

May 10, 2023

**8b** | Commission  
Discussion

**REGULAR MEMBERS**

CHAIR  
**Douglass Davert**  
Special District Member

VICE CHAIR  
**Donald P. Wagner**  
County Member

IMMEDIATE PAST CHAIR  
**Derek J. McGregor**  
Public Member

**Wendy Bucknum**  
City Member

**Andrew Do**  
County Member

**James Fislser**  
Special District Member

**Vacant**  
City Member

**ALTERNATES**

**Katrina Foley**  
County Member

**Kathryn Freshley**  
Special District Member

**Carol Moore**  
City Member

**Lou Penrose**  
Public Member

**STAFF**

**Carolyn Emery**  
Executive Officer

**Scott Smith**  
General Counsel

**TO:** Local Agency Formation Commission  
of Orange County

**FROM:** Executive Officer  
Assistant Executive Officer

**SUBJECT:** Legislative Report (May 2023)

**BACKGROUND**

This report provides a brief status update on bills previously reviewed by the Commission during this legislative session. Additionally, as requested by the OC LAFCO Chair, the report includes a summary of Assembly Bill 1637, a bill recently introduced in the Legislature, and recommended action 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 in the Assembly. The next hearing date has not been identified, as of May 3.
AB 1753	Makes minor and/or non-substantive changes to the CKH Act and provides consistency in how the Act is applied throughout the State.	Support	AB 1753 is currently under review in the Senate. The next hearing date had not been identified, as of May 3.

Bill	Description	Commission's Adopted Position	Status
SB 360	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.	Support	SB 360 is currently under review in the Senate. The next hearing date has not been identified, as of May 3.
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 next hearing date has not been identified, as of May 3.

## NEW LEGISLATION

### **AB 1637 (Irwin) Local Government: Internet Websites and Email Addresses**

The California Public Records Act requires a local agency to make public records available for inspection to the public and allows local agencies to post records on their website for public review. This bill proposes that by January 1, 2026, local agencies that maintain an internet website for the use of the public must ensure that the website link utilizes a “.gov” top-level domain or a “.ca.gov” second-level domain. Additionally, the bill proposes to require local agencies that maintain public email addresses for employees to ensure each email address utilizes a “.gov” or a “.ca.gov” domain name.

If passed, AB 1637 will impact all state and local agencies, including LAFCOs. On April 4, 2023, a coalition of agencies including the Association of California School Administrators, League of California Cities, California Special Districts Association, California State Association of Counties, and the Urban Counties of California submitted a letter to the legislature stating they are opposed to AB 1637 unless it is amended. The letter outlines the agencies' concerns, which include that the domains do not provide a higher level of security, the process to obtain the new domains can be rigorous, and a switch to the domains will have a fiscal impact on agencies. The agencies suggested that the bill be amended to narrow the scope to encourage agencies to use the new domains, provide funding resources to agencies that initiate the transition, and establish technical support for agencies.

If enacted, in addition to the technical costs associated with the change in OC LAFCO’s domain and email addresses, respective hard copy materials would also need to be updated, including

agency brochures, business cards, and other electronic and hard copy media items, resulting in some fiscal impact to the agency and no expected benefits resulting from these changes. Because of these reasons, as well as the others noted by the coalition of agencies, staff recommends the Commission consider adopting an **Oppose or Oppose Unless Amended** position. Draft letters for both positions are attached to this report for Commission review.

**RECOMMENDED ACTION:** Adopt **OPPOSE or OPPOSE UNLESS AMENDED** position on AB 1637.

**SUPPORT:** None on record.

**OPPOSE UNLESS AMENDED:** Association of California School Administrators, League of California Cities, California Special Districts Association, California State Association of Counties, Urban Counties of California.

**OPPOSE:** City Clerks Association of California, City of Redwood, City of San Marcos.

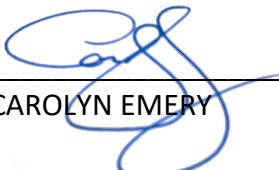
**BILL LOCATION/STATUS:** Senate. No hearing date scheduled at the time of agenda distribution.


#### RECOMMENDED ACTIONS

Staff recommends the Commission:

1. Adopt an **Oppose or Oppose Unless Amended** position on AB 1637.
2. Direct staff to send respective position letter to the bill author.

Respectfully submitted,

  
\_\_\_\_\_  
CAROLYN EMERY

  
\_\_\_\_\_  
LUIS TAPIA

Attachment:

1. Assembly Bill AB 1637 (Irwin)

Exhibits:

- A. Letter of Opposition – AB 1637
- B. Letter of Oppose Unless Amended – AB 1637


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

## AB-1637 Local government: internet websites and email addresses. (2023-2024)

SHARE THIS:



Date Published: 04/27/2023 09:00 PM

AMENDED IN ASSEMBLY APRIL 27, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

### ASSEMBLY BILL

### NO. 1637

Introduced by Assembly Member Irwin

February 17, 2023

An act to add Section 50034 to the Government Code, relating to local government.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1637, as amended, Irwin. Local government: internet websites and email addresses.

(1) The California Constitution authorizes cities and counties to make and enforce within their limits all local, police, sanitary, and other ordinances and regulations not in conflict with general ~~laws,~~ laws and further authorizes cities organized under a charter to make and enforce all ordinances and regulations in respect to municipal affairs, which supersede inconsistent general laws.

The California Public Records Act requires a local agency to make public records available for inspection and allows a local agency to comply by posting the record on its internet website and directing a member of the public to the internet website, as specified.

This bill, no later than January 1, ~~2025,~~ 2026, would require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a ".gov" top-level domain or a ".ca.gov" second-level ~~domain,~~ domain and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a ".gov" or ".ca.gov" domain. This bill, no later than January 1, ~~2025,~~ 2026, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a ".gov" domain name or a ".ca.gov" domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

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

(3) 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.

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

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

**SECTION 1.** The Legislature finds and declares all of the following:

(a) The Cybersecurity and Infrastructure Security Agency (CISA), within the Department of Homeland Security, sponsors the “.gov” top-level domain and makes it available solely to United States-based government organizations and publicly controlled entities, including California’s local agencies.

(b) California’s local agencies qualify for a “.gov” domain without paying any fee.

(c) Using “.gov” increases security by enforcing multifactor authentication on all accounts in the “.gov” registrar, requiring browsers to only use a Hypertext Transfer Protocol Secure (HTTPS) connection with “.gov” domains, and enabling the addition of a security contact, making it easier for the public to alert the agency about potential security issues with the agency’s online services.

(d) The Government Operations Agency oversees the “.ca.gov” domain name program, and the Department of Technology manages the registration, change, and renewal process for “.ca.gov” domains. Agencies are not required to pay any fee for a “.ca.gov” domain.

(e) To administer the “.ca.gov” second-level domain, the Department of Technology has established policies and protocols consistent with federal ~~policy~~ *policy*, including, but not limited to, the federal Interagency Committee on Government Information’s Recommended Policies and Guidelines for Federal Public Websites and the federal .gov Registrar administered by CISA.

(f) Users of websites or other internet services with a “.ca.gov” domain can be assured they are accessing an official California governmental resource.

**SEC. 2.** Section 50034 is added to the Government Code, to read:

**50034.** (a) (1) No later than January 1, ~~2025~~, *2026*, a local agency that maintains an internet website for use by the public shall ensure that the internet website utilizes a “.gov” top-level domain or a “.ca.gov” second-level domain.

(2) If *a* local agency that is subject to paragraph (1) maintains an internet website for use by the public that is noncompliant with paragraph (1) by January 1, ~~2025~~, *2026*, that local agency shall redirect that internet website to a domain name that does comply with paragraph (1).

(b) No later than January 1, ~~2025~~, *2026*, a local agency that maintains public email addresses for its employees shall ensure that each email address provided to its employees utilizes a “.gov” domain name or a “.ca.gov” domain name.

(c) For purposes of this section, “local agency” has the same meaning as that term is defined in Section 54951.

**SEC. 3.** The Legislature finds and declares that Section 2 of this act adding Section 50034 to the Government Code addresses a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act adding Section 50034 to the Government Code applies to all cities, including charter cities.

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

**REGULAR MEMBERS**

CHAIR

**Douglass Davert**

Special District Member

VICE CHAIR

**Donald P. Wagner**

County Member

IMMEDIATE PAST CHAIR

**Derek J. McGregor**

Public Member

**Wendy Bucknum**

City Member

**Andrew Do**

County Member

**James Fisler**

Special District Member

**Vacant**

City Member

**ALTERNATES**

**Katrina Foley**

County Member

**Kathryn Freshley**

Special District Member

**Carol Moore**

City Member

**Lou Penrose**

Public Member

**STAFF**

**Carolyn Emery**

Executive Officer

**Scott Smith**

General Counsel

May 10, 2023

Assembly Member Jacqui Irwin

California State Assembly

1020 N Street, Room 6011

Sacramento, CA 95814

RE: **Oppose** – AB 1637 (Irwin): Local Government: Internet Websites and Email Addresses

Dear Assembly Member Irwin:

The Local Agency Formation Commission of Orange County (OC LAFCO), respectfully, opposes AB 1637, which proposes to require all local agencies' use of the ".gov" or ".ca.gov" domains for email addresses and internet websites.

While OC LAFCO appreciates the intent of AB 1637, as currently written, the language creates many challenges for local governments, including a new unfunded mandate and the rigorous processes associated with meeting the requirements of the bill. For many agencies, particularly ones with smaller or already constrained budgets and other resources, this undertaking would present negative fiscal impacts. Additionally, without supporting and contrary information, OC LAFCO anticipates that the change in the Commission's domain would not yield any benefits, such as enhanced security or improved public accessibility to our agency through the electronic means discussed in AB 1637.

For these reasons, OC LAFCO opposes AB 1637. If you or your staff have any questions, you may contact Executive Officer, Carolyn Emery at (714) 640-5100.

Respectfully,

Douglass Davert

Chair

cc: René LaRoche, Executive Director, CALAFCO

**REGULAR MEMBERS**

CHAIR

**Douglass Davert**

Special District Member

VICE CHAIR

**Donald P. Wagner**

County Member

IMMEDIATE PAST CHAIR

**Derek J. McGregor**

Public Member

**Wendy Bucknum**

City Member

**Andrew Do**

County Member

**James Fisler**

Special District Member

**Vacant**

City Member

**ALTERNATES**

**Katrina Foley**

County Member

**Kathryn Freshley**

Special District Member

**Carol Moore**

City Member

**Lou Penrose**

Public Member

**STAFF**

**Carolyn Emery**

Executive Officer

**Scott Smith**

General Counsel

May 10, 2023

Assembly Member Jacqui Irwin  
California State Assembly  
1020 N Street, Room 6011  
Sacramento, CA 95814

RE: **Oppose Unless Amended** – AB 1637 (Irwin): Local Government: Internet Websites and Email Addresses

Dear Assembly Member Irwin:

The Local Agency Formation Commission of Orange County (OC LAFCO), respectfully, opposes AB 1637, which proposes to require all local agencies' use of the ".gov" or ".ca.gov" domains for email addresses and internet websites.

While OC LAFCO appreciates the intent of AB 1637, as currently written, the language creates many challenges for local governments, including a new unfunded mandate and the rigorous processes associated with meeting the requirements of the bill. For many agencies, particularly ones with smaller or already constrained budgets and other resources, this undertaking would present negative fiscal impacts. Additionally, without supporting and contrary information, OC LAFCO anticipates that the change in the Commission's domain would not yield any benefits, such as enhanced security or improved public accessibility to our agency through the electronic means discussed in AB 1637.

To minimize the fiscal impacts for local agencies, OC LAFCO requests consideration of narrowing the scope of AB 1637 to allowing local agencies to self-select the use of ".ca" and ".ca.gov" domains and funding provided by the State for those that chose this option. The potential amendments would provide support to those agencies interested in making the transition while allowing for other agencies to keep the domain historically attached to their agency for internal or other reasons.

We appreciate your consideration of OC LAFCO's concerns, and you may contact our Executive Officer, Carolyn Emery if you have any questions.

Respectfully,

Douglass Davert  
Chair

cc: René LaRoche, Executive Director, CALAFCO