

April 12, 2023

8b | Commission
Discussion

TO: Local Agency Formation Commission
of Orange County

FROM: Executive Officer
Assistant Executive Officer

SUBJECT: Legislative Report (April 2023)

BACKGROUND

Since the 2023 legislative session began, a total of 2,632 bills have been introduced in the Legislature. Many of these bills are moving swiftly through the legislative committees, and some are experiencing amendments to further define their purpose. To date, the Commission has reviewed a total of five bills and adopted positions on three bills of LAFCO interest.

This report provides an update on legislation presented to the Commission in the March legislative report, an introduction of Senate Bill 360 and recommended actions for Commission consideration.

UPDATE TO PREVIOUSLY REVIEWED LEGISLATION

The table below provides the status of each bill reviewed by the Commission during the current legislative session.

Bill	Description	Commission's Adopted Position	Status
AB 557	Proposes to remove the sunset date of January 1, 2024, which would terminate the ability for local agencies to hold meetings by teleconference during a state of emergency previously established through the signing of AB 361 by the Governor.	Watch	AB 557 is currently with the Assembly Local Government Committee. The hearing date had not been identified as of April 5, 2023.

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Bill	Description	Commission's Adopted Position	Status
SB 411	Proposes to remove the sunset date of January 1, 2026, which would terminate the ability for members of a local agency to participate in meetings via teleconference under specific and limited circumstances.	Watch	SB 411 is currently with the Senate Governance and Finance Committee. The hearing date had not been identified as of April 5, 2023.
SB 878 SB 879 SB 880	Yearly Validating Acts are meant to retroactively fix typographical, grammatical, and procedural errors that might invalidate boundary changes or bond issues.	Support	SB 878, SB 879, and SB 880 are currently with the Senate Governance and Finance Committee. The hearing date had not been identified as of April 5, 2023.

AB 1753 (Assembly Local Government Committee): Reorganization

In the March 8 legislative report, staff provided a summary of the draft language included in this year's Omnibus Bill and recommended the Commission adopt a **Watch** position as the bill language was not in print and a bill number had not been assigned. Since then, the language has become AB 1753 and the CALAFCO Legislative Committee has participated in several discussions with legislative staff to finalize the bill. Current bill language includes the following:

- **Delivery of Executed Resolutions:** The proposed language would allow the Executive Officer, following an approved change of organization or reorganization, to transmit a copy of the resolution adopted by the Commission using email or electronic means and confirm receipt by the intended recipient through electronic read receipt or other means.
- **Application to Initiate Proceedings:** The proposed language would clarify that prior to the Executive Officer deeming an application complete, any agreements for the exchange of property tax revenues required in accordance with state law must be received by LAFCO.

As a co-sponsor of AB 1753, CALAFCO has requested support letters from LAFCOs be sent to the Assembly Local Government Committee. As the bill aligns with the Commission's legislative policy to support legislation that further provides clarity and consistency to the CKH Act to further LAFCO's Authority, staff recommends the Commission adopt a **Support** position.

RECOMMENDED ACTION: Adopt **SUPPORT** position on AB 1753.

Support: CALAFCO

Oppose: None on record.

BILL LOCATION/STATUS: Assembly Local Government Committee. Next hearing date: April 19, 2023.

NEW LEGISLATION

SB 360 (Blakespear) California Coastal Commission: Member Voting

The California Coastal Act of 1976 establishes the California Coastal Commission and prescribes the membership and duties of its Commission. The Act does not preclude or prevent any member or employee of the Coastal Commission who is an employee of another public agency, a county supervisor or city council person, or a member of Association of Bay Area Governments, San Diego Comprehensive Planning Organization, and the Southern California Association of Governments from voting or otherwise acting upon a matter as a member of the Coastal Commission. This bill proposes to further support opportunities for locally elected officials to effectively serve their communities by expanding the list of offices that a locally elected official may be seated on concurrently involving the Coastal Commission, LAFCOs and Joint Powers Authority (JPAs). Staff recommends the Commission adopt a **Support** position on SB 360.

RECOMMENDED ACTION: Adopt **SUPPORT** position on SB 360.

Support: CALAFCO

OPPOSE: None on record.

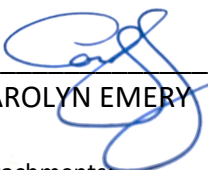
BILL LOCATION/STATUS: Senate Natural Resource and Water Committee. No hearing date scheduled at the time of agenda distribution.

RECOMMENDED ACTIONS

Staff recommends the Commission:

1. Adopt a **Support** position on AB 1753 and SB 360.
2. Direct staff to send position letters to respective bill authors.

Respectfully submitted,



CAROLYN EMERY



LUIS TAPIA

Attachments:

1. Assembly Bill 1753 (Assembly Local Government Committee)
2. Senate Bill 360 (Blakespear)

Exhibits:

- A. Letter of Support – AB 1753
- B. Letter of Support – SB 360

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AB-1753 Local government: reorganization. (2023-2024)

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Date Published: 03/02/2023 09:00 PM

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 1753**Introduced by Committee on Local Government****March 02, 2023**

An act to amend Sections 56658 and 56882 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1753, as introduced, Committee on Local Government. Local government: reorganization.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. The act requires a petitioner or legislative body desiring to initiate proceedings for a change of organization or reorganization to submit an application to the executive officer of the principal county. The act specifies when an application is complete and acceptable for filing, and requires the executive officer to immediately issue a certificate of filing when an application is accepted for filing, as specified.

Upon the filing of an application or a resolution pursuant to the act, but prior to the issuance of a certificate of filing, existing law requires the executive officer to give notice of the filing to the assessor and auditor of each county within which the territory subject to the jurisdiction change is located, as specified. Existing law prohibits the executive officer from issuing a certificate pursuant to the provisions described above until resolutions are adopted by specified counties and cities in which they agree to accept the exchange of property tax revenues. Existing law authorizes a county and any local agency within the county to develop and adopt a master property tax transfer agreement, as specified.

This bill would, if applicable, prohibit the executive officer from accepting for filing an application for change or organization or reorganization and issuing a certificate of filing pursuant to the provisions described above, and would provide that an application is not deemed accepted for filing pursuant to the provisions described above, if an agreement for the exchange of property tax revenues has not been adopted pursuant to the provisions described above.

The act requires a local agency formation commission, after a hearing on a proposed change of organization, to, within 35 days of the hearing, adopt a resolution making determinations approving or disapproving the proposal,

with or without conditions, as specified. The act requires the executive officer to mail a copy of the resolution to specified persons or entities.

This bill would recast that provision to require the executive officer to transmit a copy of the resolution to specified persons or entities, and would require the executive officer to confirm receipt by the intended recipient through electronic read receipt or other means if the executive officer transmits a copy of the resolution using email or electronic means.

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

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

SECTION 1. Section 56658 of the Government Code is amended to read:

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

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

(2) It is the intent of the Legislature that an application for incorporation or disincorporation shall be processed in a timely manner. With regard to an application that includes an incorporation or disincorporation, the executive officer shall immediately notify all affected local agencies and any applicable state agencies by mail and request the affected agencies to submit the required data to the commission within a reasonable timeframe established by the executive officer. Each affected agency shall respond to the executive officer within 15 days acknowledging receipt of the request. Each affected local agency and the officers and departments thereof shall submit the required data to the executive officer within the timelines established by the executive officer. Each affected state agency and the officers and departments thereof shall submit the required data to the executive officer within the timelines agreed upon by the executive officer and the affected state departments.

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

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

(d) *(1) If applicable, the executive officer shall not accept for filing an application for a change of organization or reorganization and issue a certificate of filing pursuant to subdivision (f) and an application shall not be deemed accepted for filing pursuant to subdivision (e) if an agreement for the exchange of property tax revenues has not been adopted pursuant to paragraph (6) of subdivision (b) or subdivision (d) of Section 99 of the Revenue and Taxation Code.*

(2) The executive officer shall not accept an application for filing and issue a certificate of filing for at least 20 days after giving the mailed notice required by subdivision (b). The executive officer shall not be required to comply with this subdivision in the case of an application which meets the requirements of Section 56662 or in the case of an application for which a local agency has already given notice pursuant to subdivision (c) of Section 56654.

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

(f) When an application is accepted for filing, the executive officer shall immediately issue a certificate of filing to the applicant. A certificate of filing shall be in the form prescribed by the executive officer and shall specify the

date upon which the proposal shall be heard by the commission. From the date of issuance of a certificate of filing, or the date upon which an application is deemed to have been accepted, whichever is earlier, an application shall be deemed filed pursuant to this division.

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

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

SEC. 2. Section 56882 of the Government Code is amended to read:

56882. (a) The executive officer shall ~~mail~~ *transmit* a copy of the resolution adopted by the commission making determinations addressed to each of the following persons or entities:

~~(a)~~

(1) The proponents, if any, where the proceedings for change of organization were initiated by petition.

~~(b)~~

(2) Each affected local agency whose boundaries would be changed by the proposal.

(b) If the executive officer transmits a copy of the resolution using email or electronic means, the executive officer shall confirm receipt by the intended recipient through electronic read receipt or other means.


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SB-360 California Coastal Commission: member voting. (2023-2024)

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Date Published: 02/08/2023 09:00 PM

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 360

Introduced by Senator Blakespear

February 08, 2023

An act to amend Section 30318 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 360, as introduced, Blakespear. California Coastal Commission: member voting.

Existing law, the California Coastal Act of 1976, establishes the California Coastal Commission and prescribes the membership and duties of the commission. The act provides that its provisions do not preclude or prevent any member or employee of the commission who is also an employee of another public agency, a county supervisor or city councilperson, or a member of specified associations or organizations, and who has in that designated capacity voted or acted upon a particular matter, from voting or otherwise acting upon that matter as a member or employee of the commission.

This bill would apply the latter provision to members of a joint powers authority and members of the local agency formation commission.

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

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

SECTION 1. Section 30318 of the Public Resources Code is amended to read:

30318. Nothing in this division shall preclude or prevent any member or employee of the commission who is also an employee of another public agency, a county supervisor or city councilperson, member of the Association of Bay Area Governments, member of the Association of Monterey Bay Area Governments, *member of a joint powers authority, member of the local agency formation commission*, delegate to the Southern California Association of Governments, or member of the San Diego Comprehensive Planning Organization, and who has in that designated capacity voted or acted upon a particular matter, from voting or otherwise acting upon that matter as a member or employee of the commission. Nothing in this section shall exempt any such member or employee of the commission from any other provision of this article.

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April 12, 2023

Honorable Cecilia M. Aguiar-Curry, Chair
Assembly Local Government Committee
California State Assembly
1020 N Street, Room 157
Sacramento, CA 95814

RE: **Support** – AB 1753 (Aguiar-Curry): Committee on Local Government: Omnibus Bill

Dear Chair Aguiar-Curry:

The Local Agency Formation Commission of Orange County (OC LAFCO) is pleased to support the Assembly Local Government Committee Omnibus Bill (AB 1753), sponsored by the California Association of Local Agency Formation Commissions (CALAFCO).

AB 1753 proposes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), which governs the work of LAFCOs. These changes allow for greater clarity of language within the CKH Act for all stakeholders and further support OC LAFCO's ability to fulfill its role in encouraging the efficient delivery of municipal services by our respective local governments.

This legislation ensures that the CKH 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
René LaRoche, Executive Director, CALAFCO

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General Counsel

April 12, 2023

Senate Member Catherine Blakespear

California State Senate

1021 O Street, Suite 7340

Sacramento, CA 95814

RE: **Support** – SB 360 (Blakespear): California Coastal
Commission: Member Voting

Dear Senator Blakespear:

The Local Agency Formation Commission of Orange County (OC LAFCO) is pleased to support Senate Bill 360 (SB 360), which proposes to allow employees or members of a Joint Powers Authority (JPA) or commissioners of a Local Agency Formation Commission (LAFCO) to concurrently participate as a member of the California Coastal Commission. Existing law under the California Coastal Act of 1976 does not preclude or prevent any member or employee of the Coastal Commission who is an employee of another public agency, a county supervisor or city councilperson, or a member of specified associations or organizations from voting or otherwise acting upon a matter as a member of the Coastal Commission. If SB 360 is approved by the Legislature and signed into law by the Governor, it would further support opportunities for locally elected officials to effectively serve their communities by expanding the list of offices that a locally elected official may be seated on concurrently involving the Coastal Commission, LAFCOs, and JPAs.

For the reason stated above, OC LAFCO supports SB 360.

Respectfully,

Douglass Davert

Chair

cc: René LaRoche, Executive Director, CALAFCO