

**LOCAL AGENCY FORMATION COMMISSION OF
ORANGE COUNTY**

REGULAR MEETING AGENDA

**Wednesday, June 14, 2023
8:15 a.m.**

**County Administrative North (CAN)
First Floor Multipurpose Room 101
400 W. Civic Center Drive, Santa Ana, CA 92701**

Any member of the public may request to speak on any agenda item at the time the Commission is considering the item.

- 1. CALL THE MEETING TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. BOARD APPOINTMENT**

The Commission will receive a report on the recent appointment to OC LAFCO and the respective oath will be administered.

- 4. ROLL CALL**
- 5. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATION
(Communications received after agenda distribution for agenda items.)**
- 6. PUBLIC COMMENT**

This is an opportunity for members of the public to address the Commission on items not on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken by the Commission on off-agenda items unless authorized by law.

- 7. CONSENT CALENDAR**
 - a.) May 10, 2023 – Regular Commission Meeting Minutes**

The Commission will consider approval of the May 10, 2023 meeting minutes.

8. PUBLIC HEARING

No public hearing items scheduled.

9. COMMISSION DISCUSSION AND ACTION

a.) Professional Services Agreement with Chase Design, Inc.

The Commission will consider approval of a professional services agreement with Chase Design to complete design improvements to the agency website.

b.) Legislative Policy and Guidelines

The Commission will consider proposed amendments to the agency's legislative policy and guidelines to include engagement of external stakeholders.

c.) Legislative Report (June 2023)

The Commission will receive an update on current legislation of LAFCO interest and consider adopting and amending positions on proposed legislation of LAFCO interest.

10. COMMISSIONER COMMENTS

This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No discussion or action may occur or be taken except to place the item on a future agenda if approved by the Commission majority.

11. EXECUTIVE OFFICER'S REPORT

Executive Officer's announcement of upcoming events and brief report on activities of the Executive Officer since the last meeting.

a.) Project/Application Updates *(Oral reports and no action required by the Commission.)*

1. OCWD MSR
2. Fical Indicators – CALAFCO Conference Proposal

12. INFORMATIONAL ITEMS & ANNOUNCEMENTS

No informational items and announcements scheduled.

13. CLOSED SESSION

Conference with Legal Counsel- Anticipated Litigation

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)

Number of potential cases: 1

14. ADJOURNMENT OF REGULAR COMMISSION MEETING

The Commission will adjourn today's OC LAFCO meeting in memory of former Commissioner Allan Bernstein who passed away on May 24, 2023. Allan Bernstein served as an OC LAFCO City Member from 2014 to 2020. We celebrate Allan's many contributions and distinguished public service.

The next Regular Commission Meeting will be held on Wednesday, July 12, 2023, at 8:15 a.m. at the County Administrative North (CAN), First Floor Multipurpose Room 101, 400 W. Civic Center Drive, Santa Ana, CA 92701.

PUBLIC PARTICIPATION:

The Local Agency Formation Commission of Orange County welcomes your participation. The public may share general comments or comments on agenda items through the following options:

- 1) **In-person** comments may be provided during the general comment period on off-agenda items and during the hearing of a specific agenda item. In accordance with the OC LAFCO guidelines, each speaker's comments may not exceed three (3) minutes for the respective item. If you have documents for the Commission, please bring 15 copies and submit to the Commission Clerk for distribution.
- 2) **Written** general comments or comments on specific agenda items may be submitted by email to the Commission Clerk at ccarter-benjamin@oclafco.org. Comments received no less than twenty-four (24) hours prior to the regular meeting will be distributed to the Commission and included in the record.

Pursuant to Government Code Section 54957.5, public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be made available to the public on the OC LAFCO website at www.oclafco.org.

State law requires that a participant in an OC LAFCO proceeding who has a financial interest in a decision and who has made a campaign contribution of more than \$250 to any commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission's staff before the hearing.

AMERICANS WITH DISABILITIES ACT (ADA)

All regular meeting agendas and associated reports are available at www.oclafco.org. Any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or associated reports upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, to participate in a public meeting. Requests for copies of meeting documents and accommodations shall be made with OC LAFCO staff at (714) 640-5100 at least three business days prior to the respective meeting.

2023 MEETING AND EVENTS CALENDAR

Approved November 9, 2022

2023



January						
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- OC LAFCO Regular Meeting (*begins at 8:15 a.m.*)
Location: County Administrative North, First Floor Multipurpose Room 101, 400 W. Civic Center Dr., Santa Ana, CA 92701.
- Office closure due to legal holidays and flexible work schedule.
- CALAFCO Annual Conference - October 18 - 20, 2023 at Hyatt Regency Monterey.

3 | Board
Appointment

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

Bruce Whitaker

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

June 14, 2023

TO: Local Agency Formation Commission
of Orange County

FROM: Executive Officer
Commission Clerk

SUBJECT: Board Appointment

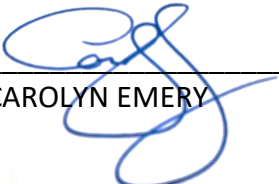
The following appointment of the OC LAFCO member was made for the term of July 1, 2022 through June 30, 2026:

City Member

Bruce Whitaker, Regular City Member appointed by the City Selection Committee on May 18, 2023.

The Oath of Office will be administered and Commissioner Whitaker seated at the June 14 Regular Commission Meeting. Attached for reference is the updated OC LAFCO Terms of Office.

Respectfully submitted,



CAROLYN EMERY



CHERYL CARTER-BENJAMIN

Attachment:

1. OC LAFCO Terms of Office



**LOCAL AGENCY FORMATION COMMISSION
OF ORANGE COUNTY**

Commissioners' Terms of Office

Updated: June 2023

Pursuant to Government Code Section 56334, the expiration date of the term of office of each member of the Commission is June 30th in the year in which the term of the member expires.

NAME	ORIGINAL DATE APPOINTED TO OC LAFCO	CURRENT TERM OF OFFICE	REMARKS
<u>COUNTY MEMBERS</u>			
Donald Wagner	2019	2022-2026	<i>Appointed to a four-year term.</i>
Andrew Do	2022	2019-2023	<i>Appointed to complete the unexpired term ending in 2023.</i>
Katrina Foley (Alt.)	2023	2019-2023	<i>Appointed to complete the unexpired term ending in 2023.</i>
<u>CITY MEMBERS</u>			
Wendy Bucknum	2015	2020-2024	<i>Appointed to a four-year term.</i>
Bruce Whitaker	2023	2022-2026	<i>Appointed to complete the unexpired term ending in 2026.</i>
Carol Moore (Alt.)	2023	2020-2024	<i>Appointed to complete the unexpired term ending in 2024.</i>
<u>SPECIAL DISTRICT MEMBERS</u>			
Douglass Davert	2018	2022-2026	<i>Appointed to a four-year term.</i>
James Fisler	2011	2020-2024	<i>Appointed to a four-year term.</i>
Kathryn Freshley (Alt.)	2019	2022-2026	<i>Appointed to a four-year term.</i>
<u>PUBLIC MEMBERS</u>			
Derek McGregor	2009	2022-2026	<i>Appointed to a four-year term.</i>
Lou Penrose (Alt.)	2017	2021-2025	<i>Appointed to a four-year term.</i>

DRAFT MINUTES

OC LAFCO REGULAR MEETING

Wednesday, May 10, 2023
8:15 a.m.

County Administrative North (CAN)
First Floor Multipurpose Room 101
400 W Civic Center Drive, Santa Ana, CA. 92701

1. CALL TO ORDER

Vice Chair Wagner called the meeting of the Local Agency Formation Commission of Orange County (OC LAFCO) to order at 8:15 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Penrose led the Pledge of Allegiance.

3. ROLL CALL

The following Commissioners were present:

City Members

Wendy Bucknum
Carol Moore **(Alt.)**

County Member

Donald Wagner **(Vice Chair)**

Special District Member

James Fisler

Public Members

Derek J. McGregor
Lou Penrose **(Alt.)**

The following staff members and general counsel were present:

- Executive Officer Carolyn Emery
- Assistant Executive Officer Luis Tapia
- Policy Analyst Gavin Centeno
- Policy Analyst Amanda Castro
- Commission Clerk Cheryl Carter-Benjamin
- General Counsel Paula C. De Sousa

**4. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATION
(Received After Agenda Distribution)**

Commission Clerk Cheryl Carter-Benjamin noted that no supplemental communication was received.

5. PUBLIC COMMENT

Vice Chair Wagner requested public comments on any non-agenda items. The Commission Clerk noted that there were no requests to speak from the public.

Vice Chair Wagner closed the hearing of public comments.

6. CONSENT CALENDAR

Vice Chair Wagner called for a motion on the consent calendar. There was no discussion or request to pull an item from Commissioners, and the Commission Clerk noted that there were no requests from the public to speak on the consent calendar. **Commissioner McGregor** motioned for approval of the consent calendar, and **Commissioner Moore** seconded the motion.

6a. – April 12, 2023 Regular Commission Meeting Minutes

6b. – Proposed “Area Property Annexation to the City of Brea (CA22-07)”

6c. – Amendments to the Local Guidelines for Implementing the California Environmental Quality Act (CEQA)

MOTION: Approve the Consent Calendar. (Derek J. McGregor)
SECOND: Carol Moore
FOR: Derek J. McGregor, Carol Moore, Wendy Bucknum,
James Fisler, Donald Wagner
AGAINST: None
ABSTAIN: None

MOTION PASSED: 5-0.

7. PUBLIC HEARING

7a. – Final OC LAFCO Fiscal Year 2023-24 Budget

Vice Chair Wagner opened the public hearing. The Commission Clerk noted no requests from the public to speak on the item. Assistant Executive Officer Luis Tapia presented the staff report and recommended actions for the final fiscal year 2023-24 budget.

Vice Chair Wagner called for Commission discussion and questions. The Commissioners made general comments. **Vice Chair Wagner** called for a motion on the item. **Commissioner Fisler** motioned to approve the staff recommended actions and **Commissioner Bucknum** seconded the motion.

MOTION: Adopt the final OC LAFCO Fiscal Year 2023-2024 Budget; Direct the Executive Officer to transmit the final budget to the Board of Supervisors, cities, special districts, and the County Auditor-Controller. (James Fisler)

SECOND: Wendy Bucknum

FOR: James Fisler, Wendy Bucknum, Derek J. McGregor, Carol Moore, Donald Wagner

AGAINST: None

ABSTAIN: None

MOTION PASSED: 5-0.

8. COMMISSION DISCUSSION AND ACTION

8a. – OC LAFCO Fiscal Indicators

Policy Analyst Gavin Centeno presented highlights of the staff report and introduced Consultant, Richard Berkson, who gave a presentation on the improved fiscal indicators.

Vice Chair Wagner called for Commission discussion and public comments. Commissioners made general comments and asked questions involving the indicators and public safety costs. The Consultant acknowledged the growing concern for agencies involving public safety costs. The Commission Clerk noted that there were no requests from the public to speak on the item. **Vice Chair Wagner** stated that this was a receive and file item.

8b. – Legislative Report (May 2023)

Assistant Executive Officer Luis Tapia presented the legislative report and recommended actions for Commission consideration.

Vice Chair Wagner called for Commission discussion and public comments. Commissioners made general comments. **Commissioner Fisler** gave general comments on his district's analysis of potential costs involving the bill requiring local agencies to change website and email domain. **Vice Chair Wagner** noted the bill's intent involves transparency and option to adopt a watch position. The Commission Clerk noted that there were no requests from the public to speak on the item.

Vice Chair Wagner called for a motion on the item. **Commissioner Bucknum** motioned for the Commission to adopt an oppose unless amended position on AB 1637, including sending a letter to author, and **Commissioner Fisler** seconded the motion.

MOTION: Adopt an *Oppose Unless Amended* position on AB 1637; Direct staff to send a position letter to the bill author. (Wendy Bucknum)

SECOND: James Fisler

FOR: Wendy Bucknum, James Fisler, Derek J. McGregor, Carol Moore, Donald Wagner

AGAINST: None

ABSTAIN: None

MOTION PASSED: 5-0.

8c. – Memorandum of Understanding with California State University, Fullerton Auxiliary Services Corporation

Assistant Executive Officer Luis Tapia presented the staff report and recommended action on the item.

Vice Chair Wagner called for Commission discussion and public comments. There were no comments from Commissioners, and the Commission Clerk noted that there were no requests from the public to speak on the item.

Vice Chair Wagner called for a motion on the item. **Commissioner McGregor** motioned to approve the staff recommended action, and **Commissioner Bucknum** seconded the motion.

MOTION: Approve Three-Year (Fiscal Years 2023-2026) Memorandum of Understanding with CSU Fullerton Auxiliary Services Corporation for the Continued Operation of the Center for Demographic Research at California State University, Fullerton and direct the Executive Officer to execute the MOU. (Derek J. McGregor)

SECOND: Wendy Bucknum

FOR: Derek J. McGregor, Wendy Bucknum, James Fisler, Carol Moore, Donald Wagner

AGAINST: None

ABSTAIN: None

MOTION PASSED: 5-0.

9. COMMISSIONER COMMENTS

There were no general comments from Commissioners.

10. EXECUTIVE OFFICER'S REPORT

The Executive Officer noted that there were no items to report.

11. INFORMATIONAL ITEMS & ANNOUNCEMENTS

No informational items and announcements scheduled.

12. CLOSED SESSION

12a. – Closed Session

The Commission adjourned to closed session at 8:50 a.m. on the following item:

Conference with Legal Counsel- Anticipated Litigation
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
Number of potential cases: 1

The Commission reconvened in open session at 9:15 a.m., and General Counsel Paula C. De Sousa noted that the Commission discussed the closed session item and there were no reportable actions.

13. ADJOURNMENT OF THE REGULAR COMMISSION MEETING

Vice Chair Wagner adjourned the Regular Commission Meeting at 9:15 a.m. to June 14, 2023.

Donald Wagner, Vice Chair
Orange County Local Agency Formation Commission

ATTEST:

By: _____
Cheryl Carter-Benjamin
Commission Clerk

June 14, 2023

9a | 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 Fisler
Special District Member

Bruce Whitaker
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
Policy Analyst II

SUBJECT: Professional Services Agreement with Chase Design, Inc.

BACKGROUND

The Commission's website serves as the main gateway for the public to OC LAFCO's key information, including meeting agendas, recordings, financial documents and Commissioner and staff contact data. The site also functions as the resource hub for Orange County's agencies, residents and other interested parties through the availability of the agency's fiscal indicators, shared services, and municipal services dashboard web-based programs. The last substantive upgrade to the "oclafco.org" domain was completed in 2020 and included a complete redesign, improved functionality, and bringing the site into legal compliance. Since that time, we have experienced an increase in website visitors, and the site has contributed to optimizing OC LAFCO's communication with its stakeholders.

In concert with the evolution of technology, it is important to complete periodic upgrades and improvements to maintain efficient functionality of the website, including speed in accessing documents and mobile and language access. The staff report highlights the recommendation to continue improvements to the agency website through a contract with Chase Design, Inc. ("Chase Design").

DISCUSSION

The scope of services proposed to be provided by Chase Design includes refining content management of various key documents, information and language access, the enhancement of user navigation for on-site and mobile platforms, and the migration of the agency's fiscal indicators web-based program. One of the key improvements included in the scope is refining web access to the Commission's main transparency repository, the OC LAFCO Bylaws, Policies and Procedures. Enhancements to the site will support the ability for users to download or print these documents more easily.

Chase Design is being recommended by staff to perform improvements to the agency website based on the firm's 23 years of experience in website and graphic design and content management. Additionally, Chase Design has collaborated with OC LAFCO on other projects, including redesigning the agency's logo and rebranding multiple agency communication tools to include the biannual news, agency letterhead and organizational chart and municipal service reviews. Chase Design has performed similar services for numerous public agencies, including cities, counties and LAFCOs throughout the state.

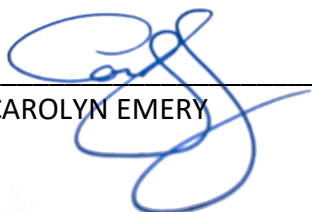
The professional services agreement with Chase Design, Inc. includes a total cost not to exceed \$30,000. The agreement and scope of services are attached to this report for Commission review and consideration.

RECOMMENDED ACTION

Staff recommends the Commission:

1. Approve the professional services agreement with Chase Design, Inc. for services referenced in Attachment 1 and authorize the Executive Officer to execute the agreement.

Respectfully submitted,



CAROLYN EMERY



GAVIN CENTENO

Attachment:

1. Professional Services Agreement with Chase Design, Inc.

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION
PROFESSIONAL CONSULTANT SERVICES AGREEMENT**

This Agreement is made effective, _____, 2023, by and between ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION (hereinafter referred to as “OC LAFCO”), organized and operating pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, (Government Code Sections 56000 et seq.), and Chase Design, Inc. (hereinafter referred to as “Consultant”).

RECITALS

A. OC LAFCO is a public agency of the State of California and is in need of professional consulting services to complete design and functionality improvements to the agency’s website (hereinafter referred to as “the Project”).

B. Consultant is qualified by virtue of experience, training, education and expertise to provide such services.

C. This Agreement is to establish the terms and conditions for OC LAFCO to retain a Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Term and Time of Performance.

The term of this Agreement shall be from the effective date through October 31, 2023, unless terminated in accordance with the procedures outlined in Section 15 of this Agreement. Consultant shall perform its services hereunder in a prompt and timely manner and shall commence performance upon the execution of this Agreement.

2. Services.

Consultant shall provide OC LAFCO with the services described in the Scope of Services attached hereto as Exhibit “A.”

3. Compensation.

a. Subject to paragraph 3(b) below, OC LAFCO shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit “B.”

b. The compensation for services rendered by Consultant pursuant to Exhibit “A” shall not exceed \$30,000.

c. Consultant shall submit to OC LAFCO a statement for services rendered. OC LAFCO shall cause payment to be made to Consultant within thirty (30) working days from receipt of statement for services and OC LAFCO's determination that Consultant has adequately performed those services for which OC LAFCO has been invoiced.

4. Additional Work

If changes in the work seem merited by Consultant or OC LAFCO, and informal consultations with the other party indicate that a change is warranted, it shall be processed by OC LAFCO in the following manner: Consultant shall forward a letter outlining the changes to OC LAFCO with a statement of estimated changes in fee or time schedule. An amendment to the Agreement shall be prepared by OC LAFCO and executed by both parties before performance of such services or OC LAFCO will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

5. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the Agreement period and for four (4) years from the date of final payment under the contract for inspection by OC LAFCO.

6. Delays in Performance.

Neither OC LAFCO nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government.

b. Consultant shall assist OC LAFCO in obtaining and maintaining all permits required of Consultant by Federal, State and local regulatory agencies.

8. Standard of Care.

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Sub-consultant.

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of OC LAFCO, which may be withheld for any reason. Nothing contained herein shall prevent Consultant from employing independent associates and sub-consultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Contractor.

It is agreed that Consultant shall act and be an independent contractor and is not an agent or employee of OC LAFCO and is not entitled to participate in any compensation plans or other benefits OC LAFCO provides for its employees. All services shall be performed by Consultant or under its supervision. Consultant will determine the means, methods and details of performing the services, subject to the requirements of this Agreement. Any additional personnel performing the services under this Agreement on behalf of Consultant shall also not be employees of OC LAFCO and shall at all times be under Consultant's exclusive direction and control. Consultant shall be responsible for all reports and obligations respecting such personnel, including but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance and workers' compensation insurance.

11. Extra Work.

At any time during the term of this Agreement, OC LAFCO may request that Consultant perform Extra Work. As used herein, "Extra Work" means any work which is determined by OC LAFCO to be necessary for the proper completion of the Project, but which the Parties did not reasonably anticipate would be necessary at the execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without written authorization from the OC LAFCO. For this agreement, the Executive Officer may approve Extra Work up to 10% (\$3,000) of the original contract value total. Any additional work required in excess of this amount shall be approved by the Commission.

In addition to the Extra Work described above, and following the term of this Agreement, Consultant shall be available on an on-call basis at the hourly rate described herein to assist with quality assurance, minor site maintenance and content updates based on separate work authorizations by OC LAFCO.

12. Integration.

This Agreement represents the entire understanding of OC LAFCO and Consultant as to those matters contained herein and supersedes and cancels any prior oral or written understanding, promises or representations with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing signed by both parties hereto. This is an integrated Agreement.

13. Insurance.

Consultant shall take out and maintain, during the performance of all work under this Agreement, in amounts not less than specified herein, all insurance set forth in "Exhibit C" hereto, in a form and with insurance companies acceptable to OC LAFCO.

14. Indemnification.

To the fullest extent permitted by law, Consultant shall defend, indemnify and hold OC LAFCO, its Board, members of the Board, employees, and authorized volunteers free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to the alleged negligent acts, errors or omissions caused by the negligence, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services or this Agreement, including without limitation the payment of all consequential damages, expert witness fees and attorney's fees and other related costs and expenses. Notwithstanding the foregoing, to the extent Consultant's services are subject to Civil Code Section 2782.8, the above indemnity shall be limited, to the extent required by Civil Code Section 2782.8, to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant.

In addition, Consultant shall defend, with counsel of OC LAFCO's choosing and, to the extent permitted by Civil Code Section 2782.8, at Consultant's own cost, expense and risk, any and all claims, suits, actions or other proceedings of every kind covered by this section arising out of, pertaining to, or incident to the alleged negligent acts, errors or omissions caused by the negligence, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services or this Agreement that may be brought or instituted against OC LAFCO or its Board, members of the Board, employees, and authorized volunteers. Consultant shall pay and satisfy any judgment, award or decree that may be rendered against OC LAFCO or its Board, members of the Board, employees, and authorized volunteers as part of any such claim, suit, action or other proceeding. Consultant shall also reimburse OC LAFCO for the cost of any settlement paid by OC LAFCO or its Board, members of the Board, employees, or authorized volunteers as part of any such claim, suit, action or other proceeding. Such reimbursement shall include payment for OC LAFCO's attorney's fees and costs, including expert witness fees. Consultant shall reimburse OC LAFCO and its Board, members of the Board, employees, and/or authorized volunteers, for any and all

legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by OC LAFCO, its Board, members of the Board, employees, or authorized volunteers. Consultant shall have no duty or obligation to defend, indemnify, and/or pay settlement expenses of OC LAFCO, its Board, its Board members, employees, or authorized volunteers due to the negligence, errors or omissions caused by the sole negligence, and/or willful misconduct of OC LAFCO, its Board, its Board members, employees or authorized volunteers.

15. Laws, Venue, and Attorneys' Fees.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of Orange, State of California. In the event of any such litigation between the parties, the prevailing party shall be entitled to recover all reasonable costs incurred, including reasonable attorney's fees, as determined by the court.

16. Termination or Abandonment.

a. OC LAFCO may terminate this Agreement for any reason or no reason by giving thirty (30) calendar days' written notice of termination. OC LAFCO shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by OC LAFCO and Consultant of the portion of such task completed but not paid prior to said termination. OC LAFCO shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to OC LAFCO only in the event of substantial failure by OC LAFCO to perform in accordance with the terms of this Agreement through no fault of Consultant.

17. Key Personnel.

Consultant shall assign Chris Chase as the Principal Consultant. The Principal Consultant shall not be removed from the Project or reassigned without the prior written consent of OC LAFCO.

18. Notice.

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

OC LAFCO:
Carolyn Emery, Executive Officer
OC LAFCO
2677 North Main Street, Suite 1050
Santa Ana, CA 92705

Consultant:
Chris Chase, Principal
Chase Design, Inc.
2011 Palomar Airport Road, Suite 304
Carlsbad, CA 92011

and shall be effective upon receipt thereof.

19. Third Party Rights.

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than OC LAFCO and the Consultant.

20. Severability.

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid or illegal.

21. Acknowledgment.

Consultant acknowledges that by executing this agreement, they are also, in good faith, determining that the appointment meets each of the requirements set forth in Government Code Section 7522.56, including the unemployment insurance requirement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

**ORANGE COUNTY LOCAL AGENCY
FORMATION COMMISSION**

CHASE DESIGN, INC.

By: _____
Carolyn Emery, Executive Officer

By: _____
Chris Chase, Principal

Dated: _____

Dated: _____

Approved as to form:

Scott C. Smith, General Counsel

Orange County Local Agency Formation Commission

Attest:

Cheryl Carter-Benjamin Commission
Clerk

EXHIBIT “A”

SCOPE AND SCHEDULE OF SERVICES

Development Phases	Deliverables	Timeline
Phase I- Discovery	<ul style="list-style-type: none"> -Define Brand, Target, Audience, Project Goals, Functionality, and context of the website -Review Website Analytics -Define Project Plan -Development of Website Design Types and Elements -Content Development -Review of OC LAFCO Bylaws, Policies and Procedures for reformatting 	June 2023
Phase II-Design	<ul style="list-style-type: none"> -Development and design of Site Map -Development and design of Pages -Development and design of Website Pages 	July 2023
Phase III- Implementation	<ul style="list-style-type: none"> -Development of Navigation Structure -Visual Development -Application of color Scheme to Website -Design Webpages -Create an Intuitive Administration Interface -Content Upload to Website -Reformat and integrate of OC LAFCO Bylaws, Policies and Procedures to website 	July 2023
Phase IV- Quality Assurance	<ul style="list-style-type: none"> -Quality Assurance and Launch -Review Content Display and Accuracy -Test Website Compliance with ADA -Training Staff -Launch, Monitor, Support &Maintenance 	August-October 2023

**EXHIBIT “B”
SCHEDULE OF CHARGES/PAYMENTS**

Fee Schedule for
Chase Design, Inc.

The following fee schedule shall apply to work performed under this Agreement:

<u>Name, Title</u>	<u>Hourly Rate</u>
Chris Chase, Consultant	\$150.00

*Charges assume that all meetings are held by conference calls or video conferencing.

Consultant shall bill OC LAFCO for the actual hours incurred in performing the services required under this Agreement in accordance with the fee schedule set forth in this Exhibit B and subject to the provisions of Sections 3 and 11 of this Agreement.

**EXHIBIT “C”
INSURANCE REQUIREMENTS**

1. Commercial General Liability

- a. The Consultant shall take out and maintain, during the performance of all work under this Agreement, in amounts not less than specified herein, Commercial General Liability Insurance, in a form and with insurance companies acceptable to OC LAFCO.
- b. Coverage for Commercial General Liability insurance shall be at least as broad as the following: ISO Commercial General Liability coverage (Occurrence Form CG 0001)
- c. Commercial General Liability Insurance must include coverage for the following:
 - i. Bodily Injury and Property Damage
 - ii. Personal Injury/Advertising Injury
 - iii. Premises/Operations Liability
- d. All such policies shall give OC LAFCO, its Board, members of the Board, employees, and authorized volunteers insured status using ISO endorsement CG2010, CG2033, or equivalent.
- e. The general liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by OC LAFCO.

2. Automobile Liability

- a. At all times during the performance of the work under this Agreement the Consultant shall maintain Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, in a form and with insurance companies acceptable to OC LAFCO.
- b. Coverage for Automobile Liability Insurance shall be at least as broad as: ISO Form Number CA 0001 covering automobile liability (Coverage Symbol 1, any auto).
- c. The automobile liability program may utilize deductibles, but not self-insured retention, subject to written approval by OC LAFCO.

3. Workers' Compensation/Employer's Liability

- a. Consultant certifies that he/she is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for

workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and he/she will comply with such provisions before commencing work under this Agreement.

- b. Consultant shall maintain full compensation insurance for all persons employed directly by him/her to carry out the work contemplated under this Agreement, all in accordance with the "Workers' Compensation and Insurance Act," Division IV of the Labor Code of the State of California and any acts amendatory thereof, and Employer's Liability Coverage in amounts indicated herein. Consultant shall require all subconsultants to obtain and maintain, for the period covered by the work under this Agreement, workers' compensation of the same type and limits as specified in this section.
- c. Such insurance shall include an insurer's Waiver of Subrogation in favor of OC LAFCO and will be in a form and with insurance companies acceptable to OC LAFCO.

4. Minimum Policy Limits Required

- a. The following insurance limits are required for the Agreement:

	Combined Single Limit
Commercial General Liability	\$1,000,000 per occurrence/\$2,000,000 aggregate for bodily injury, personal injury and property damage
Automobile Liability	\$1,000,000 per occurrence for bodily injury and property damage
Employer's Liability/ Workers' Compensation	\$1,000,000 per occurrence/ Statutory

5. Evidence Required

- a. Prior to execution of the Agreement, the Consultant shall file with OC LAFCO evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the ISO CG 2010 (or insurer's equivalent) signed by the insurer's representative and Certificate of Insurance (ACORD Form 25-S or equivalent). All evidence of insurance shall be signed by a properly authorized officer, agent or qualified representative of the insurer and shall certify the names of the insured, any additional insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance.

6. Required Policy Provisions

- a. Certificates of insurance and policy endorsements shall require 30 days (10 days for non-payment of premium) notice of cancellation to OC LAFCO. Statements that the carrier “will endeavor” and “that failure to mail such notice shall impose no obligation and liability upon the company, its agents or representatives,” will not be acceptable on certificates. If any of the required coverage expires during the term of this Agreement, the Contractor shall deliver renewal certificate(s) including the General Liability Additional Insured Endorsement to OC LAFCO at least ten (10) days prior to the expiration date.
- b. The Commercial General Liability policy shall contain a provision stating that Consultant's policy is primary insurance and that any insurance, self-insurance or other coverage maintained by OC LAFCO or any named insureds shall not be called upon to contribute to any loss.
- c. The retroactive date (if any) of each policy is to be no later than the effective date of this Agreement. Consultant shall maintain such coverage continuously for a period of at least three (3) years after the completion of the work under this Agreement. Consultant shall purchase a one (1) year extended reporting period i) if the retroactive date is advanced past the effective date of this Agreement; ii) if the policy is canceled or not renewed; or iii) if the policy is replaced by another claims-made policy with a retroactive date subsequent to the effective date of this Agreement.

7. Qualifying Insurers

- a. All policies required shall be issued by acceptable insurance companies, as determined by OC LAFCO, which satisfy the following minimum requirements:
- b. Insurance carriers shall have a current AM Best rating of not less than “A-” policyholder's rating and a financial rating of not less than “Class VII,” unless otherwise approved in advance by OC LAFCO.

8. Additional Insurance Provisions

- a. The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by OC LAFCO, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.
- b. If at any time during the life of the Agreement, the Consultant fails to maintain in full force any insurance required by the Agreement documents OC LAFCO may terminate the Agreement.

- c. The Consultant shall include all subconsultants as insureds under its policies or shall furnish separate certificates and endorsements for each subconsultant. All coverages for subconsultants shall be subject to all of the requirements stated herein.
- d. OC LAFCO may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.
- e. Neither OC LAFCO, its Board, members of the Board, employees, or authorized volunteers shall be personally responsible for any liability arising under or by virtue of the Agreement.

June 14, 2023

9b | 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 Fisler

Special District Member

Bruce Whitaker

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: Ad Hoc Committee
Executive Officer
Policy Analyst

SUBJECT: “Legislative Policy and Guidelines” Amendments

BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires each LAFCO to adopt written policies and procedures. The “Orange County LAFCO Handbook” is a compilation of the Commission’s adopted written policies and procedures by the Local Agency Formation Commission of Orange County (OC LAFCO). The policies and procedures contained within the handbook are intended to supplement State law and guide the Commission in carrying out its legislative and local missions. The handbook includes the “Legislative Policy and Guidelines,” first adopted in 1999 to assist the Commission involving OC LAFCO’s participation in the legislative process and consideration of proposed legislation of LAFCO interest.

This staff report includes recommended changes to the legislative policy in response to the Commission’s key effort of legislative engagement discussed in the next section of this report.

DISCUSSION

On August 10, 2022, the Commission approved the agency’s Three-Year Strategic Plan (2022-2025). One of the four goals identified within the Plan is promoting legislative engagement and includes establishing a legislative ad hoc committee to develop principles and guidelines to proactively engage external organizations on legislative affairs. In accordance with Commission bylaws, OC LAFCO Chair appointed Commissioners Bucknum, McGregor, and Wagner to the legislative ad hoc committee. The committee and staff met on May 22 and established the following overall committee objectives: (1) Identify key stakeholders and organizations to proactively engage on legislation of LAFCO interest,

and (2) Develop guidelines to facilitate the engagement of key stakeholders and organizations on legislation of LAFCO interest.

The OC LAFCO Legislative Policy and Guidelines shown in Attachment 1 have been expanded to include guidelines for stakeholder engagement. The proposed amendments generally include the following areas:

- **Section II: Stakeholder Engagement**
 - Identifies local, regional, and statewide stakeholders for engagement on legislative affairs of LAFCO interest and outlines a process to engage stakeholders.
 - Identifies the responsibilities of the Legislative Ad Hoc Committee involving legislative affairs and in an advisory role to the Commission and assisting staff.
- **Section III: Procedures**
 - Clarifies the appointment process and establishes the composition of the OC LAFCO Legislative Ad Hoc Committee.

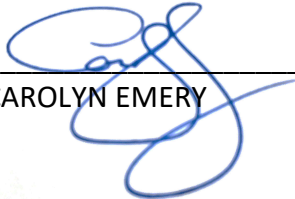
For ease of review, the amendments referenced above and other non-substantial changes to the legislative policy are indicated in redline format in Attachment 1.

RECOMMENDED ACTION

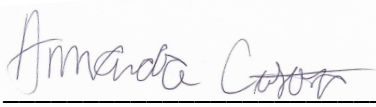
Staff recommends the Commission:

1. Adopt the Legislative Policy and Guidelines, as amended.

Respectfully Submitted,



CAROLYN EMERY



AMANDA CASTRO

Attachments:

1. OC LAFCO Legislative Policy and Guidelines (Redline)
2. OC LAFCO Legislative Policy and Guidelines (As Amended)

Legislative Policy and Guidelines

I. POLICY

Orange County LAFCO (OC LAFCO) has long recognized the importance of participating in the legislative process and making recommendations on legislation of interest to the Commission and LAFCOs statewide. It is the policy of OC LAFCO to actively participate in the legislative process under the guidelines further expressed in this policy. The Commission will provide feedback and guidance on legislation of LAFCO interest and through the procedures outlined below utilize the OC LAFCO Chair to provide interim review and direction on legislation requiring immediate response.

II. GUIDELINES

The following guidelines are intended to provide guidance for the Commission and staff as they participate in the legislative process through discussions with legislators and affected stakeholders and consider proposed legislation of LAFCO interest. This section of the policy provides guidelines for the review and consideration of legislation involving the four key policy areas: (A) LAFCO Purpose and Authority; (B) LAFCO Governance; (C) Orderly Formation of Boundaries; and (D) Service Delivery and Local Agency Effectiveness. [This section also provides guidelines for the engagement of key stakeholders involving these policy areas.](#)

A. LAFCO Purpose and Authority

- A1. Support legislation that enhances LAFCO's authority and powers to perform the duties mandated by the California Legislature and codified in the Cortese-Knox-Hertzberg Act Local Reorganization Act of 2000 (Government Code Section 56000 et seq.).
- A2. Support legislation that recognizes the authority for each LAFCO to establish local policies to apply Government Code Section 56000 et seq. based on local needs and conditions and oppose any limitations to that authority.
- A3. Oppose legislation that dilutes LAFCO's authority and the ability to meet ~~their~~ legislative mandates and primary mission.
- A4. Oppose legislation that restricts the independent judgment of Commissioners in voting on matters being considered by their respective LAFCO.
- A5. Oppose legislation that grants special status to any individual agency or

proposal to circumvent the LAFCO process.

B. LAFCO Governance

- B1. Support legislation that confirms the independence of LAFCOs from local agencies.
- B2. Support legislation that recognizes the importance of balanced representation on LAFCO provided by cities, the county, special districts, and the public in advancing the public interest.
- B3. Support legislation that encourages communication and collaborative decision-making among neighboring LAFCOs when growth pressures and multi-county special districts extend beyond a LAFCO's jurisdiction.

C. Orderly Formation of Boundaries

- C1. Support legislation that encourages the recognition and use of spheres of influence as long-range planning tools for LAFCOs and local agencies that guide future Commission decisions on individual jurisdictional boundary changes involving cities or special districts, the incorporation of a new city, the formation of a new special district, and other complex reorganizations that include consolidations, mergers, or the formation of a subsidiary district.
- C2. Support legislation that encourages the recognition of LAFCOs' spheres of influence by other agencies by requiring that those agencies refer to LAFCO-determined spheres of influence in the development of local and regional planning documents by the county, cities, and special districts and facilitate the logical and economical extensions of all their facilities and services.
- C3. Support legislation that encourages orderly boundaries of local agencies and the transition of unincorporated areas to adjacent local agencies based upon their designated spheres of influence.
- C4. Support legislation that encourages collaboration among cities, special districts, the County of Orange, and the public to address municipal service deficiencies within unincorporated areas and facilitate annexation.
- C5. Support legislation that encourages cooperation between cities, the County of Orange, and other affected agencies and stakeholders on decisions involving new development within the cities designated spheres of influence.

D. Service Delivery and Local Agency Effectiveness

- D1. Support legislation that encourages the use of LAFCO resources to review Regional Transportation Plans, with a focus on sustainable community strategies and other growth plans to ensure reliable services, orderly growth, and conformity with LAFCO legislative mandates. Support efforts that enhance meaningful collaboration between LAFCOs and regional planning agencies.
- D2. Support legislation that promotes LAFCO's authority and tools that provide communities with local governance and efficient service delivery options, including the authority to impose conditions that assure a proposal's conformity with LAFCO's legislative mandates.
- D3. Support legislation that encourages the creation or reorganization of local governments in a deliberative, open process which will fairly evaluate the proposed new or successor agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.
- D4. Support legislation that enhances LAFCO's ability to mitigate the fiscal impacts of change of organization proposals through tax sharing conditions or other terms and conditions.
- D5. Support legislation that encourages the availability of tools for LAFCOs to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.
- D6. Support legislation that supports collaborative efforts among agencies and LAFCOs and encourage opportunities for sharing of services, staff and facilities to provide more efficient and cost-effective services.
- D7. Support legislation which clarifies LAFCO's ability to review shared service agreements and provides LAFCO with additional opportunities to encourage shared services.
- D8. Support legislation providing tax reform to mitigate negative fiscal impacts to local governments from past and present tax revenue shifts away from those local governments.
- D9. Oppose legislation that shifts tax revenue away from local governments without the adequate provision of a constitutionally guaranteed "backfill" to offset the lost revenues of those governments.

E. Stakeholder Engagement

OC LAFCO's key legislative authority and powers involve making decisions and

preparing studies involving the jurisdictional boundaries of cities, special districts and the County. To facilitate communication and inform Orange County's cities, special districts, the County, and their respective statewide organizations and associations on proposed legislation relative to OC LAFCO's key policy areas (as described in Section II (A, B, C, and D)), the general guidelines outlined in this section will be applied.

E1. OC LAFCO staff and the Legislative Ad Hoc Committee will engage the following stakeholders on proposed legislation of LAFCO interest: (1) Orange County Legislators; (2) Association of California Cities - Orange County (ACC-OC); (3) California Special Districts Association (CSDA); (4) California State Association of Counties (CSAC); (5) League of California Cities (LOCC); (6) League of California Cities – Orange County (LOCC-OC) as follows:

1. Distribution of OC LAFCO legislative reports and position letters, as appropriate to Orange County Legislators, ACC-OC, CSDA, CSAC, LOCC, and LOCC-OC.
2. Conduct of annual general session for Orange County Legislators and representatives on ACC-OC, CSDA, CSAC, LOCC, and LOCC-OC to discuss anticipated or proposed legislation of LAFCO interest.

E2. In an advisory role to the Commission, the Legislative Ad Hoc Committee may assist staff as follows:

1. Proactive engagement of Orange County Legislators, ACC-OC, CSDA, CSAC, LOCC, and LOCC-OC board members and directors on legislation sponsored or co-sponsored by OC LAFCO.
2. Participation in discussions with Orange County Legislators and board members and directors of ACC-OC, CSDA, CSAC, LOCC, and LOCC-OC on key legislation of LAFCO interest.

III. PROCEDURES

The following procedures will provide guidance to the Commission for the active monitoring of legislation and activities of LAFCO interest.

- A. Newly introduced or identified legislation of LAFCO interest is to be reviewed by OC LAFCO's staff and presented to the Commission for review and potential action in a quarterly or interim legislative report. The legislative reports shall be presented to the Commission in line with the legislative deadlines and to allow for the greatest potential for the Commission's comments to be received by the legislators and affected stakeholders. In the event that there is a need to respond immediately, the OC LAFCO Chair may direct the Executive Officer to respond accordingly.

- B. To increase the efficiency of staff resources and the preparation of legislative reports, staff will monitor the legislative activities of LAFCO interest through participation on the California Association of LAFCOs (CALAFCO) Legislative and Advisory Committees and discussions with the CALAFCO Southern Region LAFCOs.
- C. The Commission may consider adopting legislative positions when deemed appropriate. The general position categories include:

Position	Description
Support	A position given to a bill that the Commission believes is consistent with or would further OC LAFCO policy position, LAFCOs authority in general, implementation of the Cortese-Knox-Hertzberg Act, or reflects good governance principles as public policy.
Neutral	A position given to a bill that has no direct impact upon OC LAFCO, the LAFCO Community, or has been sufficiently amended to remove OC LAFCO’s support or opposition.
Watch	A position given to a bill that is of LAFCO interest but does not directly affect OC LAFCO or LAFCOs statewide at that time, including a spot bill or two-year bill where the author has indicated that the bill will be amended, or the subject area may change to not impact LAFCOs or OC LAFCO, the Commission’s mandated activities or the Cortese-Knox-Hertzberg Act.
Oppose	A position given to a bill that the Commission believes would be detrimental to LAFCOs authority in general, the policy positions of OC LAFCO, or to good governance principles relative to public policy.
Oppose Unless Amended	A position given to a bill for which a support position could be taken if amendments were made to address identified concerns of the Commission. This may include changing a previously stated position of the Commission. This position can be changed by the Commission (or the OC LAFCO Chair under certain circumstances) if identified amendments are presented and accepted by the legislator. This position warrants the preparation <u>suggestion</u> of draft amendments by the Commission.
Sponsor	A position given to a bill for which OC LAFCO is the sponsor or co-sponsor. Inherent in this position is OC LAFCO’s support of the bill.

- 1) Staff recommendations of legislative positions shall be accompanied by a draft position letter for distribution to the bill author, committee chair, or governor depending on the status of the bill and the legislative cycle. Neutral or watch positions may not warrant distribution of a position letter. An oppose unless amended position warrants the Commission to provide ~~proposed~~ suggested amendments for transmittal to the bill author.

- 2) The OC LACO Chair provides assistance to staff and the Commission in reviewing and responding to legislation of LAFCO interest that requires immediate attention.
- 3) The OC LAFCO Legislative Ad Hoc Committee is appointed by the OC LAFCO Chair, and will serve in an advisory role to the full Commission on legislative affairs including assisting staff with the engagement of key local, regional and statewide stakeholders and reviewing legislation of LAFCO interest, as directed by the Chair or Commission, or requested by staff. Any activity of the Committee will be provided to the Commission within legislative reports subsequent to the activity.

To ensure diverse perspectives and expertise involving the Commission's legislative activities, the Committee shall be comprised of three members of the Commission from different appointing authorities (i.e., city, county, special district and public).

- 4) To allow for the timely transmittal of a position letter that may affect one or more of the Commission's legislative policy and guidelines, the Commission's Executive Officer is authorized to submit a letter, provided the Commission has previously adopted a position on the bill.
- 5) To allow for the timely transmittal of a legislative position on a bill or bills that may affect one or more of the Commission's legislative policy and guidelines, the OC LAFCO Chair may direct the Commission's Executive Officer to submit a letter on the Commission's behalf if the Commission has not yet previously adopted a position on the bill.

Originally Adopted: 5/12/1999

Last Reviewed: 3/8/2023

Last Revised: ~~2/9/2022~~ 6/14/23

Legislative Policy and Guidelines

I. POLICY

Orange County LAFCO (OC LAFCO) has long recognized the importance of participating in the legislative process and making recommendations on legislation of interest to the Commission and LAFCOs statewide. It is the policy of OC LAFCO to actively participate in the legislative process under the guidelines further expressed in this policy. The Commission will provide feedback and guidance on legislation of LAFCO interest and through the procedures outlined below utilize the OC LAFCO Chair to provide interim review and direction on legislation requiring immediate response.

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- A3. Oppose legislation that dilutes LAFCO's authority and the ability to meet legislative mandates and primary mission.
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- C2. Support legislation that encourages the recognition of LAFCOs' spheres of influence by other agencies by requiring that those agencies refer to LAFCO-determined spheres of influence in the development of local and regional planning documents by the county, cities, and special districts and facilitate the logical and economical extensions of all their facilities and services.
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- D1. Support legislation that encourages the use of LAFCO resources to review Regional Transportation Plans, with a focus on sustainable community strategies and other growth plans to ensure reliable services, orderly growth, and conformity with LAFCO legislative mandates. Support efforts that enhance meaningful collaboration between LAFCOs and regional planning agencies.
- D2. Support legislation that promotes LAFCO's authority and tools that provide communities with local governance and efficient service delivery options, including the authority to impose conditions that assure a proposal's conformity with LAFCO's legislative mandates.
- D3. Support legislation that encourages the creation or reorganization of local governments in a deliberative, open process which will fairly evaluate the proposed new or successor agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.
- D4. Support legislation that enhances LAFCO's ability to mitigate the fiscal impacts of change of organization proposals through tax sharing conditions or other terms and conditions.
- D5. Support legislation that encourages the availability of tools for LAFCOs to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.
- D6. Support legislation that supports collaborative efforts among agencies and LAFCOs and encourage opportunities for sharing of services, staff and facilities to provide more efficient and cost-effective services.
- D7. Support legislation which clarifies LAFCO's ability to review shared service agreements and provides LAFCO with additional opportunities to encourage shared services.
- D8. Support legislation providing tax reform to mitigate negative fiscal impacts to local governments from past and present tax revenue shifts away from those local governments.
- D9. Oppose legislation that shifts tax revenue away from local governments without the adequate provision of a constitutionally guaranteed "backfill" to offset the lost revenues of those governments.

E. Stakeholder Engagement

OC LAFCO's key legislative authority and powers involve making decisions and

preparing studies involving the jurisdictional boundaries of cities, special districts, and the County. To facilitate communication and inform Orange County's cities, special districts, the County, and their respective statewide organizations and associations on proposed legislation relative to OC LAFCO's key policy areas (as described in Section II (A, B, C, and D)), the general guidelines outlined in this section will be applied.

- E1. OC LAFCO staff and the Legislative Ad Hoc Committee will engage the following stakeholders on proposed legislation of LAFCO interest: (1) Orange County Legislators; (2) Association of California Cities - Orange County (ACC-OC); (3) California Special Districts Association (CSDA); (4) California State Association of Counties (CSAC); (5) League of California Cities (LOCC); 6) League of California Cities – Orange County (LOCC-OC) as follows:
 - 1. Distribution of OC LAFCO legislative reports and position letters, as appropriate to Orange County Legislators, ACC-OC, CSDA, CSAC, LOCC, and LOCC-OC.
 - 2. Conduct of annual general session for Orange County Legislators and representatives on ACC-OC, CSDA, CSAC, LOCC, and LOCC-OC to discuss anticipated or proposed legislation of LAFCO interest.

- E2. In an advisory role to the Commission, the Legislative Ad Hoc Committee may assist staff as follows:
 - 1. Proactive engagement of Orange County Legislators, ACC-OC, CSDA, CSAC, LOCC, and LOCC-OC board members and directors on legislation sponsored or co-sponsored by OC LAFCO.
 - 2. Participation in discussions with Orange County Legislators and board members and directors of ACC-OC, CSDA, CSAC, LOCC, and LOCC-OC on key legislation of LAFCO interest.

III. PROCEDURES

The following procedures will provide guidance to the Commission for the active monitoring of legislation and activities of LAFCO interest.

- A.** Newly introduced or identified legislation of LAFCO interest is to be reviewed by OC LAFCO's staff and presented to the Commission for review and potential action in a quarterly or interim legislative report. The legislative reports shall be presented to the Commission in line with the legislative deadlines and to allow for the greatest potential for the Commission's comments to be received by the legislators and affected stakeholders. In the event that there is a need to respond immediately, the OC LAFCO Chair may direct the Executive Officer to respond accordingly.

- B. To increase the efficiency of staff resources and the preparation of legislative reports, staff will monitor the legislative activities of LAFCO interest through participation on the California Association of LAFCOs (CALAFCO) Legislative and Advisory Committees and discussions with the CALAFCO Southern Region LAFCOs.
- C. The Commission may consider adopting legislative positions when deemed appropriate. The general position categories include:

Position	Description
Support	A position given to a bill that the Commission believes is consistent with or would further OC LAFCO policy position, LAFCOs authority in general, implementation of the Cortese-Knox-Hertzberg Act, or reflects good governance principles as public policy.
Neutral	A position given to a bill that has no direct impact upon OC LAFCO, the LAFCO Community, or has been sufficiently amended to remove OC LAFCO’s support or opposition.
Watch	A position given to a bill that is of LAFCO interest but does not directly affect OC LAFCO or LAFCOs statewide at that time, including a spot bill or two-year bill where the author has indicated that the bill will be amended, or the subject area may change to not impact LAFCOs or OC LAFCO, the Commission’s mandated activities or the Cortese-Knox-Hertzberg Act.
Oppose	A position given to a bill that the Commission believes would be detrimental to LAFCOs authority in general, the policy positions of OC LAFCO, or to good governance principles relative to public policy.
Oppose Unless Amended	A position given to a bill for which a support position could be taken if amendments were made to address identified concerns of the Commission. This may include changing a previously stated position of the Commission. This position can be changed by the Commission (or the OC LAFCO Chair under certain circumstances) if identified amendments are presented and accepted by the legislator. This position warrants the suggestion of draft amendments by the Commission.
Sponsor	A position given to a bill for which OC LAFCO is the sponsor or co-sponsor. Inherent in this position is OC LAFCO’s support of the bill.

- 1) Staff recommendations of legislative positions shall be accompanied by a draft position letter for distribution to the bill author, committee chair, or governor depending on the status of the bill and the legislative cycle. Neutral or watch positions may not warrant distribution of a position letter. An oppose unless amended position warrants the Commission to provide suggested amendments for transmittal to the bill author.

- 2) The OC LACO Chair provides assistance to staff and the Commission in reviewing and responding to legislation of LAFCO interest that requires immediate attention.
- 3) The OC LAFCO Legislative Ad Hoc Committee is appointed by the OC LAFCO Chair, and will serve in an advisory role to the full Commission on legislative affairs including assisting staff with the engagement of key local, regional and statewide stakeholders and reviewing legislation of LAFCO interest, as directed by the Chair or Commission, or requested by staff. Any activity of the Committee will be provided to the Commission within legislative reports subsequent to the activity.

To ensure diverse perspectives and expertise involving the Commission's legislative activities, the Committee shall be comprised of three members of the Commission from different appointing authorities (i.e., city, county, special district and public).

- 4) To allow for the timely transmittal of a position letter that may affect one or more of the Commission's legislative policy and guidelines, the Commission's Executive Officer is authorized to submit a letter, provided the Commission has previously adopted a position on the bill.
- 5) To allow for the timely transmittal of a legislative position on a bill or bills that may affect one or more of the Commission's legislative policy and guidelines, the OC LAFCO Chair may direct the Commission's Executive Officer to submit a letter on the Commission's behalf if the Commission has not yet previously adopted a position on the bill.

Originally Adopted: 5/12/1999

Last Reviewed: 3/8/2023

Last Revised: 6/14/23

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

Bruce Whitaker
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

June 14, 2023

TO: Local Agency Formation Commission
of Orange County

FROM: Executive Officer
Assistant Executive Officer

SUBJECT: Legislative Report (June 2023)

BACKGROUND

The Legislature is in the second half of the 2023 legislative session and proposed legislation continues to move through multiple committees represented by Assembly and Senate members. This report provides a status update on legislation previously reviewed by the Commission and the staff recommendation on positions involving Assembly Bills 557 and 1637 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 1753	Makes minor and/or non-substantive changes to the CKH Act.	Support	AB 1753 is currently under review in the Senate Governance and Finance Committee. The next hearing date for the bill is June 7, 2023.

Bill	Description	Commission's Adopted Position	Status
SB 360	Proposes to expand the list of offices that a locally elected official may be seated on concurrently involving the Coastal Commission, LAFCO, and Joint Powers Authority.	Support	SB 360 is currently under review in the Assembly Natural Resources Committee. The next hearing date has not been identified.
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, 879, and SB 880 are currently under review in the Assembly Local Government Committee. The next hearing date has not been identified.

AB 557 (Hart) – Open Meetings: Local Agencies: Teleconferencing

During the pandemic, Governor Newsom enacted a series of executive orders to allow members of a legislative body at the State and local levels to hold meetings by teleconference during a state of emergency. One of the orders signed by the Governor was AB 361 and currently allows a legislative body to hold meetings through an electronic platform that has the capabilities for audio and video, and, under limited circumstances, does not require the legislative body to identify the meeting location. These provisions will sunset on December 31, 2023 and AB 557 proposes to extend them with changes to the requirement of the legislative body to make the appropriate state of emergency finding from 30 days to 45 days and removal of the sunset provision.

On March 8, the Commission adopted a **Watch** position on AB 557 as it was expected that the bill would experience additional amendments. There have been no amendments to the bill language since that time, and, as currently written, the bill will be reviewed by the Senate Governance and Finance Committee on June 7. If AB 557 is signed into law, it would continue to facilitate the Commission's ability to conduct the agency's regular and special meetings by teleconference during a state of emergency. Therefore, staff recommends the Commission adopt a **Support** position on AB 557.

RECOMMENDED POSITION: Adopt **SUPPORT** position on AB 557.

SUPPORT: California Special Districts Association [CO-SPONSOR], League of California Cities [CO-SPONSOR], Alameda County Mosquito, Abatement District Alameda County Resource Conservation District, Anderson Valley Community Services District / Fire Department, Antelope Valley Mosquito and Vector Control District, Arbuckle Parks and Recreation District, Arcade Creek Recreation and Park District, Artesia Cemetery District, Association of California Healthcare

Districts, Association of California School Administrators Bodega Bay Public Utility District, Burbank Sanitary District California Association of Public Authorities, California Association of Recreation & Park Districts, California Downtown Association, California In-home Supportive Services Consumer Alliance, California Municipal Utilities Association, California School Boards Association, California State Association of Counties, California Travel Association (CALTRAVEL), Calwa Recreation and Park District, Cameron Estates Community Services District, Carpinteria Valley Water District, Central Contra Costa Sanitary District, Chico Area Recreation and Park District, Chino Valley Fire District, City and County Association of Governments of San Mateo County, City Clerks Association of California, City of Belmont, City of Carlsbad, City of Mountain View, City of Woodland, Civicwell (formally the Local Government Commission), Coachella Valley Public Cemetery District, Coachella Valley Water District, Coastside County Water District, Contra Costa Mosquito and Vector Control District, Copper Cove Rocky Road Community Service District, Cortina Community Services District, Cosumnes Community Services District, County of Monterey, County of Santa Cruz Board of Supervisors, Davis Cemetery District, Delta Diablo, Donner Summit Public Utility District, East Kern Health Care District, Eden Health District, Fall River Resource Conservation District, Feather River Resource Conservation District, Fresno Mosquito and Vector Control District, Fulton-el Camino Recreation and Park District, Gold Mountain Community Services District, Golden Valley Municipal Water District, Goleta West Sanitary District, Grossmont Healthcare District, Groveland Community Services District, Health Officers Association of California, Helix Water District, Hidden Valley Lake Community Services District, Hilmar County Water District, Indian Wells Valley Water District, Inverness Public Utility District, Ironhouse Sanitary District, Irvine Ranch Water District, Karr Advocacy Strategies, Kern County Cemetery District No. 1, Keyes Community Services District, Ladera Recreation District, Lake Oroville Area Public Utility District, Los Angeles County Sanitation Districts, Los Angeles Unified School District, Mckinleyville Community Services District, Mckinney Water District, Mendocino County Russian River Flood Control & Water Conservation, Mi Wuk Sugar Pine Fire Protection District, Midpeninsula Regional Open Space District, Mojave Desert Resource Conservation District, Monte Rio Recreation and Park District, Monte Vista Water District, Montecito Fire Protection District, Mosquito & Vector Management District of Santa Barbara County, Mt. View Sanitary District, Muir Beach Community Services District, Murphys Sanitary District, Nevada Sierra Connecting Point Public Authority, North County Fire Protection District, North Sonoma Coast Fire Protection District, Novato Sanitary District, Olympic Valley Public Service District, Orange County Cemetery District, Orange County Water District, Palm Springs Cemetery District, Palos Verdes Library District, Pauma Valley Community Services District, Peninsula Traffic Congestion Relief Alliance (COMMUTE.ORG), Pit Resource Conservation District, Placer County Air Pollution Control District, Pleasant Valley Recreation and Park District, Ponderosa Community Services District, Rancho Simi Recreation and Park District, Reclamation District, Richardson Bay Sanitary District, Riechel Reports Blog, Rolling Hills Community Services District, Rowland Water District, Running Springs Water District, Rural County Representatives of California, Sacramento Area Council of Governments, Sacramento Metropolitan Fire District, Sacramento Municipal Utility District, San Diego County Water Authority, San Geronio PASS Water Agency, San Mateo County Harbor District, Santa Barbara County, Santa Clara County Valley Open Space Authority, Santa Clara Valley Water District, Santa Cruz County Board of Supervisors, Santa Margarita Water District, Santa Ynez Community Services District, Santa Ynez River Water

Conservation District, Small School Districts Association, Sonoma County Water Agency, South Coast Water District, Southern Marin Fire Protection District, Stallion Springs Community Services District, Stege Sanitary District, Stockton East Water District, Stockton Port District, Strawberry Fire Protection District, Tahoe City Public Utility District, Templeton Community Services District, Three Valleys Municipal Water District, Trinity County Resource Conservation District, Truckee Sanitary District, Tulare Mosquito Abatement District, Tuolumne Fire District, Twain Harte Community Services District, Urban Counties of California (UCC) Valley Center Fire Protection District, Vandenberg Village Community Services District, Vista Irrigation District, Walnut Valley Water District, Water Replenishment District of Southern California, West Kern Water District, West Valley Mosquito and Vector Control District.

OPPOSE: None on record.

BILL LOCATION/STATUS: Senate Governance and Finance Committee. Next hearing date: June 7, 2023.

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

The intent of AB 1637 is for local agencies that maintain an internet website for public use and employee email addresses to utilize “.gov” top-level or a “ca.gov” second-level domains. Recently amended on May 18, the bill was modified to narrow its focus to require cities and counties to use these domains.

On May 10, the Commission adopted an **Oppose Unless Amended** position on AB 1637 based on the potential fiscal and other general impacts of the bill’s requirements to OC LAFCO. As the current bill language does not apply to LAFCOs, staff recommends the Commission modify and adopt a **Neutral** position on AB 1637.

RECOMMENDED ACTION: Modify position on AB 1637 to **NEUTRAL**.

SUPPORT: None on record.

OPPOSE UNLESS AMENDED: City Clerks Association of California, City of Redwood, City of San Marcos, Local Agency Formation Commission of Orange County.

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

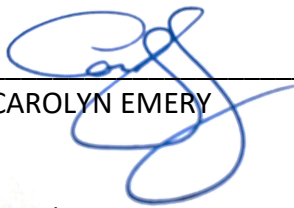
BILL LOCATION/STATUS: Senate Rules Committee. No hearing date scheduled at the time of agenda distribution.

RECOMMENDED ACTIONS

Staff recommends the Commission:

1. Adopt a **Support** position on AB 557.
2. Modify and adopt a **Neutral** position on AB 1637.
3. Direct staff to send position letters to respective bill authors.

Respectfully submitted,



CAROLYN EMERY



LUIS TAPIA

Attachments:

1. Assembly Bill AB 557 (Hart)
2. Assembly Bill 1637 (Irwin)

Exhibits:

- A. Letter of Support Position – AB 557
- B. Letter of Neutral Position – AB 1637

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AB-557 Open meetings: local agencies: teleconferences. (2023-2024)

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

REVISED APRIL 27, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 557

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

February 08, 2023

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

LEGISLATIVE COUNSEL'S DIGEST

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

(1) Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health, as specified. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law requires a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of

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

This bill would extend the above-described abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, as specified, indefinitely. The bill would also extend the period for a legislative body to make the above-described findings related to a continuing state of emergency and social distancing to not later than 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures.

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

(2) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than ~~30~~ 45 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every ~~30~~ 45 days thereafter, make the following findings by majority vote:

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

(B) Any of the following circumstances exist:

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

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

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

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

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

(i) A two-way audiovisual platform.

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

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

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

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

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

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

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

(A) One of the following circumstances applies:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

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

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

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

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

~~(B)~~

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

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

~~(D)~~

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

~~(E)~~

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

~~(F)~~

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

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

~~(A) One of the following circumstances applies:~~

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

~~(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter~~

~~1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:~~

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

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

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

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

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(5)~~

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

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

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

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

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

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

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

~~54953.(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be~~

~~permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.~~

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

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

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

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

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

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

~~(3)Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.~~

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

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

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

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

SEC. 4. The Legislature finds and declares that Sections 1 and 2 of this act, which amend Section 54953 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the

California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

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

REVISIONS:

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

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Date Published: 05/19/2023 04:00 AM

AMENDED IN ASSEMBLY MAY 18, 2023

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 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, ~~2026~~, 2027, 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 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, ~~2026~~, 2027, 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.~~

(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, 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 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, 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, ~~2026~~, 2027, 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, ~~2026~~, 2027, that local agency shall redirect that internet website to a domain name that does comply with paragraph (1).

(b) No later than January 1, ~~2026~~, 2027, 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.~~ means a city, county, or city and county.

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:~~

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

REGULAR MEMBERS

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Carolyn Emery

Executive Officer

Scott Smith

General Counsel

June 14, 2023

Assembly Member Gregg Hart
California State Assembly
1020 O Street, Suite 6230
Sacramento, CA 94249

RE: **Support** – AB 557 (Hart): Open Meetings: Local Agencies:
Teleconferencing

Dear Assembly Member Hart:

The Orange County Local Agency Formation Commission (OC LAFCO) is pleased to support Assembly Bill 557 (AB 557) and commends your effort to broaden governmental transparency for local agency meetings. The bill would extend the ability for members of a legislative body at the State and local levels to hold meetings by teleconference during a state of emergency, as previously approved through the Governor's Executive Order (AB 361) and remove the sunset provision for this action. If AB 557 is signed into law, local agencies can continue to conduct meetings and critical business activities during emergency circumstances, such as a pandemic, while maintaining transparency standards as required by the Brown Act.

OC LAFCO appreciates your effort in authoring this important legislation.

Respectfully,

Douglass Davert
Chair

cc: René LaRoche, Executive Director, CALAFCO
Orange County Legislators

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Derek J. McGregor

Public Member

Wendy Bucknum

City Member

Andrew Do

County Member

James Fisler

Special District Member

Bruce Whitaker

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

June 14, 2023

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

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

Dear Assembly Member Irwin:

On May 10, 2023, the Local Agency Formation Commission of Orange County (OC LAFCO) adopted an *oppose unless amended* position on AB 1637, and as the bill author, a letter was sent directly to you requesting that you consider amendments to the bill involving the requirement for local agencies to use “.gov” or “.ca.gov” domains for email addresses and internet websites. As the current bill language addresses the issues identified by OC LAFCO, on June 14, the Commission changed the agency’s position on AB 1637 to neutral.

OC LAFCO appreciates your consideration of our concerns involving AB 1637.

Respectfully,

Douglass Davert
Chair

Cc: René LaRoche, Executive Director, CALAFCO
Orange County Legislators