paragraphs (1) to (5),*
14 *inclusive, of subdivision (b) of Section 56653 of the Government*
15 *Code.*

16 *(2) The public water system service areas affected by the*
17 *consolidation, including boundary maps and legal descriptions.*

18 *(3) Identification of any adjacent agencies that could provide*
19 *services in lieu of the proposed consolidation.*

20 *(4) The recorded violations of drinking water or other public*
21 *water system standards causing the entity to consistently fail or*
22 *be at risk of failing to provide an adequate supply of safe drinking*
23 *water.*

24 *(5) Indemnification of the Los Angeles commission.*

25 *(6) An application fee.*

26 *(b) No later than 120 days after receipt of a completed*
27 *application pursuant to subparagraph (C) of paragraph (4) of*
28 *subdivision (d) of Section 116689, the Los Angeles commission*
29 *shall hold two public hearings in accordance with Section 56661*
30 *of the Government Code and make final its approval, approval*
31 *with condition, or denial of the consolidation or extension of*
32 *service. In deliberating on proposed receiving water systems, the*
33 *Los Angeles commission shall prioritize the most affordable water*
34 *rates, best customer service, and most effective plans for*
35 *maintaining and improving infrastructure and management*
36 *systems.*

37 *(c) If the Los Angeles commission fails to act on an application*
38 *for consolidation or extension of service pursuant to this section,*
39 *the commissioner shall propose receiving water systems to the*

1 *state board for consolidation proceedings pursuant to Section*
2 *116682.*

3 *(d) For purposes of this section, the Los Angeles commission*
4 *may also consider consolidation or extension of service to include*
5 *any of the following, after first considering public water agency*
6 *options:*

7 *(1) A local publicly owned utility that provides retail water*
8 *service.*

9 *(2) A privately owned water company.*

10 *(3) A mutual water company.*

11 *(e) For purposes of this section, the Los Angeles commission*
12 *may waive the property tax transfer process in Article 5*
13 *(commencing with Section 99) of Chapter 6 of Part 0.5 of Division*
14 *1 of the Revenue and Taxation Code.*

15 *(f) For purposes of this section, the Los Angeles commission*
16 *may determine the structure of the governing board of any involved*
17 *consolidated agency or successor agency.*

18 *(g) Actions taken by the Los Angeles commission pursuant to*
19 *this section are not subject to Article 3 (commencing with Section*
20 *56895) of Chapter 6 of Part 3 of Division 3 of Title 5 of the*
21 *Government Code or protest or election proceedings pursuant to*
22 *Part 4 (commencing with Section 57000) of Division 3 of Title 5*
23 *of the Government Code.*

24 *(h) The Los Angeles commission or the receiving water system*
25 *may determine the legality of the existence of the receiving water*
26 *system or validate the financial provisions of a proposal in an*
27 *action brought pursuant to Chapter 9 (commencing with Section*
28 *860) of Title 10 of Part 2 of the Code of Civil Procedure.*

29 *(i) This section shall remain in effect only until January 1, 2027,*
30 *and as of that date is repealed.*

31 *116691. Division 13 (commencing with Section 21000) of the*
32 *Public Resources Code does not apply to either of the following:*

33 *(a) A consolidation or extension of service pursuant to this*
34 *article.*

35 *(b) The dissolution of a public water system pursuant to this*
36 *article.*

37 ~~116690.~~

38 *116692. (a) (1) The commissioner shall be advised by a*
39 *technical advisory board of experts in water management or water*
40 *policy consisting of ____ members. Each member, except the*

1 member specified in paragraph (2), shall have at least five years
 2 of experience in a managerial level position with a water supplier,
 3 in operations, water quality, or finance, or as a general manager
 4 of a water supplier.

5 (2) One of the members shall be appointed by the state board
 6 and shall have at least one year of experience at a senior level of
 7 a nonprofit organization engaging communities in the region on
 8 water issues, which may include a member of the state board's
 9 SAFER Advisory Group. *Upon appropriation by the Legislature,*
 10 *the state board shall pay that member's expenses and a reasonable*
 11 *stipend for the member's participation in technical advisory board*
 12 *meetings.*

13 (3) ~~Each~~ *In addition to the member appointed under paragraph*
 14 *(2), each of the following entities shall may appoint one member*
 15 *to the technical advisory board: _____.*

16 (A) *The County of Los Angeles Department of Public Works.*

17 (B) *The Water Replenishment District of Southern California.*

18 (C) _____.

19 (b) The technical advisory board may promote regional
 20 collaboration by developing alternatives for creating sustainable
 21 public water systems in the region, which the commissioner may
 22 consider in preparing the plan pursuant to subdivision (d) of Section
 23 116689.

24 (c) (1) An entity appointing a member to the board may replace
 25 their member as required. If a board member office is declared
 26 vacant, the appointing entity shall appoint a successor.

27 (2) A majority of the members of the board may vote to request
 28 the replacement of another member of the board.

29 (d) An entity appointing a member to the board shall compensate
 30 the member commensurate with the entity's compensation policies
 31 and shall provide for out-of-pocket expenses and travel associated
 32 with the member's activities on the technical advisory board.

33 (e) (1) In December of each year, the technical advisory board
 34 shall select a president to serve a one-year term starting on the
 35 following January 1.

36 (2) The technical advisory board shall meet twice each month
 37 and as needed to address interventions and the need of the
 38 commissioner for the identification of operational and technical
 39 resources.

1 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
2 ~~Section 6 of Article XIII B of the California Constitution because~~
3 ~~a local agency or school district has the authority to levy service~~
4 ~~charges, fees, or assessments sufficient to pay for the program or~~
5 ~~level of service mandated by this act, within the meaning of Section~~
6 ~~17556 of the Government Code.~~

7 *SEC. 4. No reimbursement is required by this act pursuant to*
8 *Section 6 of Article XIII B of the California Constitution because*
9 *a local agency or school district has the authority to levy service*
10 *charges, fees, or assessments sufficient to pay for the program or*
11 *level of service mandated by this act, within the meaning of Section*
12 *17556 of the Government Code.*

13 *However, if the Commission on State Mandates determines that*
14 *this act contains other costs mandated by the state, reimbursement*
15 *to local agencies and school districts for those costs shall be made*
16 *pursuant to Part 7 (commencing with Section 17500) of Division*
17 *4 of Title 2 of the Government Code.*

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CALAFCO PROPOSED AMENDMENTS
AS OF JUNE 4, 2021

AMENDED IN ASSEMBLY MAY 24, 2021

AMENDED IN ASSEMBLY APRIL 6, 2021

california legislature—2021–22 regular session

ASSEMBLY BILL

No. 1195

Introduced by Assembly Member Cristina Garcia

February 18, 2021

An act to amend Section 116681 of, to add Section 116351 to, ~~and~~ to add Article 9.5 (commencing with Section 116688) to Chapter 4 of Part 12 of Division 104 of, *and to repeal Section 116690 of*, the Health and Safety Code, relating to water.

legislative counsel's digest

AB 1195, as amended, Cristina Garcia. Drinking water.

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 relating to the regulation of drinking water to protect public health. *The act authorizes the state board to order consolidation with, or extension of service from, a receiving water system if 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 if a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water.*

Existing law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Existing law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the

moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients.

~~This bill would prohibit, once an operator of a public water system exercises water rights for the benefit of the public water system, those surface water rights or groundwater rights from being severed or otherwise separated from the public water system. prohibit a public water system from transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed.~~

The bill would enact the Southern Los Angeles County Human Right to Water Collaboration Act, which would require the state board to appoint a ~~commissioner~~ *commissioner, from its own staff located in the County of Los Angeles*, to, among other things, expend moneys from the Safe and Affordable Drinking Water Fund on behalf of the state board for eligible purposes and recipients in southern Los Angeles County, within the jurisdictional boundaries of the Water Replenishment District of Southern ~~California~~ *California, excluding the area overlying the West Coast Groundwater Basin*, and in collaboration with the communities and operators of public water systems in the region. The bill would require the commissioner, on or before December 31, 2024, to develop and submit to the state board a plan for the long-term sustainability of public water systems in southern Los Angeles County, in collaboration with a technical advisory board, which the bill would create. The bill would require the technical advisory board to be composed of an unspecified number of members, with one member appointed by the state board and the remaining members *authorized to be appointed by specified and unspecified entities*.

In preparing the plan, the bill would require the commissioner, among other things, to oversee *and collaborate with the state-funded work of the Water Replenishment District of Southern California in a specified assessment and to consult with the Los Angeles County Local Agency Formation Commission regarding effective public water system governance strategies in the region, as specified. region. The bill would authorize the state board to adopt and implement the plan, subject to specified requirements.* The bill would require the commissioner to oversee the expenditure of all state funding for groundwater cleanup in the region and ~~to oversee the operations of the Central Basin Municipal Water District in selling drinking water and recycled water to public water systems in its jurisdiction. The bill would authorize the commissioner to require order an audit or a financial review of the~~

Central Basin Municipal Water District to pay for an audit directed by the commissioner. ~~By imposing or an operator of a public water system that seeks or has received state funding or benefits. To the extent this would impose additional requirements on the Central Basin Municipal Water District, the bill would impose a state-mandated local program.~~

~~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.~~

The bill would establish a pilot program, until January 1, 2027, pursuant to which the commissioner would be required to submit an application to the Los Angeles County Local Agency Formation Commission proposing a plan for extension of service from, or consolidation and dissolution of, public water systems, as prescribed. The bill would require the Los Angeles County Local Agency Formation Commission, no later than 120 days after receipt of a completed application, to hold 2 public hearings and make final its approval, approval with condition, or denial of the consolidation or extension of service. By imposing additional requirements on the Los Angeles County Local Agency Formation Commission, the bill would impose a state-mandated local program.

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

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

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

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

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

- 1 ~~SECTION 1. Section 116351 is added to the Health and Safety~~
- 2 ~~Code, to read:~~

1 ~~116351. Once an operator of a public water system exercises~~
2 ~~water rights for the benefit of the public water system, those surface~~
3 ~~water rights or groundwater rights shall not be severed or otherwise~~
4 ~~separated from the public water system.~~

5 SECTION 1. Section 116351 is added to the Health and Safety
6 Code, to read:

7 116351. A public water system shall not transfer or abandon
8 a water right held by the public water system except upon approval
9 of the state board, which may condition an approval in furtherance
10 of the policies of this chapter and Sections 106.3, 113, and 85023
11 of the Water Code.

12 SEC. 2. Section 116681 of the Health and Safety Code is
13 amended to read:

14 116681. The following definitions shall apply to this section,
15 Sections 116682, 116684, and 116686, and Article 9.5
16 (commencing with Section 116688):

17 (a) "Adequate supply" means sufficient water to meet residents'
18 health and safety needs at all times.

19 (b) "Affected residence" means a residence within a
20 disadvantaged community that is reliant on a water supply that is
21 either inadequate or unsafe and that is not served by a public water
22 system or state small water system.

23 (c) "At-risk domestic wells" means domestic wells that serve a
24 disadvantaged community and are at risk of consistently failing
25 to provide an adequate supply of safe drinking water as determined
26 by the state board pursuant to the methodology established in the
27 2021 Drinking Water Needs Assessment referenced in subdivision
28 (b) of Section 116769, or a substantially similar methodology
29 adopted by the state board in an update to the Drinking Water
30 Needs Assessment.

31 (d) "At-risk water system" means a water system that meets all
32 the following conditions:

33 (1) The water system is either a public water system with 3,300
34 or fewer connections or a state small water system.

35 (2) The system serves a disadvantaged community.

36 (3) The system is at risk of consistently failing to provide an
37 adequate supply of safe drinking water, as determined by the state
38 board pursuant to the methodology established in the 2021
39 Drinking Water Needs Assessment referenced in subdivision (b)
40 of Section 116769, or a substantially similar methodology adopted

1 by the state board in an update to the Drinking Water Needs
2 Assessment.

3 ~~(e)~~

4 (e) “Consistently fails” means a failure to provide an adequate
5 supply of safe drinking water.

6 ~~(d)~~

7 (f) “Consolidated water system” means the public water system
8 resulting from the consolidation of a public water system with
9 another public water system, state small water system, or affected
10 residences.

11 ~~(e)~~

12 (g) “Consolidation” means joining two or more public water
13 systems, state small water systems, or affected residences into a
14 single public water system.

15 ~~(f)~~

16 (h) “Disadvantaged community” means a disadvantaged
17 community, as defined in Section 79505.5 of the Water Code.

18 ~~(g)~~

19 (i) “Domestic well” means a groundwater well used to supply
20 water for the domestic needs of an individual residence or a water
21 system that is not a public water system and that has no more than
22 four service connections.

23 ~~(h)~~

24 (j) “Extension of service” means the provision of service through
25 any physical or operational infrastructure arrangement other than
26 consolidation.

27 ~~(g)~~

28 (k) “Infill site” means a site within the area served by a
29 subsumed water system that, as of the date of consolidation, is
30 adjacent to a parcel that is developed for qualified urban uses.

31 (l) “Los Angeles commission” means the local agency formation
32 commission ~~of~~for the County of Los Angeles.

33 ~~(j)~~

34 (m) “Qualified urban use” means any residential, commercial,
35 public institutional, industrial, transit or transportation facility, or
36 retail use, or any combination of those uses.

37 ~~(k)~~

38 (n) “Receiving water system” means the public water system
39 that provides service to a subsumed water system through
40 consolidation or extension of service.

1 (o)
2 (o) "Safe drinking water" means water that meets all primary
3 and secondary drinking water standards.

4 (m)
5 (p) "State small water system" has the same meaning as provided
6 in Section 116275.

7 (n)
8 (q) "Subsumed water system" means the public water system,
9 state small water system, or affected residences served by domestic
10 wells consolidated into or receiving service from the receiving
11 water system.

12 SEC. 3. Article 9.5 (commencing with Section 116688) is
13 added to Chapter 4 of Part 12 of Division 104 of the Health and
14 Safety Code, to read:

15
16 Article 9.5. Southern Los Angeles County Human Right to
17 Water Collaboration Act

18
19 116688. This article shall be known, and may be cited, as the
20 Southern Los Angeles County Human Right to Water Collaboration
21 Act.

22 116689. (a) The state board shall appoint a ~~commissioner~~
23 *commissioner, from its own staff located in the County of Los*
24 *Angeles, to implement the state board's Safe and Affordable*
25 *Funding for Equity and Resilience (SAFER) Program established*
26 *pursuant to Chapter 120 of the Statutes of 2019 in southern Los*
27 *Angeles County, within the jurisdictional boundaries of the ~~Water~~*
28 *~~Replenishment District of Southern California - California,~~*
29 *~~excluding the area overlying the West Coast Groundwater Basin~~ defined boundaries of the*
30 *Central Groundwater Basin,*

31 and in collaboration with the communities and operators of public
32 water systems in the region.

33 (b) In implementing the SAFER Program in southern Los
34 Angeles County, the commissioner shall, on behalf of the state
35 board, expend moneys from the Safe and Affordable Drinking
36 Water Fund established pursuant to Section 116766, subject to the
37 state board's approval, for the purposes, and to the eligible
38 recipients, identified in Section 116766. The commissioner may
39 take any reasonable action to accomplish those purposes. Pursuant
40 to subdivision (f) of Section 116766, the commissioner shall make
reasonable efforts to ensure that funds are used to secure the

1 long-term sustainability of drinking water service and
2 infrastructure, including, but not limited to, requiring adequate
3 technical, managerial, and financial capacity of eligible applicants
4 as part of funding agreement outcomes.

5 (c) (1) In addition to the authority established in subdivision
6 (b), the commissioner may do either of the following:

7 (A) Assist operators of public water systems in operating and
8 managing their public water systems, including, but not limited
9 to, funding, technical assistance, and other collaboration that
10 promotes economies of scale.

11 (B) Serve as an administrator of a public water system pursuant
12 to Section 116686, or as a receiver of a public water system
13 pursuant to court order, for a public water system that serves a
14 disadvantaged community or that consistently fails or is at risk of
15 doing so, as determined by the commissioner.

16 (2) The commissioner shall seek available funding from state
17 and local sources to fund its activities.

18 (d) The commissioner shall, on or before December 31, 2024,
19 develop and submit to the state board a plan for the long-term
20 sustainability of public water systems in southern Los Angeles
21 County, in collaboration with the technical advisory board
22 established pursuant to Section 116690. In preparing the plan, the
23 commissioner shall do all of the following:

24 (1) Oversee *and collaborate with the state-funded* work of the
25 Water Replenishment District of Southern California in assessing
26 the conditions of small public water systems in its jurisdiction
27 pursuant to Item 3860-101-0001 of Section 2.00 of the Budget Act
28 of 2019 (Chapter 23 of the Statutes of 2019), including the
29 sufficiency of each small public water system's water quality and
30 water-~~rights~~ *supply portfolio*. The plan shall include evaluation
31 of each small public water system's technical, managerial, and
32 financial conditions, which may qualify the small public water
33 system for some types of financial assistance.

34 (2) Review the assessment described in paragraph (1) and
35 evaluate public water systems and other water infrastructure in the
36 region. The evaluation shall include assessment of the physical
37 conditions of groundwater wells and groundwater quality.

38 (3) Identify projects, processes, and systems that may assist
39 public water systems that consistently fail or are at risk of doing
40 so, as determined by the ~~commissioner~~ *commissioner in*

1 accordance with the risk factors used in the SAFER Program. For
2 a public water system in a disadvantaged community, the
3 commissioner may consider groundwater wells or groundwater
4 quality that pose a risk to the public water system of consistently
5 failing and identify actions necessary to either assist that public
6 water system or determine appropriate changes for the public water
7 system in accordance with applicable law.

8 (4) (A) Plan for the consolidation of public water systems that
9 either consistently fail or are at risk of doing so, as determined by
10 the commissioner. The plan shall include identification of a
11 receiving water system operated by a municipality or other public
12 agency, without regard to jurisdictional boundaries. The
13 commissioner shall propose receiving water systems to the state
14 board for consolidation proceedings pursuant to Section 116682.
15 This paragraph does not preclude the operator of a public water
16 system or a state small water system from proposing a voluntary
17 consolidation for the identified subsumed water system.
18 commissioner after considering comments from stakeholders, the
19 customers of the public water systems, and the public. The regional
20 plan required by this subdivision shall identify the public water
21 systems that may be subject to consolidation, ~~however the decision~~
22 ~~to order consolidations or extensions of service remains with the~~
23 ~~state board~~This paragraph does not preclude the state board from
ordering consolidations or extensions of service pursuant to Section-
116682 and subject to the local
24 agency formation commission process in Section 116690
pursuant to Section 116690(c).

25 (B) Before completion of the plan, the commissioner shall
26 identify failing and at-risk water systems in the region and request
27 the state board to determine, after a public hearing, whether each
28 public water system meets the requirements for consolidation in
29 Section 116682. The operator of the public water system may
30 voluntarily acknowledge, without a public hearing, that it meets
31 the requirements for consolidation.

32 (C) Upon a determination that a public water system qualifies
33 for consolidation, the commissioner shall apply no later than sixty
(60) days after that determination is made, to the Los Angeles
34 commission for a plan for extension of service, or consolidation
35 and or dissolution, as provided in Section 116690.

36 ~~(D) If the Los Angeles commission has not completed its work~~
37 ~~under subparagraph (C) on a particular public water system~~
by
38 September 30, 2024, the commissioner's plan may identify a
public
39 water system subject to consolidation without providing a
plan

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1 ~~for extension of service, or consolidation and dissolution of the~~
2 ~~public water system.~~

3 (E) This paragraph does not preclude the operator of a public
4 water system or a state small water system from proposing a
5 voluntary consolidation for the identified subsumed water system.

6 **INSERT Subdivision (f) here as new Subsection (5)**

7 ~~(5) Consult with the Los Angeles County Local Agency~~
8 ~~Formation Commission commission~~ regarding effective public
9 water system governance strategies in the region and how the Los
10 Angeles County Local Agency Formation Commission may
11 facilitate consolidation of public water systems that consistently
12 fail or are at risk of doing so, as determined by the commissioner
13 region.

14 (e) The state board may adopt and implement the plan prepared
15 by the commissioner, as required by subdivision (d). Before
16 adopting the plan or approving any substantial revisions after the
17 plan is adopted, the state board shall hold at least one public
18 hearing in southern Los Angeles County, after public notice at
19 least 30 days before the hearing. The state board shall post an
20 adopted plan, as it may be amended, on its internet website.
21 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
22 3 of Title 2 of the Government Code does not apply to the state
23 board's adoption or amendment of the plan.

24 ~~(e)~~
25 **(f5)** The commissioner shall oversee the operations of may
26 order

27 an audit or a financial review of the Central Basin Municipal Water
28 District in selling drinking water and recycled water to public water
29 systems in its jurisdiction. The Central Basin Municipal Water
30 District shall cooperate with the commissioner in exercising the
31 commissioner's oversight responsibilities. The commissioner may
32 require the Central Basin Municipal Water District to pay for an
33 audit directed by the commissioner, or an operator of a public
34 water system that seeks or has received state funding or other
35 benefits from the state board to support its public water system.

36 The California State Auditor ~~may shall~~ cooperate with the
37 commissioner

38 regarding ~~the~~ an audit of the Central Basin Municipal Water
39 District, using the findings of the California State Auditor's 2015
40 audit of the Central Basin Municipal Water District that district.

38 ~~(f)~~
39 **(f5)** The commissioner shall oversee, on behalf of the state board,
40 the expenditure of all state funding for groundwater cleanup in the

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Commented [PM1]: To be moved above as noted as new
Subsection 5.

1 region. This oversight shall include identification, for basins in
2 the region, of significant contaminants and potential remediation
3 of perfluorooctane sulfonate (PFOS). The commissioner shall
4 investigate a range of options to pay for remediating groundwater
5 contamination in the region, including methods to hold polluters
6 accountable for their groundwater contamination.

7 116690. (a) For purposes of this article, a pilot program is
8 hereby established for the Los Angeles commission. The application
9 to the Los Angeles commission proposing a plan for extension of
10 service, ~~or consolidation, or~~ dissolution if appropriate,
as

11 provided in subparagraph (C) of paragraph (4) of subdivision (d)
12 of Section 116689, shall include all of the following:

13 (1) A plan for services pursuant to paragraphs (1) to (5),
14 inclusive, of subdivision (b) of Section 56653 of the Government
15 Code.

16 (2) The public water system service areas affected by the
17 consolidation, including boundary maps and legal descriptions.

18 (3) Identification of any adjacent agencies that could provide
19 services in lieu of the proposed consolidation.

20 (4) The recorded violations of drinking water or other public
21 water system standards causing the entity to consistently fail or
22 be at risk of failing to provide an adequate supply of safe drinking
23 water.

(5) Identification of all entities and options for extension of service, consolidation, or
dissolution to be considered by the Los Angeles commission pursuant to subdivision (e) of Section
116690.

24 ~~(6)~~ Indemnification of the Los Angeles commission.

25 ~~(7)~~ An application fee as determined by the Los Angeles commission.

26 (b) No later than 120 days after receipt of a completed
27 application pursuant to subparagraph (C) of paragraph (4) of
28 subdivision (d) of Section 116689, the Los Angeles commission
29 shall hold two public hearings in accordance with Section 56661
30 of the Government Code and make final its approval, approval
31 with terms and conditions, or denial of the consolidation,
dissolution, or extension of

32 service. In deliberating on proposed receiving water systems, the
33 Los Angeles commission shall prioritize the most affordable water
34 rates, best customer service, and most effective plans for
35 maintaining and improving infrastructure and management
36 systems.

(c) The Los Angeles commission shall ensure the following factors have been considered for
all entities and options for extension of service, consolidation, or dissolution, as provided by the
commissioner, prior to making final determinations and approving, approving with terms and
conditions, or denying the extension of service, consolidation, or dissolution: List still being
worked on.

(1) Affordability of services for ratepayers.

(2) The technical, managerial, and financial capability to provide consistent and reliable
customer service.

(3) Effectiveness of the governing body.

(4) Level of accountability and transparency to ratepayers, other public agencies, stakeholders,
and the general public.

(d) For purposes of this section, the Los Angeles commission shall, by October 1, 2022,
through a local public process, adopt a policy establishing specific criteria to measure the factors in

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subsection (c).

37 ~~(ee)~~ *If the Los Angeles commission fails to act on an*
application
38 *for consolidation or extension of service pursuant to this section,*
39 *the commissioner shall propose receiving water systems to the*

1 *state board for consolidation proceedings pursuant to Section*
2 *116682.*

3 ~~(ef)~~ *For purposes of this section, the Los Angeles commission*
4 ~~may shall~~ *also consider consolidation or extension of service to*
include

5 *any of the following, after first considering public water agency*
6 *options:*

7 (1) ~~A local publicly owned utility that provides retail water~~
1. ~~8~~ ~~service~~ *A municipal-owned utility which provides retail water service, both*
within the involved city and outside the city's jurisdictional boundary.

9 (2) *A privately owned water company.*

10 (3) *A mutual water company.*

11 ~~(eg)~~ *For purposes of this section, the Los Angeles commission*
12 *may waive the property tax transfer process in Article 5*
13 *(commencing with Section 99) of Chapter 6 of Part 0.5 of Division*
14 *1 of the Revenue and Taxation Code.*

15 ~~(fh)~~ *For purposes of this section, the Los Angeles commission*
16 *may determine the structure of the governing board of any involved*
17 *consolidated agency or successor agency.*

18 ~~(gi)~~ *Actions taken by the Los Angeles commission pursuant to*
19 *this section are not subject to Article 3 (commencing with Section*
20 *56895) of Chapter 6 of Part 3 of Division 3 of Title 5 of the*
21 *Government Code or protest or election proceedings pursuant to*
22 *Part 4 (commencing with Section 57000) of Division 3 of Title 5*
23 *of the Government Code.*

24 ~~(hj)~~ *The Los Angeles commission or the receiving water system*
25 *may determine the legality of the existence of the receiving water*
26 *system or validate the financial provisions of a proposal in an*
27 *action brought pursuant to Chapter 9 (commencing with Section*
28 *860) of Title 10 of Part 2 of the Code of Civil Procedure.*

29 ~~(ik)~~ *This section shall remain in effect only until January 1, 2027,*
30 *and as of that date is repealed.*

31 ~~116691.~~ *Division 13 (commencing with Section 21000) of the*
32 *Public Resources Code does not apply to either of the following:*

33 (a) *A consolidation or extension of service pursuant to this*
34 *article.*

35 (b) *The dissolution of a public water system pursuant to this*
36 *article.*

37 ~~116690.~~

38 ~~116692.~~ (a) (1) *The commissioner shall be advised by a*
39 *technical advisory board of experts in water management or water*
40 *policy consisting of 5 members. Each member, except the*

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1 member specified in paragraph (2), shall have at least five years
2 of experience in a managerial level position with a water supplier,
3 in operations, water quality, or finance, or as a general manager
4 of a water supplier.

5 (2) One of the members shall be appointed by the state board
6 and shall have at least one year of experience at a senior level of
7 a nonprofit organization engaging communities in the region on
8 water issues, which may include a member of the state board's
9 SAFER Advisory Group. *Upon appropriation by the Legislature,*
10 *the state board shall pay that member's expenses and a reasonable*
11 *stipend for the member's participation in technical advisory board*
12 *meetings.*

13 (3) ~~Each~~ *In addition to the member appointed under paragraph*
14 *(2), each of the following entities shall may appoint one member*
15 *to the technical advisory board: _____.*

16 (A) *The County of Los Angeles Department of Public Works.*

17 (B) *The Water Replenishment District of Southern California.*

18 (C) *The Los Angeles Chapter of the League of California Cities.*

~~(D) The Los Angeles County Chapter of the American Council of Engineering Companies,
or the Metropolitan Los Angeles Branch of the Los Angeles Section of the American Society of
Civil Engineers.~~

19 (b) The technical advisory board may promote regional
20 collaboration by developing alternatives for creating sustainable
21 public water systems in the region, which the commissioner may
22 consider in preparing the plan pursuant to subdivision (d) of Section
23 116689.

24 (c) (1) ~~An entity appointing a member to the board may replace~~
25 ~~their member as required.~~ If a board member office is declared
26 vacant, the appointing entity shall appoint a successor.

27 (2) ~~A majority of the members of the board may vote to request~~
28 ~~the replacement of another member of the board.~~ *Board members shall be appointed to two-*
year terms, with the terms being staggered. Three of the six appointees shall begin with a one-year
term and three with a two-year term.

29 (d) An entity appointing a member to the board shall compensate
30 the member commensurate with the entity's compensation policies
31 and shall provide for out-of-pocket expenses and travel associated
32 with the member's activities on the technical advisory board.

33 (e) (1) In December of each year, the technical advisory board
34 shall select a president to serve a one-year term starting on the
35 following January 1.

36 (2) The technical advisory board shall meet ~~twice each month~~
37 ~~and~~ as needed to address interventions and the need of the
38 commissioner for the identification of operational and technical
39 resources.

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1 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
2 ~~Section 6 of Article XIII B of the California Constitution because~~
3 ~~a local agency or school district has the authority to levy service~~
4 ~~charges, fees, or assessments sufficient to pay for the program or~~
5 ~~level of service mandated by this act, within the meaning of Section~~
6 ~~17556 of the Government Code.~~

7 *SEC. 4. No reimbursement is required by this act pursuant to*
8 *Section 6 of Article XIII B of the California Constitution because*
9 *a local agency or school district has the authority to levy service*
10 *charges, fees, or assessments sufficient to pay for the program or*
11 *level of service mandated by this act, within the meaning of Section*
12 *17556 of the Government Code.*

13 *However, if the Commission on State Mandates determines that*
14 *this act contains other costs mandated by the state, reimbursement*
15 *to local agencies and school districts for those costs shall be made*
16 *pursuant to Part 7 (commencing with Section 17500) of Division*
17 *4 of Title 2 of the Government Code.*

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AMENDED IN ASSEMBLY APRIL 19, 2021

AMENDED IN ASSEMBLY APRIL 7, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 897

**Introduced by Assembly Members Mullin, Bennett, ~~Quirk~~ Quirk,
and Ward
(Coauthor: Assembly Member Eduardo Garcia)**

February 17, 2021

An act to add Sections 71133, 71134, 71135, and 71136 to, and to add and repeal Section 71137 of, the Public Resources Code, relating to climate change.

LEGISLATIVE COUNSEL'S DIGEST

AB 897, as amended, Mullin. Office of Planning and Research: regional climate networks: climate adaptation action plans.

Existing law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Existing law establishes the Office of Planning and Research in state government in the Governor's office. Existing law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed.

This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office to encourage the inclusion of agencies with land use planning authority into regional climate networks. The bill would

authorize a regional climate network to engage in activities to address climate change, as specified.

This bill would ~~authorize~~ *require* a regional climate network to develop a regional climate adaptation action ~~plan~~, *plan and to submit the plan to the office for review, comments, and approval*, as described. The bill would require, on or before July 1, 2022, the office to establish geographic boundaries for regional climate networks, and to develop and publish on its internet website guidelines on how eligible entities may establish regional climate networks and how governance boards may be established within regional climate networks. The bill would also require, on or before January 1, 2023, the office to develop and publish on its internet website guidelines, as prescribed, establishing ~~how a regional climate network may develop a~~ *standards and required content for a regional climate adaptation action plan*, including certain information, analyses, and contents to be included in a plan and certain considerations and procedures for a regional climate network when preparing a plan.

This bill would require the office to provide technical assistance to regions seeking to establish a regional climate network and to regional climate networks in developing regional climate adaptation action plans. The bill would require, on or before January 1, 2023, the office to make recommendations to certain policy and budget committees of the Legislature *related to regional adaptation* on ~~developing~~ *expanding* state support for the work of regional climate networks, as prescribed, and the potential sources of financial assistance and options for distributing state funds to support the creation and implementation of regional climate adaptation action plans.

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

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

- 1 SECTION 1. It is the intent of the Legislature to do all of the
- 2 following:
- 3 (a) Foster regional-scale climate adaptation by encouraging
- 4 collaboration among local, regional, and state entities on adaptation
- 5 solutions in a way that promotes coordination within each region
- 6 of the state, as well as coordination among neighboring regions.
- 7 (b) Support the development of regional climate adaptation
- 8 plans that build upon and enhance local climate adaptation actions

1 to reduce climate risk and help achieve multiple benefits, including
2 benefits to public health, to the protection of infrastructure and
3 natural resources, and to California’s economy.

4 (c) Support the implementation of regional climate adaptation
5 efforts by developing guidance for potential state, federal, or private
6 investment in funding regional priority climate adaptation projects
7 in California.

8 (d) Build upon the work of the Integrated Climate Adaptation
9 and Resiliency Program under the Office of Planning and Research.

10 (e) Reduce the risk of climate change impacts across the state,
11 including, but not limited to, sea level rise, wildfire, drought,
12 flooding, extreme heat, negative effects to agriculture, and invasive
13 species spread.

14 SEC. 2. Section 71133 is added to the Public Resources Code,
15 to read:

16 71133. For purposes of this section and Sections 71134 to
17 71137, inclusive, the following definitions apply:

18 (a) “Eligible entity” means a local, regional, or state
19 organization, including, but not limited to, a city, county, special
20 district, council of government, metropolitan planning organization,
21 joint powers authority, climate collaborative, as defined in
22 subdivision (b) of Section 71130, regional member of the Alliance
23 of Regional Collaboratives for Climate Adaptation, nonprofit
24 organization, community-based organization, tribal government,
25 school district, and higher education institution.

26 (b) “Plan” means a regional climate adaptation action plan as
27 described in Section 71135.

28 (c) “Regional climate network” means a group of eligible entities
29 whose jurisdictions are located in the same region, and whose
30 combined jurisdiction enhances their effectiveness in responding
31 to climate risks.

32 SEC. 3. Section 71134 is added to the Public Resources Code,
33 to read:

34 71134. On or before July 1, 2022, the Office of Planning and
35 Research shall establish geographic boundaries for regional climate
36 networks. In establishing the boundaries, the Office of Planning
37 and Research shall do all of the following:

38 (a) Use regions identified in California’s Fourth Climate Change
39 Assessment, or subsequent updates, as a basis for establishing the
40 boundaries. The Office of Planning and Research may also consider

1 the geographic boundaries of a metropolitan planning organization
2 responsible for the development of a sustainable communities
3 strategy pursuant to paragraph (2) of subdivision (b) of Section
4 65080 of the Government Code.

5 (b) Solicit public input before determining the final geographic
6 boundaries.

7 (c) (1) Develop and publish on its internet website guidelines
8 on both of the following subjects:

9 (A) How eligible entities may establish regional climate
10 networks. The guidelines shall account for differences in regional
11 needs and priorities, ensure applicability and relevance to all
12 regions throughout California, including underresourced
13 communities, and provide guidance to eligible entities for
14 determining the structure of the regional climate networks in their
15 regions.

16 (B) How governance boards may be established within regional
17 climate networks, including how to ensure equity in representation
18 of eligible entities.

19 (2) Publish on its internet website the draft guidelines for public
20 review and comment at least 60 days before its adoption of the
21 guidelines.

22 (3) Consult with other relevant state agencies in developing the
23 guidelines pursuant to this subdivision.

24 SEC. 4. Section 71135 is added to the Public Resources Code,
25 to read:

26 71135. (a) Eligible entities may establish and participate in a
27 regional climate network. Eligible entities shall notify the Office
28 of Planning and Research in writing before the establishment,
29 expansion, or consolidation of a regional climate network. As part
30 of this written notice, the proposed or established regional climate
31 network shall inform the Office of Planning and Research of each
32 eligible entity's role within the network.

33 (b) A regional climate network may be expanded or consolidated
34 at any time consistent with this section.

35 (c) The Office of Planning and Research shall provide technical
36 assistance to regions seeking to establish a regional climate
37 network, facilitate coordination between regions, and encourage
38 regions to incorporate as many eligible entities into one network
39 as feasible, taking into consideration each region's unique
40 vulnerabilities and land use challenges. The Office of Planning

1 and Research shall also encourage the inclusion of eligible entities
2 with land use planning authority into regional climate networks.

3 (d) A regional climate network ~~may~~ shall develop a regional
4 climate adaptation action ~~plan~~. *plan and submit the plan to the*
5 *Office of Planning and Research for review, comments, and*
6 *approval.*

7 (e) On or before January 1, 2023, the Office of Planning and
8 Research shall develop ~~and publish on its internet website~~
9 guidelines that establish ~~how a regional climate network may~~
10 ~~develop a regional climate adaptation action plan.~~ The guidelines
11 shall establish standards and required content for a regional climate
12 adaptation action plan, including, but not limited to, all of the
13 following:

14 (1) A description of the climate vulnerabilities the plan seeks
15 to address, and planning assumptions as they relate to the climate
16 vulnerabilities identified in the plan.

17 (2) An identification of key challenges and barriers to building
18 resilience to climate adaptation facing the region.

19 (3) A prioritization of projects or actions that are necessary to
20 respond to the climate vulnerabilities facing the region.

21 (4) Clear identification of the adaptation goals the priority
22 projects or actions are designed to achieve, and the anticipated
23 benefits, including, when feasible, metrics to reflect these benefits.
24 When prioritizing projects or actions in a plan, a regional climate
25 network shall consider all of the following:

26 (A) How much of the region's geography will be affected by
27 the project or action.

28 (B) The expected nature and anticipated timing of the climate
29 vulnerability that the project or action seeks to address and the
30 ability of the project or action to minimize climate change impacts.

31 (C) Equity considerations, including the impacts the project or
32 action has on economically disadvantaged communities,
33 climate-vulnerable communities, as defined by the Integrated
34 Climate Adaptation and Resiliency Program's advisory council
35 established pursuant to Section 71358, and other communities at
36 risk of being disproportionately impacted by climate change.

37 (D) The benefits of the project or action on public health,
38 infrastructure, and natural resources.

39 ~~(E) Multibenefits generated by the project or action.~~

40 (E) *Whether the project or action creates multiple benefits.*

- 1 (5) An assessment of the regional climate adaptation action
2 plan's ability to create regional benefits in response to climate
3 vulnerabilities.
- 4 (6) A schedule for phasing implementation of projects and
5 actions across a region.
- 6 (7) Required monitoring to assess the ongoing effectiveness of
7 projects and actions and to determine appropriate course corrections
8 that may be needed to minimize the impacts of climate change
9 within a region.
- 10 (8) An assessment of the cost of, and the associated financing
11 strategy for, implementing the plan's priority projects and actions,
12 including the costs of ongoing monitoring and any necessary
13 postimplementation evaluations.
- 14 (9) The use of natural infrastructure to respond to climate
15 vulnerabilities where feasible.
- 16 (10) A timeline for the regional climate network to revisit the
17 plan to reassess and make necessary updates to the plan. ~~The~~
18 ~~regional climate network shall be encouraged to update the plan~~
19 ~~at least once every five years.~~
- 20 (11) Use of the best available science as research, observations,
21 and understanding of the impact ~~and levels of emissions of~~
22 ~~greenhouse gases advance: of varying levels of greenhouse gas~~
23 ~~emissions.~~
- 24 (12) Planning information from existing and relevant local or
25 regional planning documents, to the extent appropriate, including,
26 but not limited to, all of the following:
- 27 (A) Climate adaptation action plans and vulnerability
28 assessments.
- 29 (B) Climate action plans.
- 30 (C) Safety elements of general plans.
- 31 (D) Local hazard mitigation plans.
- 32 (E) Sustainable communities strategies.
- 33 (F) Certified local coastal programs that have been updated to
34 address sea level rise.
- 35 (G) Groundwater sustainability plans.
- 36 (H) Urban water management plans.
- 37 (I) Integrated regional water management plans.
- 38 (J) Regional transportation plans.
- 39 (K) Long-range county transportation plans.
- 40 (L) Coastal management programs and plans.

1 (f) In developing the guidelines pursuant to this section, the
2 Office of Planning and Research shall engage in a public process
3 that encourages participation from all impacted communities,
4 including, but not limited to, local governments and other proposed
5 eligible entities, community-based organizations, nongovernmental
6 organizations, private sector groups, and relevant state agencies.

7 (g) The Office of Planning and Research shall provide technical
8 assistance to regional climate networks in developing plans,
9 including guidance on how to submit the plan for review,
10 comments, and approval.

11 (h) The Office of Planning and Research shall publish on its
12 internet website ~~the draft guidelines~~ *all of the following:*

13 (1) *Draft guidelines* for public review and comment at least 60
14 days before its adoption of the guidelines, ~~and shall publish on its~~
15 ~~internet website submitted plans developed pursuant to this section.~~
16 *guidelines.*

17 (2) *Final guidelines developed pursuant to this section.*

18 (3) *Any approved plans submitted by regional climate networks*
19 *pursuant to this section.*

20 SEC. 5. Section 71136 is added to the Public Resources Code,
21 to read:

22 71136. (a) A regional climate network may engage in activities
23 to address climate change that include, but are not limited to, any
24 of the following:

25 (1) Supporting the development of and updates to regional
26 *climate* adaptation plans, strategies, and programs, including
27 performing qualitative and quantitative research, compiling and
28 hosting relevant data and resources, developing tools, and providing
29 technical assistance.

30 (2) Supporting the implementation of regional *climate* adaptation
31 plans, mitigation strategies, and programs, including evaluating
32 funding and financing mechanisms, monitoring and evaluating
33 progress, and providing technical assistance.

34 (3) Facilitating the exchange of adaptation and mitigation best
35 practices, policies, projects, and strategies among participating
36 local agencies and stakeholders, and between regions.

37 (4) Conducting activities to support ongoing coordination and
38 capacity building among participating local agencies and eligible
39 entities, including convening working groups, organizing training
40 opportunities, and creating mechanisms for collaboration.

1 (5) Conducting educational activities for local agencies,
2 decisionmakers, key stakeholders, eligible entities, and the general
3 public, to increase their understanding of climate change risks and
4 adaptation solutions.

5 (6) Administering grants to local agencies and eligible entities.

6 (b) Regional climate networks shall have, and may exercise, all
7 powers, expressed or implied, that are necessary to carry out the
8 intent and purposes of this part, including, but not limited to, the
9 power to do all of the following:

10 (1) Apply for and receive grants from federal and state agencies.

11 (2) Enter into and perform all necessary contracts.

12 (3) Enter into joint power agreements pursuant to the Joint
13 Exercise of Powers Act (Chapter 5 (commencing with Section
14 6500) of Division 7 of Title 1 of the Government Code).

15 (4) Hire staff, define their qualifications and duties, and provide
16 a schedule of compensation for the performance of their duties.

17 (c) A regional climate network may establish distinct governance
18 procedures and policies that acknowledge regional conditions and
19 accommodate regional needs to administer activities pursuant to
20 this section. Governance procedures and policies shall include
21 processes for eligible entities to participate and be consistent with
22 guidelines described in subdivision (c) of Section 71134.

23 (d) A regional climate network shall comply with requirements
24 of the Ralph M. Brown Act (Chapter 9 (commencing with Section
25 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

26 (e) The Office of Planning and Research may request that
27 established regional climate networks submit a biennial report to
28 the Office of Planning and Research that includes, but need not
29 be limited to, all of the following:

30 (1) The participating eligible entities of the regional climate
31 network.

32 (2) An outline of all activities and the outcome of each activity.

33 (3) Actions taken by the regional climate network.

34 (4) An accounting of the administration of, and expenditures
35 made by, the regional climate networks.

36 SEC. 6. Section 71137 is added to the Public Resources Code,
37 to read:

38 71137. (a) ~~As part of developing the guidelines pursuant to~~
39 ~~Sections 71134 and 71135, On or before January 1, 2023, the~~
40 Office of Planning and Research shall make recommendations

1 *related to regional adaptation* to relevant policy and budget
2 committees of the Legislature ~~on or before January 1, 2023, on~~
3 ~~both of the following:~~ Legislature. *The recommendations shall*
4 *include both of the following:*

5 (1) ~~Developing~~ Expanding state support for the work of regional
6 climate networks, including all of the following:

7 (A) Exploring ways the state can best partner with ~~regions~~
8 *eligible entities* to provide technical assistance to regional climate
9 networks.

10 (B) How to offer climate services to assist local and regional
11 adaptation practitioners in identifying, developing, and translating
12 the most appropriate and actionable science for adaptation efforts.
13 Practitioners include, but are not limited to, staff at eligible entities,
14 community-based organizations, and nonprofit organizations, who
15 plan and implement, or are impacted by, adaptation projects or
16 actions.

17 (2) Potential sources of financial assistance and options for
18 distributing state funds to support the creation and implementation
19 of regional climate adaptation action plans pursuant to Section
20 71135. As part of this recommendation, the Office of Planning
21 and Research may consider providing higher levels of funding to
22 plans with more robust network ~~membership.~~ *membership with a*
23 *greater number and diversity of eligible entities.*

24 (b) (1) A report submitted pursuant to subdivision (a) shall be
25 submitted in compliance with Section 9795 of the Government
26 Code.

27 (2) Pursuant to Section 10231.5 of the Government Code, this
28 section shall become inoperative on July 1, 2025, and, as of January
29 1, 2026, is repealed.

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LEGISLATIVE COMMITTEE MEETING STAFF REPORT

June 18, 2021

Agenda Item No. 5 Other CALAFCO Tracked Legislation Affecting LAFCo

Prepared By: Pamela Miller, Legislative Committee Chair

Date: June 18, 2021

RECOMMENDATION

1. Receive and file report.

DISCUSSION

This is an update on two bills for which CALAFCO's position has changed since the committee's last meeting and a third bill for which a long-negotiated amendment was taken.

SB 403 (Gonzalez) Drinking Water: Consolidation

Current position: NEUTRAL

Our previous position on this bill was Oppose Unless Amended. As reported last month, the bill was amended on April 27 after the Senate Governance & Finance Committee (SGFC) hearing held April 22, at which a number of amendments were taken by the author. Those amendments included defining "at risk system" and "at risk domestic well"; created an appeal process for potentially subsumed water systems; required inspection or testing of wells to determine "at risk" status; allowed the Water Board to prioritize systems historically overburdened by pollution and industrial development or other environmental justice concerns; and capped the number of users to be added by the subsuming system to 3,300.

The one remaining CALAFCO requested amendment, which requires the Water Board consult with Groundwater Sustainability Agencies (GSAs) when considering a consolidation or extension of service, was finally accepted by the author and sponsors, and placed into print on June 8, 2021 (included as attachment 5a).

As the bill is set for hearing in its first policy Assembly committee this week (June 16), acknowledging acceptance of our 3 specific amendments quickly was important and an email vote was requested to change the position to neutral. As a majority weighed in to approve the change, a letter removing our opposition was sent June 11 and is included as attachment 5b. You will note it still calls out our desire for the Legislature to conduct a comprehensive review of the mandatory consolidation process.

AB 1021 (Mayes) Imperial Irrigation District

Current position: OPPOSE UNLESS AMENDED

Previously holding a Watch position on this bill, CALAFCO staff had been actively working with the author's office and Imperial and Riverside LAFCOs on the bill. The bill was amended by the Appropriations Committee to get it out of that committee by removing the state funding for the required LAFCo study (attachment 5c). As a result, CALAFCO immediately took an Oppose Unless Amended position (attachment 5d) to require the funding be put back in the bill or remove the

requirement to conduct the study. Requiring LAFCo to conduct a comprehensive special study without funding is a costly and offensive precedent.

In conversation with the author's staff, CALAFCO has been told the Member requested \$500,000 for this funding directly from the Assembly Budget Committee. It was one of two priorities for him. As of the writing of this report it is unknown if it will be in the budget. CALAFCO will continue to work with the author's office and Riverside and Imperial LAFCOs on the bill.

SB 273 (Hertzberg) Water Quality: Municipal Wastewater Agencies

Current position: SUPPORT

During the February 19, 2021 meeting, the committee took a Support position on this bill and directed staff to seek an amendment requiring the agencies to file a copy of their agreement with LAFCo. After four long months of negotiating the amendment, it was finally agreed upon and accepted by the author during the recent Assembly Local Government Committee hearing. A mockup of the amendment is included as attachment 5e. Staff has been holding onto our support letter until the amendment was accepted, and attachment 5f is our support letter submitted on June 3, 2021.

ATTACHMENTS

- 5a – SB 403 (Gonzalez) (as amended 6-8-21)
- 5b – CALAFCO letter removing opposition on SB 403 dated 6-11-21
- 5c – AB 1021 (Mayes) (as amended 5-24-21)
- 5d – CALAFCO Oppose Unless Amended letter dated 5-26-21 for AB 1021
- 5e – SB 273 (Hertzberg) (mockup of pending amendment)
- 5f – CALAFCO Support letter dated 6-3-21

AMENDED IN ASSEMBLY JUNE 8, 2021

AMENDED IN SENATE APRIL 27, 2021

SENATE BILL

No. 403

**Introduced by Senator Gonzalez
(Coauthors: Senators Dodd and Durazo)**

February 12, 2021

An act to amend Sections 116681 and 116682 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 403, as amended, Gonzalez. Drinking water: consolidation.

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 a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water.

This bill would authorize the state board to also order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined.

This bill *would require the state board, before ordering consolidation or extension of service, to consult with any groundwater sustainability agency, as defined, that provides groundwater supply to the affected area.* The bill would require the state board to conduct outreach to ratepayers and residents served by an at-risk water system, consider

any specified petitions submitted by members of a disadvantaged community served by the at-risk water system, and consider any information provided by the potentially subsumed water system in support of its contention that it is not an at-risk water system before ordering the consolidation of the at-risk water system, as prescribed. The bill would authorize the state board to prioritize consolidation of an at-risk water system that has historically been overburdened by pollution and industrial development or faced other environmental justice hurdles. The bill would require a finding that a disadvantaged community, in whole or in part, is substantially reliant on at-risk domestic wells to be based on *specified aquifer maps and* inspection or testing of the domestic wells.

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

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

- 1 SECTION 1. Section 116681 of the Health and Safety Code
2 is amended to read:
3 116681. The following definitions shall apply to this section
4 and Sections 116682, 116684, and 116686:
5 (a) "Adequate supply" means sufficient water to meet residents'
6 health and safety needs at all times.
7 (b) "Affected residence" means a residence within a
8 disadvantaged community that is reliant on a water supply that is
9 either inadequate or unsafe and that is not served by a public water
10 system or state small water system.
11 (c) "At-risk domestic wells" means domestic wells that serve a
12 disadvantaged community and are at risk of consistently failing
13 to provide an adequate supply of safe drinking water as determined
14 by the state board pursuant to the methodology established in the
15 2021 Drinking Water Needs Assessment referenced in subdivision
16 (b) of Section 116769, or a substantially similar methodology
17 adopted by the state board in an update to the Drinking Water
18 Needs Assessment.
19 (d) "At-risk water system" means a water system that meets all
20 the following conditions:
21 (1) The water system is either a public water system with 3,300
22 or fewer connections or a state small water system.
23 (2) The system serves a disadvantaged community.

1 (3) The system is at risk of consistently failing to provide an
2 adequate supply of safe drinking water, as determined by the state
3 board pursuant to the methodology established in the 2021
4 Drinking Water Needs Assessment referenced in subdivision (b)
5 of Section 116769, or a substantially similar methodology adopted
6 by the state board in an update to the Drinking Water Needs
7 Assessment.

8 (e) “Consistently fails” means a failure to provide an adequate
9 supply of safe drinking water.

10 (f) “Consolidated water system” means the public water system
11 resulting from the consolidation of a public water system with
12 another public water system, state small water system, or affected
13 residences.

14 (g) “Consolidation” means joining two or more public water
15 systems, state small water systems, or affected residences into a
16 single public water system.

17 (h) “Disadvantaged community” means a disadvantaged
18 community, as defined in Section 79505.5 of the Water Code.

19 (i) “Domestic well” means a groundwater well used to supply
20 water for the domestic needs of an individual residence or a water
21 system that is not a public water system and that has no more than
22 four service connections.

23 (j) “Extension of service” means the provision of service through
24 any physical or operational infrastructure arrangement other than
25 consolidation.

26 (k) “Groundwater sustainability agency” has the same meaning
27 as defined in Section 10721 of the Water Code.

28 ~~(k)~~

29 (l) “Infill site” means a site within the area served by a subsumed
30 water system that, as of the date of consolidation, is adjacent to a
31 parcel that is developed for qualified urban uses.

32 ~~(l)~~

33 (m) “Qualified urban use” means any residential, commercial,
34 public institutional, industrial, transit or transportation facility, or
35 retail use, or any combination of those uses.

36 ~~(m)~~

37 (n) “Receiving water system” means the public water system
38 that provides service to a subsumed water system through
39 consolidation or extension of service.

40 ~~(n)~~

1 (o) “Safe drinking water” means water that meets all primary
2 and secondary drinking water standards.

3 ~~(o)~~

4 (p) “State small water system” has the same meaning as provided
5 in Section 116275.

6 ~~(p)~~

7 (q) “Subsumed water system” means the public water system,
8 state small water system, or affected residences served by domestic
9 wells consolidated into or receiving service from the receiving
10 water system.

11 SEC. 2. Section 116682 of the Health and Safety Code is
12 amended to read:

13 116682. (a) (1) The state board, in circumstances described
14 in subparagraph (A) or (B), may order consolidation with a
15 receiving water system as provided in this section and Section
16 116684. The consolidation may be physical or operational. The
17 state board may also order the extension of service to an area within
18 a disadvantaged community that does not have access to an
19 adequate supply of safe drinking water so long as the extension of
20 service is an interim extension of service in preparation for
21 consolidation. The consolidation shall occur within six months of
22 the initiation of the extension of service. The state board may set
23 timelines and performance measures to facilitate completion of
24 consolidation.

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

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

33 (2) No later than July 1, 2020, the state board shall develop and
34 adopt a policy that provides a process by which members of a
35 disadvantaged community may petition the state board to consider
36 ordering consolidation. The state board shall adopt the policy in
37 a policy handbook consistent with the process provided for in
38 subdivision (a) of Section 116760.43.

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

4 (1) Encourage voluntary consolidation or extension of service.

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

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

12 (4) Consult with, and fully consider input from, the Public
13 Utilities Commission when the consolidation would involve a
14 water corporation subject to the commission's jurisdiction. If a
15 receiving water system is regulated by the Public Utilities
16 Commission, the state board shall inform the commission at least
17 60 days before the consolidation order, and upon issuance of the
18 order the commission shall open a proceeding to determine cost
19 allocation, ratemaking, and commission public participation
20 requirements for the consolidation process.

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

25 (6) Consult with, and fully consider input from, all public water
26 systems in the chain of distribution of the potentially receiving
27 water systems.

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

31 ~~(7)~~

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

39 (B) During this period, the state board shall provide technical
40 assistance and work with the potentially receiving water system

1 and the potentially subsumed water system to develop a financing
2 package that benefits both the receiving water system and the
3 subsumed water system.

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

10 ~~(8)~~

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

14 ~~(9)~~

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

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

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

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

39 (A) *Conduct outreach to ratepayers and residents served by the*
40 *at-risk water system, including identifiable local community*

1 groups. These outreach efforts shall gauge community support for
2 consolidation of the at-risk water system. The state board shall
3 consider the results of this outreach when deciding whether to
4 order consolidation of the at-risk water system.

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

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

14 (ii) The state board shall make reasonable efforts to provide a
15 30-day notice of the public meeting described in clause (i) to the
16 ratepayers, renters, and property owners to receive water service
17 through service extension or in the area of the subsumed water
18 system and all affected local government agencies and drinking
19 water service providers.

20 (c) If a consolidation or other means of providing an adequate
21 supply of safe drinking water has not been negotiated by the
22 potentially receiving water system and the potentially subsumed
23 water system before the expiration of the deadline set by the state
24 board pursuant to paragraph ~~(7)~~ (8) of subdivision (b), the state
25 board shall do the following:

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

28 (2) (A) If the consolidation has not concluded within six months
29 following the first public meeting held pursuant to paragraph ~~(9)~~
30 (10) of subdivision (b), conduct a public meeting in a location as
31 close as feasible to the affected communities. The meeting shall
32 be held after the state board has made the findings described in
33 subdivision (d).

34 (B) The state board shall make reasonable efforts to provide a
35 30-day notice of the meeting to the ratepayers, renters, property
36 owners to receive water service through service extension or in
37 the area of the subsumed water system, and the public, and to all
38 affected local government agencies and drinking water service
39 providers.

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

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

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

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

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

16 (2) Reasonable efforts to negotiate consolidation or extension
17 of service were made.

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

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

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

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

37 (7) The capacity of the proposed interconnection needed to
38 accomplish the consolidation is limited to serving the current
39 customers of the subsumed water system, infill sites within the
40 community served by the subsumed water system, residents of

1 disadvantaged communities in existence as of the date of
2 consolidation and that are located along the service line connecting
3 the subsumed water system and the receiving water system, and
4 vacant lots within the community served by the subsumed water
5 system that are zoned to allow residential use and have no more
6 than one other vacant lot between that parcel and an infill parcel,
7 including capacity needed for services such as firefighting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (2) The state board obtains a written determination from the
21 local educational agency that the state board's analysis in the
22 financing package, developed pursuant to subparagraph (B) of
23 paragraph ~~(7)~~ (8) of subdivision (b), indicates that consolidating
24 or extending service would not result in additional unacceptable
25 costs to the local educational agency and would result in safe
26 drinking water being available to the local educational agency.

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

36 ~~(k) Before ordering the consolidation of an at-risk water system,~~
37 ~~the state board shall do both of the following:~~

38 ~~(1) Conduct outreach to ratepayers and residents served by the~~
39 ~~at-risk water system, including identifiable local community~~
40 ~~groups. These outreach efforts shall gauge community support for~~

1 consolidation of the at-risk water system. The state board shall
 2 consider the results of this outreach when deciding whether to
 3 order consolidation of the at-risk water system.

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

7 (3) (A) If the potentially subsumed water system contends
 8 during the initial written comment period set forth in subparagraph
 9 (B) of paragraph (9) of subdivision (b) that it is not an at-risk water
 10 system, the state board shall consider during a public meeting any
 11 information provided by the potentially subsumed water system
 12 in support of its contention that it is not an at-risk water system.

13 (B) The state board shall make reasonable efforts to provide a
 14 30-day notice of the public meeting described in subparagraph (A)
 15 to the ratepayers, renters, and property owners to receive water
 16 service through service extension or in the area of the subsumed
 17 water system and all affected local government agencies and
 18 drinking water service providers.

19 (t)

20 (k) A finding that a disadvantaged community, in whole or in
 21 part, is substantially reliant on at-risk domestic wells shall be based
 22 on the maps created pursuant to paragraph (1) of subdivision (a)
 23 of Section 116772 and inspection or testing of the domestic wells.

24 (m)

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

29 (n)

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

June 11, 2021

The Honorable Lena Gonzalez
California State Senate
State Capital Room 2068
Sacramento, CA 95814

Subject: **REMOVAL OF OPPOSITION TO SB 403**

Dear Senator Gonzalez:

The California Association of Local Agency Formation Commissions (CALAFCO) has been following **SB 403** and working with you, your staff and the sponsor on several amendments. The amendments reflected in the April 27 and June 8 version of the bill address the three specific requested amendments in our letter dated April 7, 2021. As a result, we are removing our opposition and taking a neutral position on the bill.

We want to thank you, your staff, and the sponsor for working with us the past few months and for the amendments. Our concerns regarding defining “at risk” systems and wells, placing a cap on the number of connections for the potentially subsumed public water system or wells, and requiring the Water Board to consult with Groundwater Sustainability Agencies (GSAs) have all been addressed through these amendments.

However, as noted in our letter dated April 7, 2021, we still believe it is time for a comprehensive review of the mandatory consolidation process with all stakeholders and a revision of the process done as appropriate and encourage you and other legislators to call for this comprehensive review. CALAFCO remains committed to help find workable and sustainable policy solutions to the disparities in service delivery to disadvantaged communities. We are also committed to supporting and participating in a comprehensive review of the consolidation process and refinement as appropriate.

Again, we appreciate the opportunity for dialogue regarding **SB 403** and are happy to continue those conversations with you, your staff, the sponsors and all affected stakeholders.

Please contact me should you have any questions.

Yours sincerely,



Pamela Miller
Executive Director

Cc: Members, Assembly Environmental Safety & Toxic Materials Committee
Members, Assembly Local Government Committee
Josh Tooker, Chief Consultant, Assembly Environmental Safety & Toxic Materials Committee
Jimmy MacDonald, Principal Consultant, Assembly Local Government Committee
Gregory Melkonian, Assembly Republican Caucus
William Weber, Assembly Republican Caucus

ATTACHMENT A

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AMENDED IN ASSEMBLY MAY 24, 2021

AMENDED IN ASSEMBLY APRIL 19, 2021

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1021

Introduced by Assembly Member Mayes

February 18, 2021

An act to add Section 56378.2 to the Government Code, and to add Section 21562.6 to the Water Code, relating to irrigation districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1021, as amended, Mayes. Imperial Irrigation District.

(1) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Under the act, each local agency formation commission is required to initiate and make studies of existing governmental agencies, including, but not limited to, studies to determine each local agency's maximum service area and service capacities.

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

~~from the Legislature.~~ *would require the study to be published no later than July 1, 2023.* By imposing new duties on the specified local agency formation commissions, the bill would impose a state-mandated local program.

(2) Existing law, the Irrigation District Law, with certain exceptions, requires a director on the board of an irrigation district that provides electricity for residents of the district to be a voter of the district and a resident of the division that the director represents. Existing law authorizes an irrigation district to sell, dispose of, and distribute electricity for use outside of the district's boundaries.

This bill would require the membership of the board of directors of the Imperial Irrigation District to increase from 5 to 6 members, with the additional director being a nonvoting member with all of the other rights as the existing directors, and meeting certain qualifications. The bill would require the nonvoting director to be appointed by the county supervisor who represents the largest amount of population in the electrical service area. The bill would require the nonvoting director to serve a term of 4 years. The bill would require the nonvoting director to represent the electrical service area and to live in the service area at the time of their appointment and throughout their tenure on the board, and if the nonvoting director relocates outside of the electrical service area, the director's membership on the board would terminate and a new member would be required to be appointed. The bill would require that, if the Imperial Irrigation District no longer serves electricity to the electrical service area, the nonvoting director's membership on the board terminate, and membership of the board of directors decrease from 6 to 5.

By imposing new duties on local government relating to appointment of the nonvoting director, the bill would impose a state-mandated local program.

(3) This bill would make legislative findings and declarations as to the necessity of a special statute for the Imperial Irrigation District.

(4) 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.

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

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

1 SECTION 1. Section 56378.2 is added to the Government
2 Code, to read:
3 56378.2. (a) Notwithstanding any other law, the commissions
4 for the County of Imperial and the County of Riverside shall
5 conduct and publish on their internet websites a joint study of all
6 of the following:
7 (1) Voting rights in the Imperial Irrigation District. The joint
8 study shall include a description of voting rights in the district and
9 a determination of whether and how the district can extend voting
10 rights to its residents.
11 (2) Options for providing electricity in the Imperial Irrigation
12 District’s jurisdiction and other affected service areas, in the
13 circumstance that the district desires to no longer provide electrical
14 service in its jurisdiction.
15 (3) Options for alternative governance structures for the Imperial
16 Irrigation District board of directors.
17 ~~(b) The joint study described in subdivision (a) shall be~~
18 ~~contingent upon funding by the Legislature.~~
19 ~~(e)~~
20 (b) The joint study described in subdivision (a) shall be
21 published no later than ~~18 months~~ after receipt of funds from the
22 Legislature. *July 1, 2023.*
23 SEC. 2. Section 21562.6 is added to the Water Code, to read:
24 21562.6. (a) This section applies to the Imperial Irrigation
25 District.
26 (b) Notwithstanding Sections 21100 and 21550 and Division 3
27 (commencing with Section 56000) of Title 5 of the Government
28 Code, the membership of the board of directors shall increase from
29 five to six.
30 (c) The director of the board added pursuant to subdivision (b)
31 shall be a nonvoting director with all of the other rights as existing
32 directors.
33 (d) The nonvoting director shall be appointed by the county
34 supervisor who represents the largest amount of population in the
35 electrical service area.

1 (e) The nonvoting director shall represent the electrical service
2 area and shall live in the service area at the time of their
3 appointment and throughout their tenure on the board. If the
4 nonvoting director relocates outside of the electrical service area,
5 the director’s membership on the board shall terminate and a new
6 member shall be appointed.

7 (f) The nonvoting director shall serve a term of four years.

8 (g) If the Imperial Irrigation District no longer serves electricity
9 to the electrical service area, the nonvoting director’s membership
10 on the board shall terminate, and membership of the board of
11 directors shall decrease from six to five.

12 (h) The nonvoting director shall comply with Section 1126 of
13 the Government Code.

14 (i) For the purposes of this section, “electrical service area”
15 means the area where the district provides retail electrical service
16 that is outside of the district’s boundaries.

17 SEC. 3. The Legislature finds and declares that a special statute
18 is necessary and that a general statute cannot be made applicable
19 within the meaning of Section 16 of Article IV of the California
20 Constitution because of the conditions unique to the Counties of
21 Imperial and Riverside and the Imperial Irrigation District.

22 SEC. 4. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.

May 26, 2021

The Honorable Chad Mayes
California State Assembly
State Capitol, Room 4098
Sacramento, CA 95814

SUBJECT: ***AB 1021 OPPOSE UNLESS AMENDED*** (as amended May 24, 2021)

Dear Assemblymember Mayes:

The California Association of Local Agency Formation Commissions (CALAFCO) has been watching *AB 1021* and working with your staff on the bill since early in the year. Based on the recent amendments of May 24, 2021, we find we must respectfully oppose the bill unless it is amended.

Among other things, *AB 1021* adds Government Code Section 56378.2 which requires the Imperial and Riverside Local Agency Formation Commissions (LAFCoS) to jointly conduct a special study of the Imperial Irrigation District (District). The study is required to include three key elements: (1) Current voting rights in the District and a determination on possible extension of voting rights; (2) Options for providing electricity in the District's jurisdiction and other affected services areas in the case the District no longer wishes to provide such services; and (3) Alternative governance structure options for the District Board.

The prior version of the bill provided full funding for the special study with a reasonable timeframe for completion of such a comprehensive study. The amendments reflected on May 24 remove all funding for the special study and require the completion of the special study by July 1, 2023.

As you know, LAFCoS are mainly funded by the local cities, counties, and, in 31 LAFCoS, special districts. Approximately one third of the 58 LAFCoS have an annual budget of less than \$100,000 and one-fifth have an annual budget of less than \$50,000. Given the current financial stress local governments are facing due to the pandemic and other corresponding factors, both Imperial and Riverside LAFCo budgets for the upcoming fiscal year have been impacted (in part due to their respective paying agencies having budget stressors), leaving no room for unfunded expenditures. In both instances, the LAFCoS have had to either reduce their overall budget for the next fiscal year or use contingencies to balance their budgets.

Further, these budgets are currently in the process of being adopted which means there is no opportunity for the LAFCo to address additional local funding until fiscal year 2022-23 given the recent change to *AB 1021*. Not only do these changes create unnecessary financial strain on the LAFCoS, they create a more condensed timeframe to conduct the study - should they even be successful in securing local funding for it - which given the current fiscal climate is highly unlikely.

May 26, 2021
RE: AB 1021
Page 2 of 2

Requiring Imperial and Riverside LAFCos to conduct a comprehensive special study without funding creates a *very concerning precedent for LAFCos statewide*. Consequently, CALAFCO strongly urges you to restore funding for this special study and make the study contingent upon that funding.

For these reasons we respectfully oppose AB 1021 in its current form unless amended to fully restore funding for the special study.

Please do not hesitate to contact me with any questions you may have.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Pamela Miller".

Pamela Miller
Executive Director

cc: Assembly Local Government Committee
Imperial Local Agency Formation Commission
Riverside Local Agency Formation Commission

LEGISLATIVE COUNSEL'S DIGEST

SB 273, as amended, Hertzberg. Water quality: municipal wastewater agencies.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater by municipalities and industries in accordance with the National Pollutant Discharge Elimination System permit program and the Porter-Cologne Water Quality Control Act. Existing law requires regulated municipalities and industries to obtain a stormwater permit.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified.

This bill would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The bill would require a municipal wastewater agency that enters into or amends one of these agreements after January 1, 2022, to file a copy of the agreement or amendment with the local agency formation commission in each county where any part of the municipal wastewater agency's territory is located, but would exempt those agreements and amendments from local agency formation commission approval except as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.

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.

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



[AMENDED IN...]

SENATE BILL

No. 273

Introduced by Senator Hertzberg

[Date introduced]

[Title will go here]

LEGISLATIVE COUNSEL'S DIGEST

SB 273, as introduced, Hertzberg. Water quality: municipal wastewater agencies.

[Text of Legislative Counsel's Digest will go here]

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

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PROPOSED AMENDMENTS TO SENATE BILL NO. 273

SENATE BILL

No. 273

Introduced by Senator Hertzberg

January 29, 2021

An act to add Chapter 11.5 (commencing with Section 13910) to Division 7 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 273, as introduced, Hertzberg. Water quality: municipal wastewater agencies.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater by municipalities and industries in accordance with the National Pollutant Discharge Elimination System permit program and the Porter-Cologne Water Quality Control Act. Existing law requires regulated municipalities and industries to obtain a stormwater permit.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified.

This bill would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the



PROPOSED AMENDMENTS

SB 273

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SUBSTANTIVE

exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. *The bill would require a municipal wastewater agency that enters into or amends one of these agreements after January 1, 2022, to file a copy of the agreement or amendment with the local agency formation commission in each county where any part of the municipal wastewater agency's territory is located, but would exempt those agreements and amendments from local agency formation commission approval except as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.* To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.

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.

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

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

Page 2 1 SECTION 1. Chapter 11.5 (commencing with Section 13910)
2 is added to Division 7 of the Water Code, to read:

3

4

CHAPTER 11.5. MUNICIPAL WASTEWATER AGENCIES

+

6

13910. The Legislature finds and declares all of the following:

7

(a) Fostering regional cooperative efforts to improve water quality and local sustainable water supply is fundamental for developing California's 21st century water portfolio.

8

9

(b) Stormwater capture, treatment, and use as a water supply is increasingly viewed as an innovative opportunity to improve water quality where it is viable and economically feasible.

10

11

(c) Municipal wastewater agencies have existing infrastructure, capacity, and expertise that could be used to assist in meeting the state's water quality and water supply goals when circumstances allow, while allowing wastewater agencies to still meet their

12

13

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Page 2 17 primary goals of meeting water quality requirements for wastewater
18 discharge and avoiding sanitary sewer overflows. However, in
19 some circumstances municipal wastewater agencies may need
20 explicit legislative authority before they can pursue certain types
21 of projects.

22 (d) In order to promote regional interagency cooperation,
23 improve the quality of the waters of the state, and make efficient
24 use of publicly owned infrastructure, it would be beneficial if
25 municipal wastewater agencies had the authority to enter into
Page 3 1 voluntary agreements for stormwater projects in the future, where
2 cost effective and regionally suitable.

3 13911. (a) A municipal wastewater agency may enter into
4 agreements with entities responsible for stormwater management,
5 including, but not limited to, municipal, industrial, and commercial
6 stormwater dischargers subject to this division, for the purpose of
7 managing stormwater and dry weather runoff.

8 (b) A municipal wastewater agency may acquire, construct,
9 expand, operate, maintain, and provide facilities for any of the
10 following purposes:

11 (1) The diversion of stormwater and dry weather runoff from
12 the stormwater system to the wastewater collection or treatment
13 system.

14 (2) The management and treatment of stormwater and dry
15 weather runoff.

16 (3) The discharge of treated urban runoff and stormwater to the
17 stormwater drainage system or receiving waters.

18 (4) The beneficial reuse of captured urban runoff and
19 stormwater.

20 13912. (a) A municipal wastewater agency may do any of the
21 following:

22 (1) To the extent permitted by federal law, authorize the
23 discharge of stormwater or dry weather runoff captured at industrial
24 and commercial sites to the wastewater collection or treatment
25 system subject to any requirements that may be imposed by the
26 municipal wastewater agency or public agency that owns and
27 operates the tributary collection system.

28 (2) In order to carry out the powers granted, and the purposes
29 established, under this chapter, exercise any of the powers
30 otherwise granted to it by law, including, but not limited to,
31 enforcing compliance with local, state, and federal water quality

PROPOSED AMENDMENTS

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SUBSTANTIVE**

SB 273

— 4 —

Page 3 32 requirements through the implementation of the municipal
33 wastewater agency’s industrial pretreatment programs and ensuring
34 that the project or program is consistent with local watershed
35 priorities, obligations, and circumstances.

36 (3) Levy taxes, fees, and charges consistent with the municipal
37 wastewater agency’s existing authority in order to fund projects
38 undertaken pursuant to this chapter.

Page 4 39 (b) The exercise of any new authority granted under this chapter
40 is subject to and shall comply with the Cortese-Knox-Hertzberg
1 Local Government Reorganization Act of 2000 (Division 3
2 (commencing with Section 56000) of Title 5 of the Government
3 Code).

Amendment 1

+ (c) (1) *If, after January 1, 2022, a municipal wastewater agency
+ enters into a new agreement or amends an agreement pursuant to
+ this chapter, the agency shall, within 30 days after the effective
+ date of the new agreement or amendment, file a copy of the
+ agreement or amendment with the local agency formation
+ commission in each county where any part of the municipal
+ wastewater agency’s territory is located.*

+ (2) *The local agency formation commission’s approval of an
+ agreement or an amendment to an agreement as described in
+ paragraph (1) shall not be required, except as required by
+ subdivision (b).*

4 13913. (a) An agreement, project, or use of authority
5 authorized under this chapter shall be completely voluntary for all
6 participating entities.

7 (b) Nothing in this chapter shall be construed to interfere with
8 any existing programs or projects, authorities, or obligations for
9 municipal wastewater agencies or stormwater dischargers.

10 (c) It is the intent of the Legislature in enacting this chapter
11 merely to allow local agencies interested in pursuing the types of
12 projects described in this chapter to proceed without additional
13 legislative changes to their authorizing statutes.

14 13914. Nothing in this chapter shall be construed to alter or
15 interfere with any of the following:

16 (a) Existing water rights to water from any source, including
17 any adjudicated rights allocated by a court judgment or order,
18 including any physical solution, rights issued by the state or a state
19 agency, and rights acquired pursuant to any federal or state statute.

20 (b) Existing water rights law.

PROPOSED AMENDMENTS

Page 4 21 (c) Any rights, remedies, or obligations that may exist pursuant
 22 to Article 1 (commencing with Section 1200) or Article 1.5
 23 (commencing with Section 1210) of Chapter 1 of Part 2 of Division
 24 2 of this code, Chapter 10 (commencing with Section 1700) of
 25 Part 2 of Division 2 of this code, or Chapter 8.5 (commencing with
 26 Section 1501) of Part 1 of Division 1 of the Public Utilities Code.
 27 13915. For purposes of this chapter, the following definitions
 28 apply:
 29 (a) "Local agency" includes, but is not limited to, a city, county,
 30 special district, joint powers authority, sanitary district, sanitation
 31 district, county sanitation district, community services district, and
 32 municipal utility district.
 33 (b) "Municipal wastewater agency" means a local agency that
 34 chooses to exercise any authority granted under this chapter.
 35 SEC. 2. If the Commission on State Mandates determines that
 36 this act contains costs mandated by the state, reimbursement to
 37 local agencies and school districts for those costs shall be made
 Page 5 1 pursuant to Part 7 (commencing with Section 17500) of Division
 2 4 of Title 2 of the Government Code.

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June 3, 2020

The Honorable Robert Hertzberg
Senate Majority Leader
State Capitol, Room 313
Sacramento, CA 95814

RE: Senate Bill SB 273 (Hertzberg) – CALAFCO SUPPORT

Dear Senator Hertzberg:

The California Association of Local Agency Formation Commissions (CALAFCO), which represents all 58 Local Agency Formation Commissions (LAFCo) in the state, supports your bill SB 273, which authorizes municipal wastewater agencies to enter into voluntary agreements with entities responsible for stormwater management including municipal, industrial, and commercial stormwater dischargers in order to more effectively manage stormwater and dry weather runoff.

In enhancing the existing authority of all municipal wastewater agencies to voluntarily enter into projects to divert and treat stormwater and dry weather runoff, the exercise of this authority, should it be new for an entity, is subject to existing Local Agency Formation Commission (LAFCo) approval processes as outlined in the Cortese-Knox-Hertzberg Government Reorganization Act of 2000 (the Act).

SB 273 allows for the effective management of valuable stormwater runoff with an innovative local approach, while preserving local processes and authority and retains LAFCo approval of the activation of this latent power. This is important as LAFCos are legislatively tasked to ensure the efficient and effective delivery of services and allowing LAFCos to retain the authority to approve the activation of the latent power allows for the proper oversight.

We want to thank you, your staff and the sponsor of the bill for working with CALAFCO on a pending amendment which will authorize entities entering into these agreements to file a copy of those agreements with LAFCo (those that are not subject to LAFCo approval pursuant to the Act).

For these reasons we respectfully support SB 273. Please contact me should you have any questions about our position.

Sincerely,



Pamela Miller
Executive Director

Cc: Members, Assembly Local Government Committee
Members, Assembly Environmental Safety & Toxic Materials Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee
William Weber, Consultant, Assembly Republican Caucus
Josh Tooker, Chief Consultant, Assembly Environmental Safety & Toxic Materials Committee
Gregory Melkonian, Consultant, Assembly Republican Caucus

ATTACHMENT A

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CALAFCO Daily Legislative Report as of Saturday, June 12, 2021

1

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

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

Introduced: 1/28/2021

Last Amended: 5/4/2021

Status: 6/3/2021-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

Would, until December 31, 2023, require all open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing least 250,000 people to include an opportunity for members of the public to attend via a telephonic option or an internet-based service option. The bill would require all open and public meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic or an internet-based service option, as provided.

Attachments:

[AB 339 Fact Sheet](#)

Position: Watch

Subject: Other

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

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

This bill is sponsored by the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

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

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

All requirements remain unfunded mandates.

UPDATE: Amended on 5-4-21 as a result of the ALGC hearing, this version of the bill now:

- Limits the bill’s applicability to the meetings of city councils and county boards of supervisors only, the jurisdictions of which contain a population of at least 250,000 people;
- Requires public access via telephone OR internet (not both);
- Removes language requiring two-way operability for internet;
- Removes all language translation requirements;

- Removes language allowing local agencies to require members of the public to register in order to provide public comment;
- Removes language allowing teleconferencing to be used by members of the legislative body (to avoid inadvertently precluding the use of teleconferencing by the public);
- Refines language referring to "all meetings" to state "all open and public meetings" (to ensure closed sessions are not subject to the provisions of the bill);
- Restores current law allowing public comment before an agenda item is taken up; and,
- Adds a sunset date of December 31, 2023.

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

Current Text: Amended: 5/10/2021 [html](#) [pdf](#)

Introduced: 2/1/2021

Last Amended: 5/10/2021

Status: 5/27/2021-Referred to Coms. on GOV. & F. and JUD.

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

Summary:

Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state of emergency or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body determines, by majority vote, that meeting in person would present imminent risks to the health or safety of attendees.

Attachments:

[AB 361 Fact Sheet](#)

Position: Watch

Subject: Brown Act

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

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

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

UPDATE: As amended on 5-10-21, the amendments tighten restrictions for in-person meetings to only the determination that meeting in person presents imminent risk to the health and safety of attendees (removing the option to consider if attendance by one of more members of the legislative body is hindered).

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

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

Current Text: Amended: 4/29/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Last Amended: 4/29/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 2/25/2021) (May be acted upon Jan 2021)

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

Summary:

Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act’s requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the notice requirements particular to teleconferencing and would revise the requirements of the act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction.

Position: Watch

Subject: Brown Act

CALAFCO Comments: As amended on 4/29/21, the bill requires local agencies to allow for public participation during meetings of the legislative body both at in-person and via a call-in or internet-based option. It further requires that if the agency holds a teleconference meeting, at least a quorum of the governing body shall participate in person from a single location which shall be open to the public (and located within the boundaries of the jurisdiction).

Despite these requirements, the bill is not marked fiscal. Further, it applies only to local agencies, not state agencies.

The bill is sponsored by Three Valleys Municipal Water Agency.

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

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

Introduced: 3/9/2021

Last Amended: 4/19/2021

Status: 6/10/2021-From committee: Do pass. To Consent Calendar. (Ayes 5. Noes 0.) (June 10).

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

Calendar:

6/14/2021 #8 SENATE ASSEMBLY BILLS - SECOND READING FILE

Summary:

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

Attachments:

[LAFCo Support letter template](#)

[CALAFCO Support letter](#)

Position: Sponsor

Subject: CKH General Procedures

CALAFCO Comments: This is the annual ALGC Omnibus bill which CALAFCO sponsors. Sections amended are: 56133(a) and (f); 56325.1 (renumbered to 56331.4); 56427; and 56879(a).

As amended on 4/19, additional sections amended include 56066, 56123, 56124, 56375. Further the bill repeals sections 56375.2, 56387, 56388, 56747, 56760, 57001.1, 57075.5, 57202.1 and 57383.

SB 810 (Committee on Governance and Finance) Validations.

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

Introduced: 2/23/2021

Status: 6/10/2021-From committee: Do pass. Ordered to consent calendar. (Ayes 8. Noes 0.) (June 9).

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

Calendar:

6/14/2021 #5 ASSEMBLY SECOND READING FILE -- SENATE BILLS

Summary:

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

Attachments:

[CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

SB 811 (Committee on Governance and Finance) Validations.

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

Introduced: 2/23/2021

Status: 6/10/2021-From committee: Do pass. Ordered to consent calendar. (Ayes 8. Noes 0.) (June 9).

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

Calendar:

6/14/2021 #6 ASSEMBLY SECOND READING FILE -- SENATE BILLS

Summary:

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

Attachments:

[CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

SB 812 (Committee on Governance and Finance) Validations.

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

Introduced: 2/23/2021

Status: 6/10/2021-From committee: Do pass. Ordered to consent calendar. (Ayes 8. Noes 0.) (June 9).

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

Calendar:

6/14/2021 #7 ASSEMBLY SECOND READING FILE -- SENATE BILLS

Summary:

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

Attachments:

[CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

AB 1195 (Garcia, Cristina D) Drinking water.

Current Text: Amended: 5/24/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/24/2021

Status: 6/9/2021-Referred to Coms. on E.Q., GOV. & F. and N.R. & W.

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

Calendar:

7/1/2021 Upon adjournment of Session - John L. Burton Hearing Room (4203)
SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary:

Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would prohibit a public water system from transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed.

Attachments:

[AB 1195 Fact Sheet](#)

Position: Watch With Concerns

Subject: Water

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

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

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

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

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

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

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

Current Text: Amended: 5/24/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Last Amended: 5/24/2021

Status: 6/2/2021-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

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

Attachments:

[AB 1250 Fact Sheet 2021](#)

Position: Watch

Subject: Municipal Services, Water

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

The bill requires the PUC to prioritize consolidation requests based on compliance records and requires the entity requesting consolidation to conduct a thorough public process.

The bill is sponsored by the California Water Association and does not have an impact on LAFCos. Nevertheless, CALAFCO will keep a watch on the bill. A fact sheet is posted in the tracking section of the bill.

UPDATE: The amendments on 5/24/21 establish the Consolidation For Safe Drinking Water Fund, with all moneys available, upon appropriation, going to the PUC in order to process the applications and cover any associated regulatory costs, and requires a water or sewer system corporation to pay a fee of \$10,000 when filing an application pursuant to the above provision and requires the fee to be deposited into the fund.

SB 403 (Gonzalez D) Drinking water: consolidation.

Current Text: Amended: 6/8/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Last Amended: 6/8/2021

Status: 6/8/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.S. & T.M.

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

Calendar:

6/16/2021 9 a.m. - State Capitol, Room 4202 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

Summary:

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

Attachments:

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

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

[SB 403 Fact Sheet 2021](#)

Position: Neutral

Subject: Disadvantaged Communities, Water

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

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

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

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

UPDATE: As amended on 4/27/21, the bill now defines "at risk system" and "at risk domestic well"; creates an appeal process for potentially subsumed water systems; requires inspection or testing of wells to determine "at risk" status; and allows the Board to prioritize systems historically overburdened by pollution and industrial development or other environmental justice concerns. It also puts a cap of 3,300 or fewer connections on systems that can be subsumed. These amendments address 2 of our 3 requested amendments. We will continue to work with the author on requiring the SWRCB to consult with GSAs on wells.

UPDATE: Amends from 6/8/21 add a requirement for the Water Board to consult with GSAs. This is the last remaining amendment requested by CALAFCO so we have removed our opposition and gone to Neutral. The other amendment in this version simply reorders a subsection with no substantive impacts.

3

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

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

Introduced: 12/7/2020

Last Amended: 1/21/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 1/11/2021)(May be acted upon Jan 2022)

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

Summary:

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

Attachments:

[AB 11 Fact Sheet](#)

Position: Watch

Subject: Other

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

The bill outlines the regional climate change authorities in summary as: coordination, capacity-building, and technical assistance activities within their boundaries, promote regional alignment and assist local agencies in creating and implementing plans developed pursuant to Section 65302 of the Government Code, other federal or state mandates, and programs designed address climate change impacts and risks. The bill also requires the authority to submit annual reports to the SGC, with the scope of the report outlined in the bill.

This is an author-sponsored bill. There is no appropriation to fund the cost of the program. A fact sheet is posted in the tracking section of the bill.

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

AB 473 (Chau D) California Public Records Act.

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

Introduced: 2/8/2021

Status: 6/7/2021-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

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

Position: Watch

Subject: Public Records Act

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

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

Current Text: Amended: 5/27/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Last Amended: 5/27/2021

Status: 6/3/2021-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

Would enact various conforming and technical changes related to another bill, AB 473, which recodifies and reorganizes the California Public Records Act. This bill would only become operative if AB 473 is enacted and becomes operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

Position: Watch

Subject: Public Records Act

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

UPDATE: Amendments of 5/27 are technical and minor in nature, and make it the conforming act to AB 473

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

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

Introduced: 2/17/2021

Last Amended: 4/19/2021

Status: 6/3/2021-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

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

Attachments:

[AB 897 Fact Sheet](#)

Position: Watch

Subject: Climate Change

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

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

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

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

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

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

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

Introduced: 2/17/2021

Last Amended: 4/19/2021

Status: 5/19/2021-Referred to Com. on GOV. & F.

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

Summary:

Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to develop and conduct the Los Medanos Area Health Plan Grant

Program focused on comprehensive health-related services in the district's territory. The bill would require the county to complete a property tax transfer process to ensure the transfer of the district's health-related ad valorem property tax revenues to the county for the sole purpose of funding the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as specified, the bill would impose a state-mandated local program.

Position: Watch

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

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

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

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

Current Text: Amended: 5/10/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 5/10/2021

Status: 6/9/2021-Referred to Com. on GOV. & F.

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

Summary:

Current law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes a city legislative body to declare what constitutes a nuisance. Current law authorizes the legislative body of a city, county, or city and county to provide for the summary abatement of any nuisance resulting from the defacement of the property of another by graffiti or other inscribed material, at the expense of the minor or other person creating, causing, or committing the nuisance, and, by ordinance, authorizes the legislative body to make the expense of abatement of the nuisance a lien against property of the minor or other person and a personal obligation against the minor or other person. This bill would authorize the board of directors of a district to declare what constitutes a nuisance, as provided. The bill would, among other things, authorize a district to exercise the authority granted to a city, as described above, for purposes of abating a nuisance, as provided.

Attachments:

[AB 959 Fact Sheet](#)

Position: Watch

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

UPDATE: As amended on 5-10-21, the bill requires the district Board to adopt an ordinance declaring what constitutes a nuisance. It authorizes the district to initiate civil action and recover damages.

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

Current Text: Amended: 5/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/18/2021

Status: 6/1/2021-Ordered to inactive file at the request of Assembly Member Luz Rivas.

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

Summary:

The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public

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

Position: Watch

Subject: FPPC

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

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

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

AB 1021 (Mayer I) Imperial Irrigation District.

Current Text: Amended: 5/24/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/24/2021

Status: 6/2/2021-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

Would require the commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet websites a joint study of voting rights in the Imperial Irrigation District, options for providing electricity in the Imperial Irrigation District, and options for alternative governance structures for the Imperial Irrigation District board of directors, as specified. The bill would require the study to be published no later than July 1, 2023. By imposing new duties on the specified local agency formation commissions, the bill would impose a state-mandated local program.

Attachments:

[CALAFCO Oppose Unless Amended 5-26-21](#)

Position: Oppose unless amended

Subject: Special Districts Governance

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

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

This bill is similar to AB 854 (2019), which died in Appropriations. CALAFCO had a Watch position on that bill as the two member LAFcos had opposing positions, and this is a local matter. However, there is concern about requiring a study without funding (the last time the Legislature mandated a special study on a district it required the study be funded by the district).

The bill is author-sponsored and as of now there is no budget appropriation to cover cost.

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

UPDATE: The amendments of 5/24/21 remove the funding for the special study, making it an unfunded mandate. The bill also now requires the study to be completed by 7-1-23. As a result of the funding removal and the concerning precedent setting nature of requiring LAFCo to conduct a special study without funding, CALAFCO has taken an OPPOSE UNLESS AMENDED position requesting funding be restored.

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

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

Introduced: 2/18/2021

Last Amended: 4/20/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/18/2021) (May be acted upon Jan 2021)

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

Summary:

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

Attachments:

- [CALAFCO Removal of Opposition Letter April 2021](#)
- [CALAFCO Oppose Unless Amended April 2021](#)

Position: Watch

Subject: Other

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

The bill is sponsored by the Las Virgenes-Malibu Council of Governments.

CALAFCO's letter of Oppose Unless Amended is posted in the bill detail area.

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

UPDATE: The bill failed to move out of committee so it is now a 2-year bill.

AB 1246 (Nguyen R) Community services districts.

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

Introduced: 2/19/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/19/2021) (May be acted upon Jan 2021)

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

Summary:

Current law, the Community Services District Law, authorizes the formation of community services districts for various specified purposes, including supplying water, treating sewage, disposing of solid

waste, and providing fire protection. The law specifies its relation and effect on certain districts organized pursuant to former laws and to actions taken by them, among other things. This bill would make nonsubstantive changes to those provisions.

Position: Watch

CALAFCO Comments: This is a spot bill.

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

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

Introduced: 2/19/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/4/2021) (May be acted upon Jan 2021)

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

Summary:

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

Attachments:

[AB 1295 Fact Sheet](#)

Position: Watch

Subject: Growth Management, Planning

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

This bill appears similar to SB 55 (Stern) except: (1) This bill explicitly calls out residential development, whereas SB 55 addresses new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone; and (2) SB 55 adds a state responsibility area.

The bill is not marked fiscal. This is an author-sponsored bill and a fact sheet is posted in the tracking section of the bill.

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

Current Text: Amended: 5/26/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 5/26/2021

Status: 6/10/2021-Referred to Coms. on H. & C.D. and L. GOV.

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

Summary:

Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would impose specified requirements on a zoning ordinance adopted under these provisions, including a requirement that the zoning ordinance clearly demarcate the areas that are subject to the ordinance and that the legislative body make a finding that the ordinance is consistent with the city or county's obligation to affirmatively further fair housing.

Position: Watch

Subject: Housing

CALAFCO Comments: While not directly affecting LAFcos, the requirements in the bill are of interest. As amended on 4/13/21, the bill authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the

parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined in the bill. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution adopted to amend the jurisdiction's General Plan Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is exempt from CEQA. The bill imposes specified requirements on a zoning ordinance adopted under these provisions. The bill would prohibit a legislative body that adopts a zoning ordinance pursuant to these provisions from subsequently reducing the density of any parcel subject to the ordinance and makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts a use or density authorized by an ordinance adopted pursuant to the provisions in the bill.

UPDATE: The amendment of 4/27/21 amends 65913.5(a)(3) to remove exemption of parcels excluded from specified hazard zones by a local agency pursuant to 51179(b).

UPDATE: The amendments on 5/26 prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel zoned pursuant to these provisions from being approved ministerially or by right or from being exempt from CEQA, except as specified, and repealw these provisions on January 1, 2029.

SB 12 (McGuire D) Local government: planning and zoning: wildfires.

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

Introduced: 12/7/2020

Last Amended: 5/4/2021

Status: 6/10/2021-Referred to Coms. on L. GOV. and H. & C.D.

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

Summary:

Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

Position: Watch

Subject: Growth Management, Planning

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

Current Text: Amended: 5/11/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 5/11/2021

Status: 5/28/2021-Referred to Com. on L. GOV.

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

Summary:

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

Attachments:

[CALAFCO Oppose Unless Amended letter May 2021](#)

Position: Oppose unless amended

Subject: CKH General Procedures

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

UPDATE: As amended on 4/29/21, the bill now adds 56133.6 which seeks to address several projects in the City of St. Helena, and resolve a current law suit between the winery and the city. The amendments authorize Napa LAFCo to consider new or extended service by the city to specific parcels with certain conditions. The bill requires the Napa LAFCo make certain determinations if approving, include any decision in their required report to the Legislature and has a sunset of 1-1-26.

CALAFCO has made a request for several technical amendments to the version dated 4-29-21, and has concern this addition strays too far from the original intent of the pilot program. Requested amendments on the table now include: (1) Rewording of both sections 56133.5(a)(2) and 56133.6(a)(3) to explicitly state both (A) and (B) are required; (2) Reword the new addition to 56133.5(d) so that it does not presume Napa LAFCo will authorize the new or extension of service; and (3) Rewrite 56133.6(a)(1) to clarify that (A) must apply to both (B) and (C).

As amended on 5-11-21, all requested technical amendments were made, however the intent of the pilot program has changed with the addition of 56133.6 and Napa LAFCo's ability to approve extension of service for parcels that do not meet the pilot program's requirement of planned use as defined in 56133.5. For this reason, CALAFCO is opposed unless amended, requesting the removal of 56133.6. Our letter is in the bill detail section.

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

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

Introduced: 12/7/2020

Last Amended: 4/5/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/3/2021) (May be acted upon Jan 2022)

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

Summary:

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

Attachments:

[SB 55 Fact Sheet](#)

Position: Watch

Subject: Growth Management, Planning

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

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

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

addresses residential development in a very high fire risk area.

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

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

Introduced: 12/21/2020

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 1/28/2021)(May be acted upon Jan 2022)

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

Summary:

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

Position: Watch

Subject: Special Districts Governance

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

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

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

Introduced: 1/27/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/15/2021) (May be acted upon Jan 2022)

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

Summary:

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

Position: Watch

Subject: Sustainable Community Plans

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

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

Introduced: 1/29/2021

Status: 6/10/2021-From committee: Do pass as amended and re-refer to Com. on E.S. & T.M. (Ayes 8. Noes 0.) (June 9).

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

Calendar:

6/14/2021 #8 ASSEMBLY SECOND READING FILE -- SENATE BILLS

Summary:

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

Attachments:

[CALAFCO Support June 2021](#)
[SB 273 Fact Sheet](#)

Position: Support

Subject: Municipal Services

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

The CALAFCO requested an amendment to add a requirement that upon entering into the agreement, the agency has 30 days to file a copy of that agreement or amended agreement with the LAFCo, was accepted by the author in the ALGC hearing.

The bills is sponsored by the CA Assn of Sanitation Agencies. A fact sheet is posted in the tracking section of the bill.

[SB 274](#) ([Wieckowski D](#)) Local government meetings: agenda and documents.

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

Introduced: 1/29/2021

Last Amended: 4/5/2021

Status: 5/13/2021-Referred to Com. on L. GOV.

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

Summary:

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

Attachments:

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

Position: Support

Subject: Public Records Act

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

The amendment on 4/5/21 was to correct a typo reflecting the authority to email information.

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

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

Introduced: 2/17/2021

Last Amended: 3/10/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/26/2021) (May be acted upon Jan 2022)

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

Summary:

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

Position: Watch

Subject: Sustainable Community Plans

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

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

Introduced: 2/17/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 2/25/2021)(May be acted upon Jan 2022)

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

Summary:

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

Attachments:

[SB 499 Fact Sheet](#)

Position: Watch

Subject: Disadvantaged Communities

CALAFCO Comments: As introduced, this bill would prohibit the land use element of a general plan from designating or expanding land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes within or adjacent to disadvantaged communities (DACs) or a racially and ethnically concentrated area of poverty.

The sponsor of this bill is the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

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

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

Introduced: 2/18/2021

Last Amended: 3/4/2021

Status: 5/13/2021-Referred to Coms. on AGRI. and L. GOV.

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

Calendar:

6/16/2021 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY AGRICULTURE, RIVAS, ROBERT, Chair

Summary:

Under the California Land Conservation Act of 1965, the board of supervisors or city council may grant tentative approval for a cancellation by petition of a landowner as to all or any part of land subject to a contract, as specified. Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction, and requires the assessor to send the fair market value to the Department of Conservation, hereafter department, at the same time the assessor sends the value to the landowner. Current law provides for a certificate of tentative cancellation upon tentative approval of a petition by a landowner accompanied by a proposal for a specified alternative use of the land, as provided. Current law requires the board of supervisors or city council to provide notice to the department related to cancellation of the contract as well as in other specified instances. This bill would revise and recast these provisions to no longer require the assessor to provide notice to the department and to require the board of supervisors or city council to provide notice to the department if the certificate of tentative cancellation is withdrawn, as specified.

Position: Watch

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

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

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

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

Introduced: 2/23/2021

Last Amended: 4/12/2021

Status: 5/20/2021-Referred to Com. on L. GOV.

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

Summary:

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

Position: Watch

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

Total Measures: 33
Total Tracking Forms: 33

CALAFCO Legislative Committee MEETING AGENDA

**Friday, July 23, 2021 ♦ 10:00 am – 11:00 am
Virtual via Zoom**

<https://us02web.zoom.us/j/88931489829?pwd=VVpLM2pMeGVZWWxoVWNUZWxhMWJsQT09>

Meeting ID: 889 3148 9829

Passcode: 486232

Phone: 669-900-6833

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1. Welcome, Roll Call, Review Agenda	<i>P. Miller</i>
2. Approval of minutes of the June 18, 2021 meeting*	<i>P. Miller</i> 3
3. 2021 Omnibus (AB 1581) & CKH Guide update	<i>S. Martinez</i>
4. Discussion and potential action on legislation affecting LAFcos* Priority One Bills: a. AB 361 (Mullin) (Watch)	<i>P. Miller</i> 5
5. Update on other important CALAFCO tracked legislation*	<i>P. Miller</i> 19
6. Review of other CALAFCO tracked legislation*	<i>P. Miller</i> 35
7. Update on Protest Provision Rewrite Working Group	<i>P. Miller</i>
8. Introduction of 2022 legislative year process	<i>P. Miller</i>
9. Adjournment to September 10, 2021 virtual meeting at 10:00 a.m.	

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**CALAFCO Legislative Committee
DRAFT SUMMARY MEETING MINUTES**

Date: June 18, 2021

Location: Virtual

Participants: Clark Alsop, Mark Bramfitt, Rachel Jones, Blair Knox^, Steve Lucas, Kai Luoma, **Mike McGill, Jo MacKenzie**, Pamela Miller, **Tom Murray**, Bill Nicholson, Paul Novak, Neelima Palacherla, **Anita Paque**, Ryan Reed, Jennifer Stephenson and **Josh Susman**.

Others present: Advisory Committee Members: Erica Sanchez and Luis Tapia.

Guests included: Jonathan Brinkman (Monterey), Chris Carpenter (Santa Cruz), Paula Graf (Imperial)^, and Mike Prater (Santa Barbara).

Recorder: Pamela Miller

1. Welcome, Roll Call, Review Agenda

Roll call was taken and a quorum established. The meeting was called to order at 10:05 a.m.

2. Approval of minutes of the May 7, 2021 meeting

MOTION: *Mike McGill motioned to approve the minutes of the May 7, 2021 meeting. The motion was seconded by Tom Murray and passed unanimously.*

3. 2021 Omnibus update – AB 1581

Pamela Miller provided an update noting the bill was now being prepared for the Governor's signature. She shared that the protest provisions consolidation language was not going to make it in this bill for several reasons. The Senate Governance and Finance Committee (SGFC) consultant, Assembly Local Government Committee (ALGC) consultant, and the Assembly Republican Caucus consultant have all agreed to review the language during summer recess and comment on whether it is Omnibus material in their opinion, which will help CALAFCO determine a path for the work next year. She also stated another option is for CALAFCO to sponsor a bill that addresses this work and changing the protest threshold percentages – both items the working group have not resolved due to a lack of response by other members of the working group.

Paul Novak suggested maybe breaking up the consolidation language into several Omnibus bills over several years.

4. Discussion and potential action on legislation affecting LAFCoS

Priority Two Bills:

a. AB 1195 (C. Garcia) (Watch with concerns)

Pamela and Paul provided an update on the work being done on this bill, and the special pilot program CALAFCO wrote for LA LAFCo and asked the group for feedback.

Lengthy discussion ensued during which the following questions were raised for consideration:

- Does this language take away the 56133 exemption, and how would they deal with the sphere of influence if they approve serving an area outside the boundary that will never be annexed?
- Why include the authority to deny the application?
- What about paying off the water agencies being taken over?
- Wouldn't a municipal service review be used?
- If you remove the protest process how will that land on people?

MOTION: *Steve Lucas motioned for CALAFCO to take a support the concept position on the bill. The motion was seconded by Josh Susman and passed unanimously.*

Before the vote was taken, Pamela suggested waiting until the next set of amendments are in print before issuing a letter as there are many stakeholders involved and we are not sure of all forthcoming amendments. She also noted we need to coordinate our letter timing with LA LAFCo.

b. AB 897 (Mullin) (Watch)

Pamela reported the author has agreed to our requested amendment to explicitly name LAFCo as an eligible entity to participate in the regional climate network and recommended a support position once the amendments are in print.

MOTION: *Mike McGill motioned for CALAFCO to take a support position on the bill once the amendments are in print. The motion was seconded by Jo MacKenzie and passed unanimously.*

5. Discussion of other CALAFCO tracked legislation

Priority Two Bills:

a. SB 403 (Gonzalez) (Neutral)

Pamela provided an update as noted in the staff report. No action was taken.

Priority Three Bills:

a. AB 1021 (Mayes) (Oppose Unless Amended)

Pamela provided an update as noted in the staff report. No action was taken.

b. SB 273 (Hertzberg) (Support)

Pamela provided an update as noted in the staff report. No action was taken.

6. Review of other CALAFCO tracked legislation

Pamela provided an update of the remaining bills being tracked by CALAFCO.

7. Update on Protest Provision Rewrite Working Group

Pamela stated the update is there is no update.

8. Items for next meeting

No items for the next meeting were suggested.

9. Adjournment to July 23, 2021 virtual meeting at 10:00 a.m.

The meeting was adjourned at 11:52 a.m. to the June 18, 2021 virtual meeting.



LEGISLATIVE COMMITTEE MEETING STAFF REPORT

July 23, 2021

Agenda Item No. 4 Legislation Affecting LAFCo

Prepared By: Pamela Miller, Legislative Committee Chair

Date: July 23, 2021

RECOMMENDATIONS

1. Consider bills that may have an impact on LAFCOs and take positions as appropriate.

DISCUSSION

As of the writing of this report, 2,721 bills have been introduced in this first year of the two-year legislative cycle and CALAFCO is tracking 32. The Legislature is now in summer recess until August 16. Several important deadlines have either passed or are looming: July 14 was the last day for policy committees to meet and push out bills; August 27 is the last day for fiscal committees to meet and push out bills; September 3 is the last day to amend bills on the floor; and September 10 is the last day for the Legislature to pass bills. The last day for the Governor to sign bills is October 10, 2021.

This report addresses only one bill which is AB 361 (Mullin). The Committee previously considered the bill during the February 19, 2021 meeting. At that time, the Committee also considered two other bills (AB 339 and AB 703) – all three of which were focusing on remote public access to public meetings but each doing it differently. The Committee unanimously decided to maintain a watch position on all three bills and wait to see how each played out.

AB 339 (Lee) has been radically amended since its introduction and now only applies to cities and counties with a population of over 250,000 and has a sunset of 12/31/23. AB 703 (Rubio), is now a two-year bill.

AB 361 (Mullin) Open meetings: Local agencies: Teleconferencing *Current position: WATCH*

When the COVID-19 pandemic began and stay-at-home orders were implemented, local agencies had difficulty conducting board meetings in compliance with the Brown Act's public accessibility requirements. On March 12, 2020, Governor Newsom suspended the Brown Act's teleconferencing requirements in executive order N-25-20, on the conditions that each state or local body give advance notice of each public meeting, as well as notice of at least one publicly accessible location from which members of the public can observe and offer public comment at the public meeting. In addition, the executive order waived all requirements explicitly or implicitly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting.

On March 17, 2020, Governor Newsom superseded the above requirements with new requirements outlined in executive order N-29-20. This executive order states that local agencies can still comply with open meeting laws if notice and accessibility requirements are met, public members can

observe and address the legislative body at the meeting, and that the legislative body provide a procedure for receiving and quickly resolving requests for reasonable accommodation for individuals with disabilities.

While the Governor's executive orders have been beneficial to local agencies trying to conform with the Brown Act's public accessibility requirements during this pandemic, there is nothing in statute that would apply the same flexibility to future emergencies. Existing law authorizes the use of teleconferencing; however, it requires the physical posting of meeting notices and agendas in locations where staff and agency members could potentially be exposed to COVID-19 or any other dangers during a state of emergency (health, fire, flood, etc.). Additionally, existing law requires that each of the remote meeting locations is to be accessible to members of the public, which goes against the directives of social distancing that are meant to help slow the spread of the disease during the pandemic. Existing law doesn't take into account the unaccustomed social practices that come with state of emergencies. This bill would update the Act to provide local agencies with a degree of flexibility while still conforming with open meeting laws during these unforeseen events.

AB 361 has gone through the legislative process, including three policy committee hearings and has been amended three times since its introduction. In its current form, the provisions in the bill apply only to state-declared emergencies and has a sunset of 1-1-24.

The bill is sponsored by the CA Special Districts Association (CSDA) and has a host of supporters including CSAC, ACWA, ACHD, The League, a list of special districts and cities, and even Orange LAFCo.

Staff is recommending a support position on the bill. The bill will make it easier for LAFCOs to meet remotely should there be a state-declared emergency. The bill has been thoroughly vetted and amended to ensure a narrow scope and limited timeframe. The bill has passed each committee with a unanimous vote and passed the Assembly floor on a party-line vote. The bill is currently on the Senate floor (not marked fiscal it will not go to Appropriations).

ATTACHMENTS

4a - AB 361 (as amended 7-6-21)

AMENDED IN SENATE JULY 6, 2021

AMENDED IN ASSEMBLY MAY 10, 2021

AMENDED IN ASSEMBLY APRIL 6, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 361

Introduced by Assembly Member Robert Rivas

February 1, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as amended, Robert Rivas. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. 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. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances, and authorizes a specified legislative body or an official designated to proclaim a local emergency. Existing law allows a local health officer to declare a local public health emergency, which, after 7 days, must be ratified by the county board of supervisors, or city council, as applicable, in order to remain in place. *circumstances.*

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

~~This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state of emergency or local emergency, emergency, as those terms are that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local proclaimed state of emergency provided the legislative body determines, held for the purpose of determining, by majority vote, that whether meeting in person would present imminent risks to the health or safety of attendees. The attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.~~

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give

notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from ~~submitting~~ *offering* public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified. ~~The~~

This bill would prohibit the legislative body 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. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, ~~local emergency~~, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a state body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

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

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 54953 of the Government Code is
2 amended to read:
3 54953. (a) All meetings of the legislative body of a local
4 agency shall be open and public, and all persons shall be permitted
5 to attend any meeting of the legislative body of a local agency,
6 except as otherwise provided in this chapter.
7 (b) (1) Notwithstanding any other provision of law, the
8 legislative body of a local agency may use teleconferencing for
9 the benefit of the public and the legislative body of a local agency
10 in connection with any meeting or proceeding authorized by law.
11 The teleconferenced meeting or proceeding shall comply with all
12 otherwise applicable requirements of this chapter and all otherwise
13 applicable provisions of law relating to a specific type of meeting
14 or proceeding.
15 (2) Teleconferencing, as authorized by this section, may be used
16 for all purposes in connection with any meeting within the subject
17 matter jurisdiction of the legislative body. All votes taken during
18 a teleconferenced meeting shall be by rollcall.
19 (3) If the legislative body of a local agency elects to use
20 teleconferencing, it shall post agendas at all teleconference
21 locations and conduct teleconference meetings in a manner that
22 protects the statutory and constitutional rights of the parties or the
23 public appearing before the legislative body of a local agency.
24 Each teleconference location shall be identified in the notice and
25 agenda of the meeting or proceeding, and each teleconference
26 location shall be accessible to the public. During the teleconference,
27 at least a quorum of the members of the legislative body shall
28 participate from locations within the boundaries of the territory

1 over which the local agency exercises jurisdiction, except as
2 provided in subdivisions (d) and (e). The agenda shall provide an
3 opportunity for members of the public to address the legislative
4 body directly pursuant to Section 54954.3 at each teleconference
5 location.

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

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

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

16 (3) Prior to taking final action, the legislative body shall orally
17 report a summary of a recommendation for a final action on the
18 salaries, salary schedules, or compensation paid in the form of
19 fringe benefits of a local agency executive, as defined in
20 subdivision (d) of Section 3511.1, during the open meeting in
21 which the final action is to be taken. This paragraph shall not affect
22 the public's right under the California Public Records Act (Chapter
23 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
24 inspect or copy records created or received in the process of
25 developing the recommendation.

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

38 (2) Nothing in this subdivision shall be construed as
39 discouraging health authority members from regularly meeting at
40 a common physical site within the jurisdiction of the authority or

1 from using teleconference locations within or near the jurisdiction
 2 of the authority. A teleconference meeting for which a quorum is
 3 established pursuant to this subdivision shall be subject to all other
 4 requirements of this section.

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

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

21 ~~(A) The legislative body holds a meeting for the purpose of~~
 22 ~~proclaiming or ratifying a local emergency.~~

23 ~~(B)~~

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

28 ~~(C)~~

29 (B) The legislative body holds a meeting during a ~~declared local~~
 30 *proclaimed state of emergency* and the legislative body determines
 31 ~~by majority vote that~~, *for the purpose of determining, by majority*
 32 *vote, whether* as a result of the emergency, meeting in person would
 33 present imminent risks to the health or safety of attendees.

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

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

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

3 (B) The legislative body shall allow members of the public to
4 access the meeting and the agenda shall provide an opportunity
5 for members of the public to address the legislative body directly
6 pursuant to Section 54954.3. In each instance in which notice of
7 the time of the teleconferenced meeting is otherwise given or the
8 agenda for the meeting is otherwise posted, the legislative body
9 shall also give notice of the means by which members of the public
10 may access the meeting and offer public comment. The agenda
11 shall identify and include an opportunity for all persons to attend
12 via a call-in option or an internet-based service option. This
13 subparagraph shall not be construed to require the legislative body
14 to provide a physical location from which the public may attend
15 or comment.

16 (C) The legislative body shall conduct teleconference meetings
17 in a manner that protects the statutory and constitutional rights of
18 the parties and the public appearing before the legislative body of
19 a local agency.

20 (D) In the event of a disruption which prevents the public agency
21 from broadcasting the meeting to members of the public using the
22 call-in option or internet-based service option, or in the event of
23 a disruption within the local agency's control which prevents
24 members of the public from ~~submitting~~ offering public comments
25 using the call-in option or internet-based service option, the body
26 shall take no further action on items appearing on the meeting
27 agenda until public access to the meeting via the call-in option or
28 internet-based service option is restored. Actions taken on agenda
29 items during a disruption which prevents the public agency from
30 broadcasting the meeting may be challenged pursuant to Section
31 54960.1.

32 (E) The legislative body shall not require public comments to
33 be submitted in advance of the meeting and must provide an
34 opportunity for the public to address the legislative body and offer
35 comment in real time. This subparagraph shall not be construed
36 to require the legislative body to provide a physical location from
37 which the public may attend or comment.

38 (F) *Notwithstanding Section 54953.3, an individual desiring to*
39 *provide public comment through the use of an internet website, or*
40 *other online platform, not under the control of the local legislative*

1 *body, that requires registration to log in to a teleconference may*
2 *be required to register as required by the third-party internet*
3 *website or online platform to participate.*

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

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

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

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

29 (A) ~~The legislative body has reconsidered the circumstances of~~
30 ~~the state of ~~emergency or local emergency.~~ *emergency.*~~

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

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

34 ~~(ii) The local emergency continues to present risks to the health~~
35 ~~or safety of members or the public if one or more members of the~~
36 ~~legislative body were to attend the meeting in person.~~

37 ~~(iii)~~

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

1 (4) For the purposes of this subdivision, ~~the following definitions~~
2 ~~shall apply:~~

3 (A) ~~“State”~~ “state of emergency” means a state of emergency
4 proclaimed pursuant to Section 8625 of the California Emergency
5 Services Act (Article 1 (commencing with Section 8550) of
6 Chapter 7 of Division 1 of Title 2).

7 (B) ~~“Local emergency”~~ means an emergency proclaimed by the
8 governing body of a county or city and county, or by an official
9 designated by ordinance adopted by that governing body pursuant
10 to Section 8630 of the California Emergency Services Act (Article
11 14 (commencing with Section 8550) of Chapter 7 of Division 1
12 of Title 2) as a result of conditions existing in all or a portion of
13 the jurisdiction of the local agency. Local emergency refers only
14 to local emergencies in the jurisdiction in which the legislative
15 body is located.

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

18 SEC. 2. *Section 54953 is added to the Government Code, to*
19 *read:*

20 54953. (a) *All meetings of the legislative body of a local*
21 *agency shall be open and public, and all persons shall be permitted*
22 *to attend any meeting of the legislative body of a local agency,*
23 *except as otherwise provided in this chapter.*

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

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

36 (3) *If the legislative body of a local agency elects to use*
37 *teleconferencing, it shall post agendas at all teleconference*
38 *locations and conduct teleconference meetings in a manner that*
39 *protects the statutory and constitutional rights of the parties or*
40 *the public appearing before the legislative body of a local agency.*

1 *Each teleconference location shall be identified in the notice and*
2 *agenda of the meeting or proceeding, and each teleconference*
3 *location shall be accessible to the public. During the*
4 *teleconference, at least a quorum of the members of the legislative*
5 *body shall participate from locations within the boundaries of the*
6 *territory over which the local agency exercises jurisdiction, except*
7 *as provided in subdivision (d). The agenda shall provide an*
8 *opportunity for members of the public to address the legislative*
9 *body directly pursuant to Section 54954.3 at each teleconference*
10 *location.*

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

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

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

21 *(3) Prior to taking final action, the legislative body shall orally*
22 *report a summary of a recommendation for a final action on the*
23 *salaries, salary schedules, or compensation paid in the form of*
24 *fringe benefits of a local agency executive, as defined in subdivision*
25 *(d) of Section 3511.1, during the open meeting in which the final*
26 *action is to be taken. This paragraph shall not affect the public's*
27 *right under the California Public Records Act (Chapter 3.5*
28 *(commencing with Section 6250) of Division 7 of Title 1) to inspect*
29 *or copy records created or received in the process of developing*
30 *the recommendation.*

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

1 number and access codes are identified in the notice and agenda
2 of the meeting.

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

10 (3) For purposes of this subdivision, a health authority means
11 any entity created pursuant to Sections 14018.7, 14087.31,
12 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
13 and Institutions Code, any joint powers authority created pursuant
14 to Article 1 (commencing with Section 6500) of Chapter 5 of
15 Division 7 for the purpose of contracting pursuant to Section
16 14087.3 of the Welfare and Institutions Code, and any advisory
17 committee to a county-sponsored health plan licensed pursuant to
18 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
19 Health and Safety Code if the advisory committee has 12 or more
20 members.

21 (e) This section shall become operative January 1, 2024.

22 ~~SEC. 2.~~

23 SEC. 3. It is the intent of the Legislature in enacting this act to
24 improve and enhance public access to local agency meetings during
25 the COVID-19 pandemic and future applicable emergencies, by
26 allowing broader access through teleconferencing options
27 consistent with the Governor’s Executive Order No. N-29-20 dated
28 March 17, 2020, permitting expanded use of teleconferencing
29 during the COVID-19 pandemic.

30 ~~SEC. 3.~~

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

1 This act is necessary to ensure minimum standards for public
2 participation and notice requirements allowing for greater public
3 participation in teleconference meetings during applicable
4 emergencies.

O

LEGISLATIVE COMMITTEE MEETING STAFF REPORT

July 23, 2021

Agenda Item No. 5 Other CALAFCO Tracked Legislation Affecting LAFCo

Prepared By: Pamela Miller, Legislative Committee Chair

Date: July 23, 2021

RECOMMENDATION

1. Receive and file the report.

DISCUSSION

There are five (5) bills that CALAFCO has either been actively involved in or have a direct impact to one or more of our member LAFCos that have had some kind of substantive change or action since our last meeting on June 18, 2021. This brief report updates the Committee on those bill changes.

PRIORITY ONE BILLS

AB 1195 (C. Garcia) Drinking Water

Current position: WATCH

Discussed at length during the June 18, 2021 meeting, CALAFCO and LA LAFCo revised, updated and sent our next set of suggested amendments to the author and Speaker's offices. The bill was awaiting hearing in Senate Natural Resources and Water when CALAFCO received notification on June 24 it was changing to a two-year bill. CALAFCO's most recent set of amendments that are on the table for next year are included as attachment 5a.

PRIORITY THREE BILLS

AB 897 (Mullin) Regional Climate Networks

Current position: SUPPORT

During the June 18, 2021 meeting, the Committee voted to support AB 897 when our requested amendment that includes LAFCo as an eligible entity to join the regional climate networks was in print. The bill was amended on July 1, 2021 to add LAFCos. As a result, CALAFCO now has a support position.

AB 903 (Frazier) Los Medanos Health Care District

Current position: WATCH

This bill dissolves the Los Medanos Health Care District in Contra Costa County. While the Contra Costa LAFCo and the County of Contra Costa County were in support, the bill managed to gather a few opponents including ACHD, CSDA and the CA State NAACP. The bill failed to make it out of the Senate Governance and Finance Committee, but was granted reconsideration, which means the bill may be heard again in 2022.

AB 1021 (Mayes) Imperial Irrigation District

Current position: OPPOSE UNLESS AMENDED

This bill was amended on July 1, 2021 and those amendments: (1) Add an urgency clause; (2) Require the study to be completed by 7-1-22 (instead of 7-1-23), and (3) Remove voting rights from the study. There is still no funding written into the bill, although budget trailer bill SB 129 contains the appropriation. As the appropriation of \$500,000 goes directly to the County of Riverside, a process by which both LAFcos receive that funding must be established and outlined within the text of the bill.

CALAFCO recently met with Assm. Mayes, and a meeting is forthcoming between the Member's staff, CALAFCO, and Imperial and Riverside LAFcos to discuss language. CALAFCO will remain Oppose Unless Amended until agreeable language is sorted out and in print.

SB 96 (Dahle) Fallen Leaf Lake CSD

Current position: WATCH

As has been previously reported to the Committee, CALAFCO reached out to the consultants of the Senate Governance & Finance Committee with concern that a broader fix needed to be considered for the matter of landowner/registered voter districts (and the problem of securing a 5-member Board). CALAFCO has been working with the sponsors of the bill to discuss a broader fix.

Thank you to David Braun, David Fey, José Henríquez and Erica Sanchez for working with CALAFCO staff on this issue. Conversations continue and as CALAFCO understands, the sponsor's intent is to get some draft language in print before the end of session as a starting point for conversation for next year, as this is a 2-year bill. Language will be brought back to the Committee for discussion once it is available.

ATTACHMENTS

5a - AB 1195 (Garcia) CALAFCO draft proposed amendments dated 6/18/21

CALAFCO PROPOSED AMENDMENTS
AS OF JUNE 18, 2021

AMENDED IN ASSEMBLY MAY 24, 2021

AMENDED IN ASSEMBLY APRIL 6, 2021

california legislature—2021–22 regular session

ASSEMBLY BILL

No. 1195

Introduced by Assembly Member Cristina Garcia

February 18, 2021

An act to amend Section 116681 of, to add Section 116351 to, ~~and~~ to add Article 9.5 (commencing with Section 116688) to Chapter 4 of Part 12 of Division 104 of, *and to repeal Section 116690 of*, the Health and Safety Code, relating to water.

legislative counsel's digest

AB 1195, as amended, Cristina Garcia. Drinking water.

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 relating to the regulation of drinking water to protect public health. *The act authorizes the state board to order consolidation with, or extension of service from, a receiving water system if 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 if a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water.*

Existing law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Existing law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the

moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients.

~~This bill would prohibit, once an operator of a public water system exercises water rights for the benefit of the public water system, those surface water rights or groundwater rights from being severed or otherwise separated from the public water system. prohibit a public water system from transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed.~~

The bill would enact the Southern Los Angeles County Human Right to Water Collaboration Act, which would require the state board to appoint a ~~commissioner~~ *commissioner, from its own staff located in the County of Los Angeles*, to, among other things, expend moneys from the Safe and Affordable Drinking Water Fund on behalf of the state board for eligible purposes and recipients in southern Los Angeles County, within the jurisdictional boundaries of the Water Replenishment District of Southern ~~California~~ *California, excluding the area overlying the West Coast Groundwater Basin*, and in collaboration with the communities and operators of public water systems in the region. The bill would require the commissioner, on or before December 31, 2024, to develop and submit to the state board a plan for the long-term sustainability of public water systems in southern Los Angeles County, in collaboration with a technical advisory board, which the bill would create. The bill would require the technical advisory board to be composed of an unspecified number of members, with one member appointed by the state board and the remaining members *authorized to be appointed by specified and unspecified entities*.

In preparing the plan, the bill would require the commissioner, among other things, to oversee *and collaborate with the state-funded work of the Water Replenishment District of Southern California in a specified assessment and to consult with the Los Angeles County Local Agency Formation Commission regarding effective public water system governance strategies in the region, as specified. region. The bill would authorize the state board to adopt and implement the plan, subject to specified requirements.* The bill would require the commissioner to oversee the expenditure of all state funding for groundwater cleanup in the region and ~~to oversee the operations of the Central Basin Municipal Water District in selling drinking water and recycled water to public water systems in its jurisdiction.~~ The bill would authorize the commissioner to ~~require~~ *order an audit or a financial review of the*

~~Central Basin Municipal Water District to pay for an audit directed by the commissioner. By imposing or an operator of a public water system that seeks or has received state funding or benefits. To the extent this would impose additional requirements on the Central Basin Municipal Water District, the bill would impose a state-mandated local program.~~

~~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.~~

The bill would establish a pilot program, until January 1, 2027, pursuant to which the commissioner would be required to submit an application to the Los Angeles County Local Agency Formation Commission proposing a plan for extension of service from, or consolidation and dissolution of, public water systems, as prescribed. The bill would require the Los Angeles County Local Agency Formation Commission, no later than 120 days after receipt of a completed application, to hold 2 public hearings and make final its approval, approval with condition, or denial of the consolidation or extension of service. By imposing additional requirements on the Los Angeles County Local Agency Formation Commission, the bill would impose a state-mandated local program.

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

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

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

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

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

- 1 ~~SECTION 1. Section 116351 is added to the Health and Safety~~
- 2 ~~Code, to read:~~

1 ~~116351. Once an operator of a public water system exercises~~
2 ~~water rights for the benefit of the public water system, those surface~~
3 ~~water rights or groundwater rights shall not be severed or otherwise~~
4 ~~separated from the public water system.~~

5 *SECTION 1. Section 116351 is added to the Health and Safety*
6 *Code, to read:*

7 *116351. A public water system shall not transfer or abandon*
8 *a water right held by the public water system except upon approval*
9 *of the state board, which may condition an approval in furtherance*
10 *of the policies of this chapter and Sections 106.3, 113, and 85023*
11 *of the Water Code.*

12 *SEC. 2. Section 116681 of the Health and Safety Code is*
13 *amended to read:*

14 *116681. The following definitions shall apply to this section,*
15 *Sections 116682, 116684, and 116686, and Article 9.5*
16 *(commencing with Section 116688):*

17 (a) *“Adequate supply” means sufficient water to meet residents’*
18 *health and safety needs at all times.*

19 (b) *“Affected residence” means a residence within a*
20 *disadvantaged community that is reliant on a water supply that is*
21 *either inadequate or unsafe and that is not served by a public water*
22 *system or state small water system.*

23 (c) *“At-risk domestic wells” means domestic wells that serve a*
24 *disadvantaged community and are at risk of consistently failing*
25 *to provide an adequate supply of safe drinking water as determined*
26 *by the state board pursuant to the methodology established in the*
27 *2021 Drinking Water Needs Assessment referenced in subdivision*
28 *(b) of Section 116769, or a substantially similar methodology*
29 *adopted by the state board in an update to the Drinking Water*
30 *Needs Assessment.*

31 (d) *“At-risk water system” means a water system that meets all*
32 *the following conditions:*

33 (1) *The water system is either a public water system with 3,300*
34 *or fewer connections or a state small water system.*

35 (2) *The system serves a disadvantaged community.*

36 (3) *The system is at risk of consistently failing to provide an*
37 *adequate supply of safe drinking water, as determined by the state*
38 *board pursuant to the methodology established in the 2021*
39 *Drinking Water Needs Assessment referenced in subdivision (b)*
40 *of Section 116769, or a substantially similar methodology adopted*

1 by the state board in an update to the Drinking Water Needs
2 Assessment.

3 ~~(e)~~
4 (e) “Consistently fails” means a failure to provide an adequate
5 supply of safe drinking water.

6 ~~(f)~~
7 (f) “Consolidated water system” means the public water system
8 resulting from the consolidation of a public water system with
9 another public water system, state small water system, or affected
10 residences.

11 ~~(g)~~
12 (g) “Consolidation” means joining two or more public water
13 systems, state small water systems, or affected residences into a
14 single public water system.

15 ~~(h)~~
16 (h) “Disadvantaged community” means a disadvantaged
17 community, as defined in Section 79505.5 of the Water Code.

18 ~~(i)~~
19 (i) “Domestic well” means a groundwater well used to supply
20 water for the domestic needs of an individual residence or a water
21 system that is not a public water system and that has no more than
22 four service connections.

23 ~~(j)~~
24 (j) “Extension of service” means the provision of service through
25 any physical or operational infrastructure arrangement other than
26 consolidation.

27 ~~(k)~~
28 (k) “Infill site” means a site within the area served by a
29 subsumed water system that, as of the date of consolidation, is
30 adjacent to a parcel that is developed for qualified urban uses.

31 (l) “Los Angeles commission” means the local agency formation
32 commission ~~of~~for the County of Los Angeles.

33 ~~(m)~~
34 (m) “Qualified urban use” means any residential, commercial,
35 public institutional, industrial, transit or transportation facility, or
36 retail use, or any combination of those uses.

37 ~~(n)~~
38 (n) “Receiving water system” means the public water system
39 that provides service to a subsumed water system through
40 consolidation or extension of service.

1 ~~(t)~~
2 (o) “Safe drinking water” means water that meets all primary
3 and secondary drinking water standards.

4 ~~(m)~~
5 (p) “State small water system” has the same meaning as provided
6 in Section 116275.

7 ~~(n)~~
8 (q) “Subsumed water system” means the public water system,
9 state small water system, or affected residences served by domestic
10 wells consolidated into or receiving service from the receiving
11 water system.

12 SEC. 3. Article 9.5 (commencing with Section 116688) is
13 added to Chapter 4 of Part 12 of Division 104 of the Health and
14 Safety Code, to read:

15
16 Article 9.5. Southern Los Angeles County Human Right to
17 Water Collaboration Act
18

19 116688. This article shall be known, and may be cited, as the
20 Southern Los Angeles County Human Right to Water Collaboration
21 Act.

22 116689. (a) The state board shall appoint a ~~commissioner~~
23 *commissioner, from its own staff located in the County of Los*
24 *Angeles, to implement the state board’s Safe and Affordable*
25 *Funding for Equity and Resilience (SAFER) Program established*
26 *pursuant to Chapter 120 of the Statutes of 2019 in southern Los*
27 *Angeles County, within the jurisdictional boundaries of the ~~Water~~*
28 *~~Replenishment District of Southern California California,~~*
29 *~~excluding the area overlying the West Coast Groundwater Basin~~ defined boundaries of the*
30 *Central Groundwater Basin,*

31 and in collaboration with the communities and operators of public
32 water systems in the region.

33 (b) In implementing the SAFER Program in southern Los
34 Angeles County, the commissioner shall, on behalf of the state
35 board, expend moneys from the Safe and Affordable Drinking
36 Water Fund established pursuant to Section 116766, subject to the
37 state board’s approval, for the purposes, and to the eligible
38 recipients, identified in Section 116766. The commissioner may
39 take any reasonable action to accomplish those purposes. Pursuant
40 to subdivision (f) of Section 116766, the commissioner shall make
reasonable efforts to ensure that funds are used to secure the

1 long-term sustainability of drinking water service and
2 infrastructure, including, but not limited to, requiring adequate
3 technical, managerial, and financial capacity of eligible applicants
4 as part of funding agreement outcomes.

5 (c) (1) In addition to the authority established in subdivision
6 (b), the commissioner may do either of the following:

7 (A) Assist operators of public water systems in operating and
8 managing their public water systems, including, but not limited
9 to, funding, technical assistance, and other collaboration that
10 promotes economies of scale.

11 (B) Serve as an administrator of a public water system pursuant
12 to Section 116686, or as a receiver of a public water system
13 pursuant to court order, for a public water system that serves a
14 disadvantaged community or that consistently fails or is at risk of
15 doing so, as determined by the commissioner.

16 (2) The commissioner shall seek available funding from state
17 and local sources to fund its activities.

18 (d) The commissioner shall, on or before December 31, 2024,
19 develop and submit to the state board a plan for the long-term
20 sustainability of public water systems in southern Los Angeles
21 County, in collaboration with the technical advisory board
22 established pursuant to Section 116690. In preparing the plan, the
23 commissioner shall do all of the following:

24 (1) Oversee *and collaborate with* the *state-funded* work of the
25 Water Replenishment District of Southern California in assessing
26 the conditions of small public water systems in its jurisdiction
27 pursuant to Item 3860-101-0001 of Section 2.00 of the Budget Act
28 of 2019 (Chapter 23 of the Statutes of 2019), including the
29 sufficiency of each small public water system's water quality and
30 water ~~rights~~ *supply portfolio*. The plan shall include evaluation
31 of each small public water system's technical, managerial, and
32 financial conditions, which may qualify the small public water
33 system for some types of financial assistance.

34 (2) Review the assessment described in paragraph (1) and
35 evaluate public water systems and other water infrastructure in the
36 region. The evaluation shall include assessment of the physical
37 conditions of groundwater wells and groundwater quality.

38 (3) Identify projects, processes, and systems that may assist
39 public water systems that consistently fail or are at risk of doing
40 so, as determined by the ~~commissioner~~ *commissioner in*

1 accordance with the risk factors used in the SAFER Program. For
2 a public water system in a disadvantaged community, the
3 commissioner may consider groundwater wells or groundwater
4 quality that pose a risk to the public water system of consistently
5 failing and identify actions necessary to either assist that public
6 water system or determine appropriate changes for the public water
7 system in accordance with applicable law.

8 (4) (A) Plan for the consolidation of public water systems that
9 either consistently fail or are at risk of doing so, as determined by
10 the commissioner. The plan shall include identification of a
11 receiving water system operated by a municipality or other public
12 agency, without regard to jurisdictional boundaries. The
13 commissioner shall propose receiving water systems to the state
14 board for consolidation proceedings pursuant to Section 116682.
15 This paragraph does not preclude the operator of a public water
16 system or a state small water system from proposing a voluntary
17 consolidation for the identified subsumed water system.
18 commissioner after considering comments from stakeholders, the
19 customers of the public water systems, and the public. The regional
20 plan required by this subdivision shall identify the public water
21 systems that may be subject to consolidation, ~~however the decision~~
~~22 to order consolidations or extensions of service remains with the~~
~~23 state board~~ This paragraph does not preclude the state board from
ordering consolidations or extensions of service pursuant to Section
116682 and subject to the local
24 agency formation commission process in Section 116690
pursuant to Section 116690(c).

25 (B) Before completion of the plan, the commissioner shall
26 identify failing and at-risk water systems in the region and request
27 the state board to determine, after a public hearing, whether each
28 public water system meets the requirements for consolidation in
29 Section 116682. The operator of the public water system may
30 voluntarily acknowledge, without a public hearing, that it meets
31 the requirements for consolidation.

32 (C) Upon a determination that a public water system qualifies
33 for consolidation, the commissioner shall apply no later than sixty
(60) days after that determination is made, to the Los Angeles
34 commission for a plan for extension of service, ~~or~~ consolidation
35 and/or dissolution, as provided in Section 116690.

36 (D) ~~If the Los Angeles commission has not completed its work~~
~~37 under subparagraph (C) on a particular public water system~~
~~by~~
~~38 September 30, 2024, the commissioner's plan may identify a~~
~~public~~
~~39 water system subject to consolidation without providing a~~
~~plan~~

1 ~~for extension of service, or consolidation and dissolution of the~~
2 ~~public water system.~~

3 (E) This paragraph does not preclude the operator of a public
4 water system or a state small water system from proposing a
5 voluntary consolidation for the identified subsumed water system.

6 **INSERT Subdivision (f) here as new Subsection (5)**

7 ~~(5)~~ Consult with the Los Angeles County Local Agency
8 ~~Formation Commission~~ commission regarding effective public
9 water system governance strategies in the region and how the Los
10 Angeles County Local Agency Formation Commission may
11 facilitate consolidation of public water systems that consistently
12 fail or are at risk of doing so, as determined by the commissioner.
13 region.

14 (e) The state board may adopt and implement the plan prepared
15 by the commissioner, as required by subdivision (d). Before
16 adopting the plan or approving any substantial revisions after the
17 plan is adopted, the state board shall hold at least one public
18 hearing in southern Los Angeles County, after public notice at
19 least 30 days before the hearing. The state board shall post an
20 adopted plan, as it may be amended, on its internet website.
21 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
22 3 of Title 2 of the Government Code does not apply to the state
23 board's adoption or amendment of the plan.

24 (e) ~~(f)~~ The commissioner shall oversee the operations of may
order

25 an audit or a financial review of the Central Basin Municipal Water
26 District in selling drinking water and recycled water to public water
27 systems in its jurisdiction. The Central Basin Municipal Water
28 District shall cooperate with the commissioner in exercising the
29 commissioner's oversight responsibilities. The commissioner may
30 require the Central Basin Municipal Water District to pay for an
31 audit directed by the commissioner, or an operator of a public
32 water system that seeks or has received state funding or other
33 benefits from the state board to support its public water
system.^[PM1]

34 The California State Auditor ~~may~~ shall cooperate with the
commissioner
35 regarding the an audit of the Central Basin Municipal Water
36 District, using the findings of the California State Auditor's 2015
37 audit of the Central Basin Municipal Water District. that district.

38 (f)

39 (f) The commissioner shall oversee, on behalf of the state board,
40 the expenditure of all state funding for groundwater cleanup in the

1 region. This oversight shall include identification, for basins in
2 the region, of significant contaminants and potential remediation
3 of perfluorooctane sulfonate (PFOS). The commissioner shall
4 investigate a range of options to pay for remediating groundwater
5 contamination in the region, including methods to hold polluters
6 accountable for their groundwater contamination.

7 116690. (a) For purposes of this article, a pilot program is
8 hereby established for the Los Angeles commission. The application
9 to the Los Angeles commission proposing a plan for extension of
10 service, ~~or consolidation, or and~~ dissolution if appropriate,
as

11 provided in subparagraph (C) of paragraph (4) of subdivision (d)
12 of Section 116689, shall include all of the following:

13 (1) A plan for services pursuant to paragraphs (1) to (5),
14 inclusive, of subdivision (b) of Section 56653 of the Government
15 Code.

16 (2) The public water system service areas affected by the
17 consolidation, including boundary maps and legal descriptions.

18 (3) Identification of any adjacent agencies that could provide
19 services in lieu of the proposed consolidation.

20 (4) The recorded violations of drinking water or other public
21 water system standards causing the entity to consistently fail or
22 be at risk of failing to provide an adequate supply of safe drinking
23 water.

(5) Identification of all entities and options for extension of service, consolidation, or
dissolution to be considered by the Los Angeles commission pursuant to subdivision (e) of Section
116690.

24 ~~(65)~~ Indemnification of the Los Angeles commission.

25 ~~(76)~~ An application fee as determined by the Los Angeles commission.

26 (b) No later than 120 days after receipt of a completed
27 application pursuant to subparagraph (C) of paragraph (4) of
28 subdivision (d) of Section 116689, the Los Angeles commission
29 shall hold two public hearings in accordance with Section 56661
30 of the Government Code and make final its approval, approval
31 with terms and conditions, or denial of the consolidation,
dissolution, or extension of

32 service. In deliberating on proposed receiving water systems, the
33 Los Angeles commission shall prioritize the most affordable water
34 rates, best customer service, and most effective plans for
35 maintaining and improving infrastructure and management
36 systems.

(c) The Los Angeles commission shall ensure the following factors have been considered for
all entities and options for extension of service, consolidation, or dissolution, as provided by the
commissioner, prior to making final determinations and approving, approving with terms and
conditions, or denying the extension of service, consolidation, or dissolution: (List still being
worked on)

(1) Affordability of services for ratepayers.

(2) The technical, managerial, and financial capability to provide consistent and reliable
customer service.

(3) Effectiveness of the governing body.

(4) Level of accountability and transparency to ratepayers, other public agencies, stakeholders,
and the general public.

(d) For purposes of this section, the Los Angeles commission shall, by October 1, 2022,
through a local public process, adopt a policy establishing specific criteria to measure the factors in

subsection (c).

37 ~~(ee)~~ If the Los Angeles commission fails to act on an
application
38 for consolidation or extension of service pursuant to this section,
39 the commissioner shall propose receiving water systems to the

1 state board for consolidation proceedings pursuant to Section
2 116682.

3 ~~(ef)~~ For purposes of this section, the Los Angeles commission
4 ~~may shall~~ also consider consolidation or extension of service to
include

5 any of the following, after first considering public water agency
6 options:

7 (1) ~~A local publicly owned utility that provides retail water~~
1. 8 service A municipal-owned utility which provides retail water service, both
within the involved city and outside the city's jurisdictional boundary.

9 (2) A privately owned water company.

10 (3) A mutual water company.

11 ~~(eg)~~ For purposes of this section, the Los Angeles commission
12 may waive the property tax transfer process in Article 5
13 (commencing with Section 99) of Chapter 6 of Part 0.5 of Division
14 1 of the Revenue and Taxation Code.

15 ~~(fh)~~ For purposes of this section, the Los Angeles commission
16 may determine the structure of the governing board of any involved
17 consolidated agency or successor agency.

18 ~~(gi)~~ Actions taken by the Los Angeles commission pursuant to
19 this section are not subject to Article 3 (commencing with Section
20 56895) of Chapter 6 of Part 3 of Division 3 of Title 5 of the
21 Government Code or protest or election proceedings pursuant to
22 Part 4 (commencing with Section 57000) of Division 3 of Title 5
23 of the Government Code.

(j) For purposes of this section the approval of the Los Angeles commission of an extension of service, consolidation, or dissolution, may authorize an a local publicly owned utility that provides retail water service, a privately owned water company, or a mutual water company to provide retail water service outside its jurisdictional boundary and/or outside its sphere of influence boundary. For purposes of this subsection, the Los Angeles commission shall have the discretion to determine whether, and to what extent, the requirements of Section 56133 of Chapter 3 of Part 1 of Division 3 of Title 5 of the Government Code Government Code Section 56133 shall apply.

24 ~~(hk)~~ The Los Angeles commission or the receiving water system
25 may determine the legality of the existence of the receiving water
26 system or validate the financial provisions of a proposal in an
27 action brought pursuant to Chapter 9 (commencing with Section
28 860) of Title 10 of Part 2 of the Code of Civil Procedure.

29 ~~(il)~~ This section shall remain in effect only until January 1, 2027,
30 and as of that date is repealed.

31 116691. Division 13 (commencing with Section 21000) of the
32 Public Resources Code does not apply to either of the following:

33 (a) A consolidation or extension of service pursuant to this
34 article.

35 (b) The dissolution of a public water system pursuant to this
36 article.

37 ~~116690.~~

38 116692. (a) (1) The commissioner shall be advised by a
39 technical advisory board of experts in water management or water
40 policy consisting of 5 members. Each member, except the

1 member specified in paragraph (2), shall have at least five years
2 of experience in a managerial level position with a water supplier,
3 in operations, water quality, or finance, or as a general manager
4 of a water supplier.

5 (2) One of the members shall be appointed by the state board
6 and shall have at least one year of experience at a senior level of
7 a nonprofit organization engaging communities in the region on
8 water issues, which may include a member of the state board's
9 SAFER Advisory Group. *Upon appropriation by the Legislature,*
10 *the state board shall pay that member's expenses and a reasonable*
11 *stipend for the member's participation in technical advisory board*
12 *meetings.*

13 (3) ~~Each~~ *In addition to the member appointed under paragraph*
14 *(2), each of the following entities shall may appoint one member*
15 *to the technical advisory board:_____.*

16 (A) *The County of Los Angeles Department of Public Works.*

17 (B) *The Water Replenishment District of Southern California.*

18 (C) *The Los Angeles Chapter of the League of California Cities.*

*_____ (D) The Los Angeles County Chapter of the American Council of Engineering Companies,
or the Metropolitan Los Angeles Branch of the Los Angeles Section of the American Society of
Civil Engineers.*

19 (b) The technical advisory board may promote regional
20 collaboration by developing alternatives for creating sustainable
21 public water systems in the region, which the commissioner may
22 consider in preparing the plan pursuant to subdivision (d) of Section
23 116689.

24 (c) (1) ~~An entity appointing a member to the board may replace~~
25 ~~their member as required.~~ *If a board member office is declared*
26 *vacant, the appointing entity shall appoint a successor.*

27 (2) ~~A majority of the members of the board may vote to request~~
28 ~~the replacement of another member of the board.~~ *Board members shall be appointed to two-*
year terms, with the terms being staggered. Three of the six appointees shall begin with a one-year
term and three with a two-year term.

29 (d) An entity appointing a member to the board shall compensate
30 the member commensurate with the entity's compensation policies
31 and shall provide for out-of-pocket expenses and travel associated
32 with the member's activities on the technical advisory board.

33 (e) (1) In December of each year, the technical advisory board
34 shall select a president to serve a one-year term starting on the
35 following January 1.

36 (2) The technical advisory board shall meet ~~twice each month~~
37 ~~and~~ *as needed to address interventions and the need of the*
38 *commissioner for the identification of operational and technical*
39 *resources.*

1 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
2 ~~Section 6 of Article XIII B of the California Constitution because~~
3 ~~a local agency or school district has the authority to levy service~~
4 ~~charges, fees, or assessments sufficient to pay for the program or~~
5 ~~level of service mandated by this act, within the meaning of Section~~
6 ~~17556 of the Government Code.~~

7 *SEC. 4. No reimbursement is required by this act pursuant to*
8 *Section 6 of Article XIII B of the California Constitution because*
9 *a local agency or school district has the authority to levy service*
10 *charges, fees, or assessments sufficient to pay for the program or*
11 *level of service mandated by this act, within the meaning of Section*
12 *17556 of the Government Code.*

13 *However, if the Commission on State Mandates determines that*
14 *this act contains other costs mandated by the state, reimbursement*
15 *to local agencies and school districts for those costs shall be made*
16 *pursuant to Part 7 (commencing with Section 17500) of Division*
17 *4 of Title 2 of the Government Code.*

O

CALAFCO Daily Legislative Report as of Saturday, July 17, 2021

1

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

Current Text: Amended: 7/5/2021 [html](#) [pdf](#)

Introduced: 1/28/2021

Last Amended: 7/5/2021

Status: 7/14/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (July 13).
Re-referred to Com. on APPR.

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

Calendar:

8/16/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary:

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.

Attachments:

[AB 339 Fact Sheet](#)

Position: Watch

Subject: Other

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

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

This bill is sponsored by the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

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

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

All requirements remain unfunded mandates.

Amended on 5-4-21 as a result of the ALGC hearing, this version of the bill now:

- Limits the bill's applicability to the meetings of city councils and county boards of supervisors only, the jurisdictions of which contain a population of at least 250,000 people;

- Requires public access via telephone OR internet (not both);
- Removes language requiring two-way operability for internet;
- Removes all language translation requirements;
- Removes language allowing local agencies to require members of the public to register in order to provide public comment;
- Removes language allowing teleconferencing to be used by members of the legislative body (to avoid inadvertently precluding the use of teleconferencing by the public);
- Refines language referring to "all meetings" to state "all open and public meetings" (to ensure closed sessions are not subject to the provisions of the bill);
- Restores current law allowing public comment before an agenda item is taken up; and,
- Adds a sunset date of December 31, 2023.

As amended 6/25/21 - The bill requires a city or county with over 250,000 to conduct public meetings with a two-way telephone or internet option for the public. It also requires them, if as of 6-15-21 the agency has provided video streaming of their public meetings, to continue to do so. Also requires the agency to provide in-person public comment unless the law prohibits in-person gatherings.

UPDATE: The 7/5/21 amendment specifies that the agency shall continue to provide streaming if they have conducted at least one (not all) meeting in that manner as of 6-15-21.

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

Current Text: Amended: 7/6/2021 [html](#) [pdf](#)

Introduced: 2/1/2021

Last Amended: 7/6/2021

Status: 7/15/2021-Read second time. Ordered to third reading.

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

Summary:

Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

Attachments:

[AB 361 Fact Sheet](#)

Position: Watch

Subject: Brown Act

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

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

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

emergency remain active, to make certain findings that the emergency still exists and prevents in-person meetings.

As amended on 5-10-21, the amendments tighten restrictions for in-person meetings to only the determination that meeting in person presents imminent risk to the health and safety of attendees (removing the option to consider if attendance by one of more members of the legislative body is hindered).

UPDATE: As amended 7/6/21, the bill now only applies to state declared emergencies; adds specific requirements for making accommodations for various types of public comment processes during local government meetings; adds a sunset date of 1-1-24; and allows agencies to use telecon methods to meet and specifies requirements for those meetings.

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

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

Current Text: Amended: 4/29/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Last Amended: 4/29/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 2/25/2021) (May be acted upon Jan 2021)

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

Summary:

Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act’s requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the notice requirements particular to teleconferencing and would revise the requirements of the act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction.

Position: Watch

Subject: Brown Act

CALAFCO Comments: As amended on 4/29/21, the bill requires local agencies to allow for public participation during meetings of the legislative body both at in-person and via a call-in or internet-based option. It further requires that if the agency holds a teleconference meeting, at least a quorum of the governing body shall participate in person from a single location which shall be open to the public (and located within the boundaries of the jurisdiction).

Despite these requirements, the bill is not marked fiscal. Further, it applies only to local agencies, not state agencies.

The bill is sponsored by Three Valleys Municipal Water Agency.

AB 1195 (Garcia, Cristina D) Drinking water.

Current Text: Amended: 5/24/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/24/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was N.R. & W. on 6/9/2021)(May be acted upon Jan 2022)

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

Summary:

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

transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed.

Attachments:

[AB 1195 Fact Sheet](#)

Position: Watch With Concerns

Subject: Water

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

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

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

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

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

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

THIS IS NOW A 2-YEAR BILL.

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

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 3/9/2021

Last Amended: 4/19/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 31, Statutes of 2021.

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires, when a proposed change of organization or

reorganization applies to 2 or more affected counties, that exclusive jurisdiction vest in the commission of the principal county, unless certain things occur. This bill would add the determination of a sphere of influence to the types of proposed changes for which exclusive jurisdiction may or may not vest in a principal county.

Attachments:

- [LAFCo Template Request Gov Signature](#)
- [CALAFCO Request Governor Signature June 2021](#)
- [LAFCo Support letter template](#)
- [CALAFCO Support letter](#)

Position: Sponsor

Subject: CKH General Procedures

CALAFCO Comments: This is the annual ALGC Omnibus bill which CALAFCO sponsors. Sections amended are: 56133(a) and (f); 56325.1 (renumbered to 56331.4); 56427; and 56879(a).

As amended on 4/19, additional sections amended include 56066, 56123, 56124, 56375. Further the bill repeals sections 56375.2, 56387, 56388, 56747, 56760, 57001.1, 57075.5, 57202.1 and 57383.

SB 810 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 36, Statutes of 2021.

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

Summary:

This bill would enact the First Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Attachments:

- [CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

SB 811 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 37, Statutes of 2021.

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

Summary:

This bill would enact the Second Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Attachments:

- [CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

SB 812 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 38, Statutes of 2021.

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

Summary:

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

Attachments:

[CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

2

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

Current Text: Amended: 7/5/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Last Amended: 7/5/2021

Status: 7/7/2021-From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 7. Noes 0.) (July 7). Re-referred to Com. on APPR.

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

Calendar:

8/16/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary:

The California Safe Drinking Water Act provides for the operation of public water systems, which include small community water systems, and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the Public Utilities Commission through an order authorizing the water or sewer system corporation to consolidate with a small community water system or state small water identified as failing or at risk of failing by the state board.

Attachments:

[AB 1250 Fact Sheet 2021](#)

Position: Watch

Subject: Municipal Services, Water

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

The bill requires the PUC to prioritize consolidation requests based on compliance records and requires the entity requesting consolidation to conduct a thorough public process.

The bill is sponsored by the California Water Association and does not have an impact on LAFcos. Nevertheless, CALAFCO will keep a watch on the bill. A fact sheet is posted in the tracking section of the bill.

The amendments on 5/24/21 establish the Consolidation For Safe Drinking Water Fund, with all moneys available, upon appropriation, going to the PUC in order to process the applications and cover any associated regulatory costs, and requires a water or sewer system corporation to pay a fee of \$10,000 when filing an application pursuant to the above provision and requires the fee to be deposited into the fund.

UPDATE: The 7/5/21 amendments change the type of system focused for consolidation from public to small community. Also adds the ability to consolidate systems to include state small systems, and no longer requires the consolidation to be into a public system. Also extended the PUC timeline to approve

or deny an application for consolidation from 8 to 12 months.

SB 403 (Gonzalez D) Drinking water: consolidation.

Current Text: Amended: 7/5/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Last Amended: 7/5/2021

Status: 7/14/2021-July 14 set for first hearing. Placed on suspense file.

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

Summary:

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

Attachments:

- [CALAFCO Removal of Opposition Letter June 2021](#)
- [CALAFCO Oppose Unless Amended Letter April 2021](#)
- [SB 403 Fact Sheet 2021](#)

Position: Neutral

Subject: Disadvantaged Communities, Water

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

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

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

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

As amended on 4/27/21, the bill now defines "at risk system" and "at risk domestic well"; creates an appeal process for potentially subsumed water systems; requires inspection or testing of wells to determine "at risk" status; and allows the Board to prioritize systems historically overburdened by pollution and industrial development or other environmental justice concerns. It also puts a cap of 3,300 or fewer connections on systems that can be subsumed. These amendments address 2 of our 3 requested amendments. We will continue to work with the author on requiring the SWRCB to consult with GSAs on wells.

Amends from 6/8/21 add a requirement for the Water Board to consult with GSAs. This is the last remaining amendment requested by CALAFCO so we have removed our opposition and gone to Neutral. The other amendment in this version simply reorders a subsection with no substantive

impacts.

UPDATE: Amended on 7/5, the bill now requires the water board to consult with the potentially receiving water system and adds language that specifies the input allowed by that system (amendments requested by ACWA and granted during the ALGC hearing).

3

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

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

Introduced: 12/7/2020

Last Amended: 1/21/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 1/11/2021)(May be acted upon Jan 2022)

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

Summary:

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

Attachments:

[AB 11 Fact Sheet](#)

Position: Watch

Subject: Other

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

The bill outlines the regional climate change authorities in summary as: coordination, capacity-building, and technical assistance activities within their boundaries, promote regional alignment and assist local agencies in creating and implementing plans developed pursuant to Section 65302 of the Government Code, other federal or state mandates, and programs designed address climate change impacts and risks. The bill also requires the authority to submit annual reports to the SGC, with the scope of the report outlined in the bill.

This is an author-sponsored bill. There is no appropriation to fund the cost of the program. A fact sheet is posted in the tracking section of the bill.

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

AB 473 (Chau D) California Public Records Act.

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

Introduced: 2/8/2021

Status: 7/8/2021-From Consent Calendar. Ordered to third reading.

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

Summary:

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

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2138 from 2020 that did not move forward. According to

the author's office, this bill and AB 474 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

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

Current Text: Amended: 6/21/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Last Amended: 6/21/2021

Status: 7/8/2021-From Consent Calendar. Ordered to third reading.

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

Summary:

Would enact various conforming and technical changes related to another bill, AB 473, which recodifies and reorganizes the California Public Records Act. This bill would only become operative if AB 473 is enacted and reorganizes and makes other nonsubstantive changes to the California Public Records Act that become operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

Position: Watch

Subject: Public Records Act

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

Amendments of 5/27 are technical and minor in nature, and make it the conforming act to AB 473.

UPDATE: Amendments from 6/21/21 are only minor, technical clean-up amends.

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

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

Introduced: 2/17/2021

Last Amended: 7/14/2021

Status: 7/14/2021-Read second time and amended. Re-referred to Com. on APPR.

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

Calendar:

8/16/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary:

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

Attachments:

[AB 897 Fact Sheet](#)

Position: Support

Subject: Climate Change

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

As amended, the bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the

creation and ongoing work of regional climate networks. The bill outlines the authority of a regional climate network, and defines eligible entities. Prior versions of the bill kept the definition as rather generic and with each amended version gets more specific. As a result, CALAFCO has requested the author add LAFCOs explicitly to the list of entities eligible to participate in these regional climate networks.

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

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

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

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

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

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

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

Introduced: 2/17/2021

Last Amended: 4/19/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 5/19/2021)(May be acted upon Jan 2022)

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

Summary:

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

Position: Watch

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

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

As amended on 4/19/21, the bill specifies monies received by the county as part of the property tax

transfer shall be used specifically to fund the Los Medanos Area Health Plan Grant Program within the district's territory. It further adds a clause that any new or existing profits shall be used solely for the purpose of the grant program within the district's territory.

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

[AB 959](#) (Mullin D) Park districts: ordinances: nuisances: abatement.

Current Text: Amended: 7/6/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 7/6/2021

Status: 7/6/2021-Read second time and amended. Ordered to third reading.

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

Summary:

Current law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes 3 or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, to organize and incorporate, but requires that all the territory in the proposed district be contiguous. Current law requires the board of directors to superintend, control, and make available to all the inhabitants of the district all public recreation lands and facilities, as provided. Current law requires the board of directors to act only by ordinance, resolution, or a motion duly recorded in the minutes of the meeting. This bill would authorize the board of directors of a district, by ordinance, to declare an encroachment onto district lands constitutes a nuisance.

Attachments:

[AB 959 Fact Sheet](#)

Position: Watch

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

As amended on 5-10-21, the bill requires the district Board to adopt an ordinance declaring what constitutes a nuisance. It authorizes the district to initiate civil action and recover damages.

The amendment of 6/18/21 corrects a code citing.

UPDATE: The amendments of 7/6/21 do several things: (1) change the definition of nuisance to an encroachment onto district land; (2) allows the district to establish nuisance abatement procedures upon adoption of an ordinance; (3) specifies the requirements of the nuisance abatement procedures; and (4) still allows the district to collect abatement costs with a clearly defined process.

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

Current Text: Amended: 5/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/18/2021

Status: 6/1/2021-Ordered to inactive file at the request of Assembly Member Luz Rivas.

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

Summary:

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

Position: Watch

Subject: FPPC

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

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

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

AB 1021 (Mayes I) Imperial Irrigation District.

Current Text: Amended: 7/1/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 7/1/2021

Status: 7/8/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 1.) (July 8). Re-referred to Com. on APPR.

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

Calendar:

8/16/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary:

Would require the local agency formation commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet websites a joint study of options for providing electricity in the Imperial Irrigation District and options for alternative governance structures that provide for proportional representation for the Imperial Irrigation District board of directors, as specified. The bill would require the study to be published no later than July 1, 2022.

Attachments:

[CALAFCO Oppose Unless Amended 5-26-21](#)

Position: Oppose unless amended

Subject: Special Districts Governance

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

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

This bill is similar to AB 854 (2019), which died in Appropriations. CALAFCO had a Watch position on that bill as the two member LAFcos had opposing positions, and this is a local matter. However, there is concern about requiring a study without funding (the last time the Legislature mandated a special study on a district it required the study be funded by the district).

The bill is author-sponsored and as of now there is no budget appropriation to cover cost.

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

The amendments of 5/24/21 remove the funding for the special study, making it an unfunded mandate.

The bill also now requires the study to be completed by 7-1-23. As a result of the funding removal and the concerning precedent setting nature of requiring LAFCo to conduct a special study without funding, CALAFCO has taken an OPPOSE UNLESS AMENDED position requesting funding be restored.

UPDATE: As amended 7/1/21, the bill now: (1) has an urgency clause; (2) requires the study to be completed by 7-1-22 (instead of 7-1-23), and (3) removes voting rights from the study. There is still no funding written into the bill, although budget trailer bill SB 129 contains the appropriation. As the appropriation of \$500,000 goes directly to the County of Riverside, a process by which both LAFCOs receive that funding must be established and outlined within the text of the bill. CALAFCO will remain opposed until that is completed.

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

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

Introduced: 2/18/2021

Last Amended: 4/20/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/18/2021) (May be acted upon Jan 2021)

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

Summary:

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

Attachments:

- [CALAFCO Removal of Opposition Letter April 2021](#)
- [CALAFCO Oppose Unless Amended April 2021](#)

Position: Watch

Subject: Other

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

The bill is sponsored by the Las Virgenes-Malibu Council of Governments.

CALAFCO's letter of Oppose Unless Amended is posted in the bill detail area.

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

UPDATE: The bill failed to move out of committee so it is now a 2-year bill.

AB 1246 (Nguyen R) Community services districts.

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

Introduced: 2/19/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/19/2021) (May be acted upon Jan 2021)

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

Summary:

Current law, the Community Services District Law, authorizes the formation of community services districts for various specified purposes, including supplying water, treating sewage, disposing of solid waste, and providing fire protection. The law specifies its relation and effect on certain districts

organized pursuant to former laws and to actions taken by them, among other things. This bill would make nonsubstantive changes to those provisions.

Position: Watch

CALAFCO Comments: This is a spot bill.

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

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

Introduced: 2/19/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/4/2021) (May be acted upon Jan 2021)

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

Summary:

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

Attachments:

[AB 1295 Fact Sheet](#)

Position: Watch

Subject: Growth Management, Planning

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

This bill appears similar to SB 55 (Stern) except: (1) This bill explicitly calls out residential development, whereas SB 55 addresses new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone; and (2) SB 55 adds a state responsibility area.

The bill is not marked fiscal. This is an author-sponsored bill and a fact sheet is posted in the tracking section of the bill.

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

Current Text: Amended: 7/5/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 7/5/2021

Status: 7/6/2021-Read second time. Ordered to third reading.

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

Summary:

Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.

Position: Watch

Subject: Housing

CALAFCO Comments: While not directly affecting LAFCos, the requirements in the bill are of interest. As amended on 4/13/21, the bill authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are

defined in the bill. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution adopted to amend the jurisdiction's General Plan Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is exempt from CEQA. The bill imposes specified requirements on a zoning ordinance adopted under these provisions. The bill would prohibit a legislative body that adopts a zoning ordinance pursuant to these provisions from subsequently reducing the density of any parcel subject to the ordinance and makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts a use or density authorized by an ordinance adopted pursuant to the provisions in the bill.

The amendment of 4/27/21 amends 65913.5(a)(3) to remove exemption of parcels excluded from specified hazard zones by a local agency pursuant to 51179(b).

The amendments on 5/26 prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel zoned pursuant to these provisions from being approved ministerially or by right or from being exempt from CEQA, except as specified, and repeal these provisions on January 1, 2029.

The 6/24/21 amendments prohibit an ordinance adopted pursuant to the provisions in this bill from superseding any local restrictions brought about by a local voter initiative; requires an ordinance to be adopted by 2/3 vote of the governing body if the ordinance supersedes any zoning restriction established by a local voter initiative; and completely removes SECTION 1 (the addition of Sec. 4752 to the Civil Code).

UPDATE: The 7/5/21 amendments remove the requirements added on 6/24 pertaining to zoning restrictions that a local initiative be a voter initiated initiative. Also makes minor changes to the timing of the bus corridor criteria.

SB 12 (McGuire D) Local government: planning and zoning: wildfires.

Current Text: Amended: 7/1/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 7/1/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was H. & C.D. on 6/24/2021)(May be acted upon Jan 2022)

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

Summary:

Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

Position: Watch

Subject: Growth Management, Planning

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

Current Text: Amended: 6/28/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 6/28/2021

Status: 6/29/2021-Read second time. Ordered to third reading.

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 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended

services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Current law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021. This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025, deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require the contents of that report to include how many requests for extension of services were received under these provisions.

Attachments:

[CALAFCO Oppose Unless Amended letter May 2021](#)

Position: Oppose unless amended

Subject: CKH General Procedures

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

As amended on 4/29/21, the bill now adds 56133.6 which seeks to address several projects in the City of St. Helena, and resolve a current law suit between the winery and the city. The amendments authorize Napa LAFCo to consider new or extended service by the city to specific parcels with certain conditions. The bill requires the Napa LAFCo make certain determinations if approving, include any decision in their required report to the Legislature and has a sunset of 1-1-26.

CALAFCO has made a request for several technical amendments to the version dated 4-29-21, and has concern this addition strays too far from the original intent of the pilot program. Requested amendments on the table now include: (1) Rewording of both sections 56133.5(a)(2) and 56133.6(a)(3) to explicitly state both (A) and (B) are required; (2) Reword the new addition to 56133.5(d) so that it does not presume Napa LAFCo will authorize the new or extension of service; and (3) Rewrite 56133.6(a)(1) to clarify that (A) must apply to both (B) and (C).

As amended on 5-11-21, all requested technical amendments were made, however the intent of the pilot program has changed with the addition of 56133.6 and Napa LAFCo's ability to approve extension of service for parcels that do not meet the pilot program's requirement of planned use as defined in 56133.5. For this reason, CALAFCO is opposed unless amended, requesting the removal of 56133.6. Our letter is in the bill detail section.

UPDATE: Amendments from 6/28/21 are minor in nature and serve as clean-up.

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

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

Introduced: 12/7/2020

Last Amended: 4/5/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/3/2021) (May be acted upon Jan 2022)

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

Summary:

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

Attachments:

[SB 55 Fact Sheet](#)

Position: Watch

Subject: Growth Management, Planning

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

section of the bill.

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

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

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

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

Introduced: 12/21/2020

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 1/28/2021)(May be acted upon Jan 2022)

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

Summary:

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

Position: Watch

Subject: Special Districts Governance

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

CALAFCO is working with the sponsors of the bill and the SGFC on a broader solution to this problem, which is not exclusive to this district.

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

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

Introduced: 1/27/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/15/2021) (May be acted upon Jan 2022)

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

Summary:

current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations.

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

Position: Watch

Subject: Sustainable Community Plans

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

Current Text: Amended: 6/21/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Last Amended: 6/21/2021

Status: 7/8/2021-Read second time. Ordered to third reading.

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

Summary:

Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, as defined, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The bill would require a municipal wastewater agency that enters into or amends one of these agreements after January 1, 2022, to file a copy of the agreement or amendment with the local agency formation commission in each county where any part of the municipal wastewater agency's territory is located, but would exempt those agreements and amendments from local agency formation commission approval except as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Attachments:

[CALAFCO Support June 2021](#)

[SB 273 Fact Sheet](#)

Position: Support

Subject: Municipal Services

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

UPDATE: The amendment of 6/21/21 adds a requirement that upon entering into the agreement, the agency has 30 days to file a copy of that agreement or amended agreement with the LAFCO, as requested by CALAFCO.

The bills is sponsored by the CA Assn of Sanitation Agencies. A fact sheet is posted in the tracking section of the bill.

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

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

Introduced: 1/29/2021

Last Amended: 4/5/2021

Status: 7/8/2021-Read second time. Ordered to 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 meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website

link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

Attachments:

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

Position: Support

Subject: Public Records Act

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

The amendment on 4/5/21 was to correct a typo reflecting the authority to email information.

[SB 475](#) (Cortese D) Transportation planning: sustainable communities strategies.

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

Introduced: 2/17/2021

Last Amended: 3/10/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/26/2021) (May be acted upon Jan 2022)

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

Summary:

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

Position: Watch

Subject: Sustainable Community Plans

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

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

Introduced: 2/17/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 2/25/2021)(May be acted upon Jan 2022)

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

Summary:

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

Attachments:

[SB 499 Fact Sheet](#)

Position: Watch

Subject: Disadvantaged Communities

CALAFCO Comments: As introduced, this bill would prohibit the land use element of a general plan from designating or expanding land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes within or adjacent to disadvantaged communities (DACs) or a racially and ethnically concentrated area of poverty.

The sponsor of this bill is the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

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

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

Introduced: 2/18/2021

Last Amended: 3/4/2021

Status: 7/15/2021-Read second time. Ordered to consent calendar.

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

Summary:

Under the California Land Conservation Act of 1965, the board of supervisors or city council may grant tentative approval for a cancellation by petition of a landowner as to all or any part of land subject to a contract, as specified. Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction, and requires the assessor to send the fair market value to the Department of Conservation, hereafter department, at the same time the assessor sends the value to the landowner. Current law provides for a certificate of tentative cancellation upon tentative approval of a petition by a landowner accompanied by a proposal for a specified alternative use of the land, as provided. Current law requires the board of supervisors or city council to provide notice to the department related to cancellation of the contract as well as in other specified instances. This bill would revise and recast these provisions to no longer require the assessor to provide notice to the department and to require the board of supervisors or city council to provide notice to the department if the certificate of tentative cancellation is withdrawn, as specified.

Position: Watch

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

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

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

Current Text: Amended: 6/21/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Last Amended: 6/21/2021

Status: 7/15/2021-Read second time. Ordered to consent calendar.

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

Summary:

Current law provides that a person who has made an offer to purchase an interest in an undivided-interest subdivision, as specified, and not exempted, has the right to rescind any contract resulting from the acceptance of that offer during a specified timeframe. Current law defines and describes the terms "subdivided lands" and "subdivision" for these purposes. Current law requires any person who intends to offer subdivided lands for sale or lease, as specified, to file with the Bureau of Real Estate an application for a public report consisting of, among other things, a notice of intention and a completed questionnaire. Current law exempts the proposed sale or lease of those lots or other interests in a subdivision that are limited to industrial or commercial uses by law or by a declaration of covenants, conditions, and restrictions that has been recorded in the official records of the county or

counties in which the subdivision is located from certain of those provisions relating to the filing of a report with the Bureau of Real Estate and sales contracts. This bill would instead exempt the proposed sale or lease of those lots or other interests from all provisions as specified.

Position: Watch

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

Total Measures: 33

Total Tracking Forms: 33