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May 12, 2021

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CAROLYN EMERY
EXECUTIVE OFFICER

TO: Local Agency Formation Commission

FROM: Executive Officer
Policy Analyst

SUBJECT: Legislative Report (May)

BACKGROUND

State Senate and Assembly bills continue to make their way through the legislative process, and many of the proposed bills involve efforts to address governmental transparency and statewide housing. The following are key dates for the state legislative process:

2021 Legislative Calendar	
May 21, 2021	Last day for fiscal committees to hear and report bills introduced in their respective legislative House.
June 4, 2021	Last day for bills to be passed out of the House of origin.
June 15, 2021	Budget bill must be passed by midnight.
July 16	Summer Recess begins.
August 16, 2021	Legislature reconvenes from Summer Recess.
October 10, 2021	Last day for Governor to sign or veto bills by the Legislature.

To date, the Commission has reviewed a total of five bills and adopted positions on three bills of LAFCO interest. In addition to the bills previously reviewed, and through the participation with the California Association of LAFCOs (CALAFCO) Legislative Committee, staff has identified an additional four bills for review and discussion by the Commission. Like others, these bills, if signed into law, may impact LAFCOs. This report provides an overview of the bills and recommended actions for Commission consideration.

LEGISLATION PREVIOUSLY REVIEWED

AB 339 (Lee and Garcia) Local Government: Open and Public Meetings

The intent of AB 339 is to continue remote participation in local and state hearings/meetings while adding requirements for both call-in and internet service-based options for all public meetings. Recently amended on April 15, the bill removed the requirements for state government, includes requirements for public participation by phone or internet (with video/audio), and allows agencies to create a registration process for public comments so long as people can register to speak by phone and in person. Additionally, the amendments require agencies to translate meeting agendas and meeting access information and provide translation services when they are requested by members of the public.

On March 10, the Commission adopted an *Oppose Unless Amended* position on AB 339 as it creates an unfunded mandate and potential financial impacts to local governments, including LAFCOs. As these concerns remain in the current language of the bill, staff is not recommending additional action by the Commission on AB 339 at this time.

OC LAFCO Position: Adopted *OPPOSE UNLESS AMENDED* position on March 10, 2021. **No additional action recommended.**

POSITIONS OF OTHER AGENCIES AND ORGANIZATIONS

Support: ACLU California Action, Leadership Counsel for Justice & Accountability, Abundant Housing LA ACCE Action, ACLU of California ACT for Women and Girls, Alianza Coachella Valley, Alliance for Children's Rights, Alliance of Californians for Community Empowerment, Arts for Healing and Justice Network, Asian Americans Advancing Justice - California, Asian Law Alliance, Bet Tzedek Business for Good San Diego, California Association of Nonprofits, California Children's Trust, California Common CAUSE, California Domestic Workers Coalition, California Environmental Justice Alliance, California Institute for Rural Studies, California League of Conservation Voters, California News Publishers Association, California Safe Schools, California Teachers Association, California Work & Family Coalition, California YIMBY, Californians Aware: the Center for Public Forum Rights, Californians for Justice, Californians for Pesticide Reform, CEJA Action, Center on Race, Poverty & the Environment, Central California Asthma Collaborative, Central California Environmental Justice Network, Central Valley Air Quality Coalition, Child Care Law Center, Citizens for Choice Nevada County, Clean Water Action, Climate Action Campaign, Climate Plan Coalition for Humane Immigrant Rights (CHIRLA), Congregations Organized for Prophetic Engagement (COPE), Council Member Zach Hilton, City of Gilroy, Councilmember Katie Valenzuela, City of Sacramento, Courage California, Courage Campaign, Cultiva La Salud, Culver City for More Homes, Dignity

and Power Now, Disability Rights Education & Defense Fund, Disability Rights Legal Center, Dolores Huerta Foundation, Drug Policy Alliance, Ella Baker Center for Human Rights, Fairmead Community & Friends, Faith in the Valley, First Amendment Coalition, Fresno Barrios Unidos, Fresno Building Healthy Communities, Fresno Metro Black Chamber of Commerce, Friends of Caltrain, Generation Up, Gente Organizada, Greenbelt Alliance, Hammond Climate Solutions, Hmong Innovating Politics, Housing California, Housing Is a Human Right - Orange County, Housing Leadership Council of San Mateo County, Indivisible CA State Strong, Indivisible District 46, Inland Congregations United for Change, Inland Equity Partnership, Interfaith Movement for Human Integrity, Jakara Movement, Jewish Family & Community Services East Bay, Justice LA, LA Defensa, League of Women Voters of California, LGBTQ Center Orange County, Life Eldercare, Los Angeles Sunshine Coalition, Mental Health Advocacy Services, Mi Familia Vota, Mid-city Community Advocacy Network, NAACP Riverside, Nami Greater Los Angeles County, National Association of Social Workers California Chapter, Nextgen California, Olympics LA, Nourish California, Nuestra Casa, Nuestra Casa De East Palo Alto, Office of Los Angeles County Supervisor Hilda L. Solis, Orange County Emergency Response Coalition, Orange County Equality Coalition, Orange County LGBT Center, People for Housing - Orange County, People's Budget Orange County, People's Collective for Environmental Justice, People's Homeless Task Force Orange County, Pesticide Action Network, Planning and Conservation League, Policy Link, Pomona Economic Opportunity Center, Public Advocates, Pueblo Unido CDC, Riverside NAACP, Root & Rebound, San Bernardino County Board of Education Area B, San Diego Schools, San Francisco Senior and Disability Action, Seamless Bay Area, Senior & Disability Action, Silicon Valley Community Foundation, South County Homeless Task Force, The California Children's Trust, Time for Change Foundation, TODEC Inland Empire, TODEC Legal Center, Unite Here Local 11, United Food and Commercial Workers, Western States Council, Voices for Progress, Western Center on Law & Poverty, White People 4 Black Lives, Women For: Orange County, Yalla Indivisible, YIMBY Action, Youth Justice Education Clinic, Center for Juvenile Law and Policy, Loyola Law School.

Oppose: Association of California School Administrators, Association of California Healthcare Districts, Big Bear Area Regional Wastewater Agency, California Acupuncture Board, California Association of Public Authorities for IHSS, California Downtown Association, California In-home Supportive Services Consumer Alliance, California Municipal Utilities Association (unless amended), California School Boards Association, California Special Districts Association, California State Association of Counties, California Travel Association (CALTIA), City of Chino Hills, City of Huntington Beach (unless amended), City of Los Altos, Community College League of California, Dental Hygiene Board of California (unless amended), League of California Cities, Orange County Local Agency Formation Commission, Orange County Sanitation

District (unless amended), Public Risk Innovation, Solutions, and Management (PRISM), Rural County Representatives of California, Santa Barbara County Board of Supervisors, Solano County Board of Supervisors, Urban Counties of California.

BILL LOCATION/STATUS: Assembly Committee on Local Government. No hearing date scheduled.

AB 361 (Rivas) Open Meetings: Local Agencies: Teleconferences

AB 361 is sponsored by the California Special Districts Association (CSDA), and the intent of the bill is to allow local agencies to continue to conduct meetings and critical business activities during an emergency while maintaining transparency standards as required under the Brown Act. AB 361 authorizes a local agency to conduct meetings using teleconference methods without complying with certain teleconferencing requirements as provided in the Brown Act. The proposed legislation applies to meetings held to declare or ratify a local emergency, meetings held during a declared state or local emergency, and when state or local health officials have imposed or recommended certain measures to promote social distancing.

Recently amended on April 6, the bill now includes the following:

- ❖ Requires the agenda provide the opportunity for the public to attend by call-in or internet option.
- ❖ Requires that if there is a service disruption that prevents remote public participation, the agency must not take any action on the remaining agenda items until service is restored.
- ❖ Prohibits local agencies to require public comment in advance of the meeting.
- ❖ Requires that every 30 days after the initial declaration of emergency, if the emergency remains, to make certain findings that the emergency still exists and prevents in-person meetings.

Since March of last year, the regular meetings of the Commission have been held virtually pursuant to the Governor's Executive Orders that suspend certain requirements of the Brown Act due to the pandemic. Should AB 361 be signed into law under the current bill language, it is not expected that these requirements would create significant fiscal or operational impacts to the agency and would support the Commission's continued standards involving public transparency. Staff recommends the Commission adopt a "support" position on the bill.

RECOMMENDED ACTION: Adopt *SUPPORT* position on AB 361.

POSITIONS OF OTHER AGENCIES AND ORGANIZATIONS

Support: California Special District Association, League of California Cities, Association of California Water Agencies, Association of California Healthcare Districts, California Downtown Association, Joint Powers Authority, California Municipal Utilities Association, California State Association of Counties, Rural County Representatives of California, Urban Counties of California.

Oppose: None on record.

BILL LOCATION/STATUS: Assembly Committee on Local Government. Hearing date scheduled for May 5, 2021.

AB 1581 (Committee on Local Government) Local Government

The Omnibus Bill is an annual bill used by CALAFCO to introduce technical and non-substantive changes to the CKH Act that address small inconsistencies, minor technical corrections to language, and provide clarification to remove any ambiguity in the law. This year's Omnibus bill clarifies, amends, and removes language within the following key provisions: approval or denial for an extension of services, property tax exchange process for dissolving inactive districts, and obsolete protest provisions specific to Los Angeles, Marin, Santa Clara, and Santa Cruz LAFCOs.

On March 18, in anticipation of the bill being heard by the Assembly Local Government Committee, CALAFCO called for letters of support from LAFCOs for the Omnibus Bill. In response to this request, on April 7, a letter in support of AB 1581 under the OC LAFCO Chair's signature was submitted to the bill author and CALAFCO and is attached for reference to this report. Staff recommends the Commission adopt a "support" position on the Omnibus bill.

RECOMENDED ACTION: Adopt **SUPPORT** position on AB 1581.

POSITIONS OF OTHER AGENCIES AND ORGANIZATIONS

Support: California Association of Local Agency Formation Commissions, Local Agency Formation of Amador County, Local Agency Formation of Butte County, Local Agency Formation of Calaveras County, Local Agency Formation of Contra Costa County, Local Agency Formation of El Dorado County, Local Agency Formation of Kern County, Local Agency Formation of Imperial County, Local Agency Formation of Los Angeles, Local Agency Formation of Merced County, Local Agency Formation of Mendocino County, Local Agency Formation of Napa County, Local Agency Formation of Orange County, Local Agency Formation of Riverside County, Local Agency Formation of San Benito County, Local Agency Formation of San Bernardino, Local Agency Formation of Santa Barbara County, Local Agency Formation of Santa Clara, Local Agency Formation of

Santa Cruz County, Local Agency Formation of San Diego County, Local Agency Formation of Solano County, Local Agency Formation of Stanislaus.

Oppose: None on record.

BILL LOCATION/STATUS: Assembly Committee on Local Government. Hearing date scheduled for May 5, 2021.

SB 55 (Stern and Allen) Very High Fire Hazard Severity Zone: State Responsibility Area: Development Prohibition: Supplemental Height and Density Bonuses

The intent of SB 55 is to further the State's goals involving wildfire mitigation, specified housing production and other areas. The bill initially prohibited the creation or approval of new development, as defined, in an area within a very high fire hazard zone or State Responsibility Area. Recently amended on April 4, previous language prohibiting any development in very high fire hazard zones was removed from the bill and currently allows new development, if there is substantial evidence that the local agency adopted comprehensive, necessary and appropriate wildfire preventions to mitigate significant risks of loss, injury, or death.

On March 10, the Commission adopted an oppose unless amended position on SB 55 and a letter was sent to the author expressing appreciation of the author's effort to address issues related to wildfire mitigation and adding that the Commission is unclear of the potential impacts of SB 55 on the authority of LAFCOs. As the uncertainty of impacts to LAFCOs remain, staff is not recommending additional action by the Commission on SB 55 at this time.

OC LAFCO POSITION: Adopted **OPPOSE UNLESS AMENDED** position for SB 55 on March 10, 2021. **No additional action recommended.**

POSITIONS OF OTHER AGENCIES AND ORGANIZATIONS

Support: 350 Santa Barbara; Abundant Housing LA; Action for Animals; Biodiversity First!; Brentwood Alliance of Canyons & Hillside; California Chaparral Institute; California Institute for Biodiversity; California Native Plant Society; California Native Plant Society - San Diego Chapter; California Wildlife Foundation; Center for Biological Diversity; Central California Environmental Justice Network; Citizens for Los Angeles Wildlife; Defenders of Wildlife; Endangered Habitats League; Escondido Neighbors United; Extinction Rebellion Sf Bay; Federation of Hillside and Canyon Associations; Friends of Ballona Wetlands; Friends of Griffith Park; Friends of Harbors, Beaches and Parks; Green Foothills; Greenbelt Alliance; Greenspace - the Cambria Land Trust; Hills for Everyone; International Fund for Animal Welfare; Laurel Canyon Land Trust; Los Angeles Audubon Society; Los Angeles Waterkeeper; Los Padres Forest Watch;

Mountain Lion Foundation; Move LA; National Wildlife Refuge Association- SoCal Urban Program; Ohlone Audubon Society, INC.; Palos Verdes/south Bay Audubon; Poison Free Agoura; Poison Free Malibu; Preserve Our Rural Communities - San Benito County; Preserve Wild Santee; Project Coyote; Raptors are The Solution; San Diego Audubon Society; San Pasqual Valley Preservation Alliance; Santa Barbara Audubon Society; Santa Clara Valley Audubon Society; Santa Susana Mountain Park Association; Sc Wildlands; Sierra Club California; SOCAL 350 Climate Action; Social Compassion in Legislation; The Urban Wildlands Group; Theodore Payne Foundation for Wild Flowers & Native Plants; Ventana Wilderness Alliance; Western Watersheds Project.

Oppose: American Council of Engineering Companies; American Wood Council; Associated California Loggers; Associated General Contractors; Bay Area Builders Exchange; Builders Exchange of Stockton; Building Industry Association of Fresno and Madera Counties; Building Industry Association of Orange County; Building Industry Association of San Diego; Building Industry Association of Southern California, Baldy View Chapter; Building Industry Association of Southern California, Los Angeles & Ventura Chapter; Building Industry Association of The Bay Area; Building Industry Association of Tulare/kings County, INC.; Building Owners and Managers Association of California; California Apartment Association; California Association of Realtors; California Builders Alliance; California Building Industry Association; California Building Officials; California Business Properties Association; California Business Roundtable; California Chamber of Commerce; California Fire Chiefs Association; California Forestry Association; California Retailers Association; California State Association of Counties; Fire Districts Association of California; Home Builders Association of The Central Coast; Nevada SB 55 (Stern) 4/5/21 Page 9 of 9 County Contractors Association; North Coast Builders Exchange; North State Building Industry Association; Orange County Local Agency Formation Commission; Placer County Contractors Association; Rural County Representatives of California; Sacramento Regional Builders Exchange; Shasta Builders Exchange; Valley Builders Exchange; Ventura County Contractors Association.

BILL LOCATION/STATUS: Senate Governance and Finance Committee. No hearing date scheduled.

SB 274 (Wieckowski) Local Government Meetings: Agendas and Documents

The intent of SB 274 is to further governmental transparency by increasing access to local agency agenda documents. SB 274 requires local agencies and special districts to provide members of the public with a copy of agenda packets or a link to access agenda packets. If the agency determines that it is technologically unfeasible to send the request by email, the requested information shall be sent by regular mail.

On March 10, the Commission adopted an oppose unless amended position on SB 274 and a letter was sent to the author expressing concerns that the bill created an unfunded state mandate and potential fiscal impacts on local governments, including LAFCOs. As the potential impacts to Orange LAFCO remain unclear, staff is not recommending additional action by the Commission on SB 274 at this time.

OC LAFCO POSITION: Adopted an *OPPOSE UNLESS AMENDED* position for SB 274 on March 10, 2021. **No additional action recommended.**

POSITIONS OF OTHER AGENCIES AND ORGANIZATIONS

Support: California Association of Local Agency Formation Commissions American Federation of State, County, and Municipal Employees, AFL-CIO, Association of California Water Agencies, California Association of Realtors California, League of Women Voters, California Municipal Utilities Association, California News Publishers Association Services, Inc., California State PTA, California Taxpayers Association, Howard Jarvis Taxpayers Association, Oakland Privacy Santa Clara Valley Water District, UNRIG L.A

Oppose: None on record.

BILL LOCATION/STATUS: Senate Governance and Finance Committee. No hearing date scheduled.

NEW LEGISLATION OF LAFCO INTEREST

AB 1053 (Gabriel) City Selection Committees: County of Los Angeles

The purpose of a city selection committee is to appoint city representatives to boards, commissions, and agencies within each county of two or more incorporated cities, as required by state law. Current law states that a majority of city representatives is required to be in attendance to establish a quorum of a city selection committee and to take action on agenda items. Additionally, current law requires that the city selection committee meet in person unless this requirement is suspended by an executive order of the Governor.

The intent of AB 1053 is to reduce the number of times the Los Angeles County city selection committee meeting is postponed due to lack of a quorum. AB 1053 would reduce the quorum requirement, for the same agenda items only, to one-third of city representatives if the first meeting is postponed due to a lack of quorum. Additionally, this bill would authorize the chairperson of a city selection committee to schedule the meeting by teleconferencing and electronic means.

As currently written, AB 1053 does not apply to the Orange County city selection committee. However, as previous versions of the bill language did apply to all city selection committees, staff recommends the Commission adopt a “watch” position and continue monitoring of AB 1053.

RECOMMENDED ACTION: Adopt *WATCH* position on AB 1053.

POSITIONS OF OTHER AGENCIES AND ORGANIZATIONS

Support: Los Angeles Local Agency Formation Commission.

Oppose: None on record.

Watch: California Association of Local Agency Formation Commissions.

BILL LOCATION/STATUS: Assembly Committee on Local Government. No hearing date scheduled.

SB 273 (Hertzberg) Water Quality: Municipal Wastewater Agencies

The intent of SB 273 is to eliminate the need for special legislation relative to the management of stormwater and dry weather runoff by municipal wastewater agencies. Current law does not allow municipal wastewater agencies to capture, manage, and discharge stormwater and dry weather runoff. Presently, authority to manage stormwater and dry weather runoff may be authorized under special legislation. For

example, in 2001 and 2002, respectively, Irvine Ranch Water District and Orange County Sanitation District were authorized by special legislation to treat dry weather runoff. SB 273 would allow municipal wastewater agencies to enter into agreements with agencies primarily engaged in stormwater management. Under the agreements, the municipal wastewater agencies would be authorized to acquire, construct, operate, maintain, and provide facilities for stormwater management.

Because SB 273 would eliminate the need for special legislation, any new authority granted to municipal wastewater agencies would be subject to the LAFCO process. Current bill language aligns with authority already granted to LAFCOs relative to reviewing, approving, and denying the exercise of new or different functions or classes of services. Staff, therefore, recommends the Commission adopt a “support” position on SB 273.

RECOMMENDED ACTION: Adopt **SUPPORT** position on SB 273.

POSITIONS OF OTHER AGENCIES AND ORGANIZATIONS

Support: California Association of Local Agency Formation Commissions, California Association of Sanitation Agencies, California Coastkeeper Alliance, Association of California Water Agencies, California Municipal Utilities Association, California Special Districts Association, California Stormwater Quality Association, City of Thousand Oaks Inland Empire Utilities Agency, Southern California Water Coalition.

Oppose: None on record.

BILL LOCATION/STATUS: Senate Environmental Quality Committee. No hearing date scheduled.

SB 403 (Gonzalez) Drinking Water - Consolidation

The California Safe Drinking Water Act allows for water systems operations and sets numerous responsibilities and duties of the SWRCB. Currently, the Act allows the SWRCB to order the consolidation of a public water system, a small state water system, or a water system reliant on a domestic well that “*consistently fails to provide*” an adequate supply of safe drinking water to disadvantaged communities. The intent of SB 403 would provide the State Water Resources Control Board (SWRCB) the authority to consolidate public water systems and domestic wells “*at risk of failing to provide*” an adequate supply of safe drinking water to a disadvantaged community, with input from the respective LAFCO. As SB 403 only allows for input from the respective LAFCO and does not include the authority already granted to LAFCOs involving the consolidation of water systems, staff recommends the Commission adopt an “oppose unless amended” position on the proposed bill.

RECOMMENDED ACTION: Adopt *OPPOSE UNLESS AMENDED* position on SB 403.

POSITIONS OF OTHER AGENCIES AND ORGANIZATIONS

Support: Alliance of Nurses for Healthy Environments, American Rivers, California Coastkeeper Alliance, California League of Conservation Voters, Carbon Cycle Institute, Ceres, Clean Water Action, Community Water Center, Environmental Working Group, Friends Committee on Legislation of California, Leadership Counsel for Justice and Accountability, Martin Luther King Jr. Freedom Center, Natural Resources Defense Council, Physicians for Social Responsibility - San Francisco Bay Area Chapter, Pueblo Unido CDC, Sierra Club California, Western Center on Law & Poverty.

Oppose: Association of California Water Agencies, California Special Districts Association.

Oppose Unless Amended: California Association of Local Agency Formation Commissions.

BILL LOCATION/STATUS: Senate Governance and Finance Committee. Hearing date scheduled for May 10, 2021.

SB 810, SB 811, SB 812 (Senate Governance and Finance Committee) - Validating Acts of 2021

During each legislative session, the Legislature adopts the annual Validating Acts to cure public officials' minor procedural errors or omissions. Authored by the Senate Governance and Finance Committee, the annual bills affect the state government, cities, counties, special districts, and LAFCOs and are enacted to retroactively fix typographical, grammatical, and procedural errors that might invalidate boundary changes or bond issues. The Acts are not meant to protect against fraud, corruption, or unconstitutional acts. As the Acts would apply to related Commission actions, staff recommends the Commission adopt a "support" position for these bills.

RECOMMENDED ACTION: Adopt *SUPPORT* position for SB 810, SB 811, and SB 812.

POSITIONS OF OTHER AGENCIES AND ORGANIZATIONS

Support: California Association of Local Agency Formation Commissions, California Association of Counties, East Bay Municipal Utility District, Rural County Representatives of California.

Oppose: None on record.

BILL LOCATION/STATUS: Senate Governance and Finance Committee. No hearing date scheduled.

SUMMARY

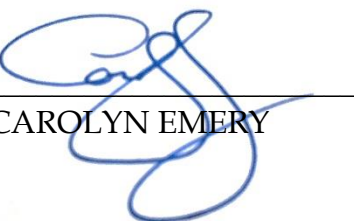
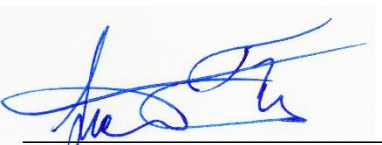
Staff will continue to monitor the bills outlined within this legislative report. Should immediate actions involving these bills be required, staff will coordinate the appropriate response with the Chair in line with the Commission's adopted positions and previous discussions.

RECOMMENDED ACTIONS:

Staff recommends that the Commission:

1. Adopt positions on the following bills:
 - AB 361 (**SUPPORT**)
 - AB 1053 (**WATCH**)
 - AB 1581 (**SUPPORT**)
 - SB 273 (**SUPPORT**)
 - SB 403 (**OPPOSE UNLESS AMENDED**)
 - SB 810, 811, 812 (**SUPPORT**)
2. Direct staff to send position letters to bill authors and sponsors for AB 361, AB 1581, SB 273, SB 403, SB 810, SB 811, and SB 812.

Respectfully Submitted,


CAROLYN EMERY
LUIS TAPIA

Attachment A: Letter of Support - AB 1581.



April 7, 2021

REGULAR MEMBERS

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SPECIAL DISTRICT MEMBER

VICE CHAIR
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CITY MEMBER

LOU PENROSE
PUBLIC MEMBER

VACANT
COUNTY MEMBER

STAFF

CAROLYN EMERY
EXECUTIVE OFFICER

Honorable Cecilia Aguiar-Curry, Chair
Assembly Local Government Committee
California State Assembly
State Capitol, Room 5144
Sacramento, CA 95814

RE: **Support of AB 1581:** Committee on Local Government
Omnibus Bill

Dear Chair Aguiar-Curry:

The Orange County Local Agency Formation Commission ("Orange LAFCO") is pleased to support the Assembly Local Government Committee Omnibus Bill (AB 1581), sponsored by the California Association of Local Agency Formation Commissions (CALAFCO).

AB 1581 proposes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("the Act"), which governs the work of LAFCOs. These changes allow for greater clarity of language within the Act for all stakeholders and further supports Orange LAFCO's ability to fulfill its role in facilitating and encouraging the efficient delivery of municipal services by our respective local governments.

This legislation ensures that the Act remains a vital and practical law that is consistently applied throughout the State. The Commission appreciates the effort of CALAFCO and your Committee's authorship of this bill and support of the mission of LAFCOs.

Respectfully,

Douglass Davert
Chair

cc: Members, Assembly Local Government Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee
William Weber, Consultant, Assembly, Republican Caucus
Pamela Miller, Executive Officer, CALAFCO