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Carolyn Emery
Executive Officer

Scott Smith
General Counsel

MEETING DATE: October 11, 2023

TO: Local Agency Formation Commission
of Orange County

FROM: Executive Officer
Assistant Executive Officer

SUBJECT: Legislative Report (October 2023)

BACKGROUND

The end of the 2023 legislative session is near with the October 14th deadline for Governor Newsom to sign or veto bills. This report includes the status of legislation reviewed by the Commission during the current legislative session and a summary of recent amendments to Assembly Bill 399. The next legislative report will be presented to the Commission on November 8. With the beginning of a new legislative session, the report will preview anticipated legislation of LAFCO interest and CALAFCO's key legislative priorities for 2024 and appointments to the Association's legislative and advisory committees.

A Review of 2023 Legislation

During the 2023 legislative session, the Commission reviewed a total of eight bills and adopted positions for six of the bills. While all of the bills have been enrolled, three are awaiting the signature or veto of the Governor, and the other five will officially become part of California law on January 1, 2024. The table on the following page provides additional information on the status of each bill.

| 2023 Legislation Reviewed by OC LAFCO | | | |
|---------------------------------------|---|------------------|--|
| Bill | Description | Adopted Position | Status |
| AB 399 | Requires the process for a district detachment from the San Diego County Water Authority (SDCWA) to include a confirmation vote from the registered voters residing within the agency seeking the detachment and a confirmation vote from all registered voters residing within the SDCWA service boundary. | Watch | <i>Enrolled to Governor on September 19, 2023.</i> |
| AB 557 | Removes the sunset date of January 1, 2024 from state law, which currently grants local agencies the ability to hold meetings by teleconference during a state of emergency. | Support | <i>Enrolled to Governor on September 15, 2023.</i> |
| AB 1637 | Requires a city or county that maintains an internet website and employee emails to use “.gov” top-level or “.ca.gov” second-level domains. | Neutral | <i>Enrolled to Governor on September 21, 2023.</i> |
| AB 1753 | Makes minor and/or non-substantive changes to the CKH Act. | Support | Signed by the Governor on June 29, 2023. |
| SB 360 | Expands the list of offices that a locally elected official may be seated on concurrently to include the Coastal Commission, LAFCO, and Joint Powers Authorities. | Support | Signed by the Governor on July 21, 2023. |
| SB 878 SB 879 SB 880 | Retroactively fixes typographical, grammatical, and procedural errors that might invalidate boundary changes or bond issues. | Support | Signed by the Governor on June 29, 2023. |

Update on Water Ratepayers Protection Act of 2023: County Water Authority Act (AB 399-Boerner)

Since it was introduced on February 2, 2023, AB 399 has experienced the review and hearing by multiple committees in Sacramento, as well as being a key topic of discussion by LAFCOs and special districts across the state. Many LAFCOs took an oppose position on the bill, while others, including OC LAFCO, chose to monitor and not take a position on AB 399. At present, the bill's language continues to propose amendments to the San Diego County Water Authority Act involving the voting process for special district detachments from the San Diego County Water Authority with recent amendments requiring a fiscal impact statement on water rates, exit fees, and debt obligation to be included in the voter ballots and removal of the urgency clause. The latest version of the bill passed through the Assembly on a 42-7 vote and the Senate on a 23-10 vote. The bill is currently on Governor Newsom's desk for signing or vetoing. Additional information on the positions of record is provided below.

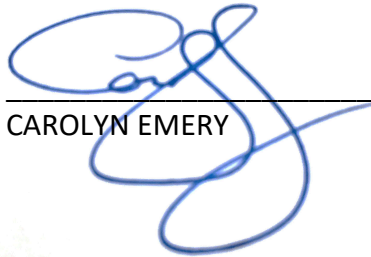
SUPPORT: City of San Diego, Supervisor Nora Vargas (County of San Diego), California Labor Federation (AFL-CIO), California State Association of Electrical Workers, California State Council of Laborers, City of Chula Vista, City of Encinitas, City of National City, City of Solano Beach, Cordoba Corporation, County of San Diego, Downtown San Diego Partnership, Otay Water District, San Diego County Water Authority, San Diego Gas and Electric Company, San Diego Regional Chamber of Commerce, State Building and Construction Trades Council of California, AFL-CIO, South County Economic Development Council, Southern California Rental Housing Association, United Food and Commercial Workers Western States Council.

OPPOSE: Butte Local Agency Formation Commission, CA Association of Local Agency Formation Commissions, California Avocado Commission, California Citrus Mutual, California Farm Bureau Federation, City of Oceanside, Contra Costa Local Agency Formation Commission, County of Butte, Deer Springs Fire Protection District, El Dorado Local Agency Formation Commission, Elsinore Valley Municipal Water District, Fallbrook Chamber of Commerce, Fallbrook Community Planning Group, Fallbrook Land Conservancy, Fallbrook Public Utilities District, Fallbrook Regional Health District, Farm Bureau of Ventura County, Fresno County Farm Bureau, Kings County Farm Bureau, Los Angeles Local Agency Formation Commission, Madera County Farm Bureau, Mendocino Local Agency Formation Commission, Monterey County Farm Bureau, Mootamai Municipal Water District, Napa Local Agency Formation Commission, Nevada Local Agency Formation Commission, Padre Dam Municipal Water District, Pauma Municipal Water District, Rainbow Municipal Water District, Riverside Local Agency Formation Commission, San Diego Local Agency Formation Commission, Santa Clara Local Agency Formation Commission, San Luis Obispo County Farm Bureau, San Luis Rey Indian Water Authority, Santa Barbara County Farm Bureau, Sweetwater Authority, Ventura County Agricultural Association (Agriculture and Business), Western Growers Association.

Staff recommends the Commission:

1. Receive and file the October legislative report.

Respectfully submitted,



CAROLYN EMERY



LUIS TAPIA