



**Local Agency Formation Commission of Napa County**  
Subdivision of the State of California

1754 Second Street, Suite C  
Napa, California 94559  
Phone: (707) 259-8645  
www.napa.lafco.ca.gov

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*We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture*

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**LAFCO Legislative Committee Meeting Agenda**  
Tuesday, February 28, 2023, 2:30 PM

**This meeting will be conducted solely by teleconference consistent with Assembly Bill 361 and California Government Code section 54953(e)**

<b>Member</b>	<b>Member</b>	<b>Member</b>
Mariam Aboudamous	Beth Painter	Brendon Freeman

*Join Teleconference Meeting **Electronically** (computer, tablet, or smartphone):*  
<https://countyofnapa.zoom.us/j/84774115805>

*Join Teleconference Meeting by **Telephone**:*  
Dial: (669) 900-6833  
Follow the prompts: Meeting ID: 84774115805#

- 1. Call to Order**
- 2. Adopt Resolution Authorizing Remote Teleconferencing of Meetings of the Legislative Committee Pursuant to Government Code section 54953(e) (“AB 361”)**
- 3. Public Comment**
- 4. Approval of Meeting Minutes:** March 15, 2022 Legislative Committee Meeting
- 5. Review Legislative Policies and Platforms**
- 6. Review Proposed Legislation**
- 7. Adjournment**

## MEETING INFORMATION

### COVID-19 – Notice of Meeting Procedures

TELECONFERENCE MEETING: The Legislative Committee will conduct this meeting as a teleconference in compliance with California Assembly Bill 361 and California Government Code section 54953 due to the COVID-19 State of Emergency and the recommendations for physical distancing. Members of the Committee or staff may participate in this meeting telephonically or electronically. Members of the public may participate in the meeting, as described below.

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PUBLIC COMMENT TIME LIMITS: The Legislative Committee will hear public comment prior to the consideration of any item. Speakers will be allowed up to a 3-minute statement.

SUBMITTING WRITTEN COMMENTS TO BE READ AT THE MEETING: Any member of the public may submit a written comment to the Legislative Committee before the meeting by email to [info@napa.lafco.ca.gov](mailto:info@napa.lafco.ca.gov) or delivered to the Napa LAFCO office at 1754 Second Street, Suite C, Napa, CA 94559. If you are commenting on a particular item on the agenda, please identify the agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO LEGISLATIVE COMMITTEE – PLEASE READ”; and (2) it is received by the LAFCO staff prior to the deadline of **February 28, 2023 at 10:00 A.M.**

SPECIAL NEEDS: Meetings are accessible to persons with disabilities. Requests for assistive listening devices or other considerations should be made 72 hours in advance through LAFCO staff at (707) 259-8645 or [info@napa.lafco.ca.gov](mailto:info@napa.lafco.ca.gov).

MEETING MATERIALS: Any writings or documents provided to the members of the Legislative Committee regarding any item on this agenda after the posting of the agenda and not otherwise exempt from disclosure will be made available for public review at <https://www.napa.lafco.ca.gov> or by contacting LAFCO staff at [info@napa.lafco.ca.gov](mailto:info@napa.lafco.ca.gov) or call the LAFCO office at (707) 259-8645. If the supplemental materials are made available to the members of the Legislative Committee at the meeting, a copy will be available for public review at <https://www.napa.lafco.ca.gov>. Staff reports are available online at [https://www.napa.lafco.ca.gov/staff\\_reports.aspx](https://www.napa.lafco.ca.gov/staff_reports.aspx) or upon request to LAFCO staff at [info@napa.lafco.ca.gov](mailto:info@napa.lafco.ca.gov) or call the LAFCO office at (707) 259-8645.



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**Agenda Item 2 (Action)**

**TO:** Legislative Committee

**FROM:** Brendon Freeman, Executive Officer *BF*

**MEETING DATE:** February 28, 2023

**SUBJECT:** Adopt Resolution Authorizing Remote Teleconferencing of Meetings of the Legislative Committee Pursuant to Government Code section 54953(e) (“AB 361”)

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**RECOMMENDATION**

It is recommended that the Commission’s Legislative Committee (“the Committee”) adopt the draft resolution authorizing remote teleconference meetings pursuant to Government Code (G.C.) section 54953(e) (“AB 361”), included as Attachment One.

**DISCUSSION**

On October 4, 2021, the Commission approved Resolution No. 2021-22 Declaring its Intent to Continue Remote Teleconference Only Meetings Due to the Governor’s Proclamation of State Emergency and State Regulations Related to Physical Distancing Due to the Threat of COVID-19. The Committee has been meeting by teleconference only consistent with the provisions of G.C. section 54953(e) enacted by AB 361.

In order for the Committee to continue to meet utilizing the AB 361 relaxed teleconference meeting rules, the Committee must make findings that the Committee has reconsidered the circumstances of the state of emergency and that the emergency continues to impact the ability to “meet safely in person,” or that state or local officials continue to recommend measures to promote social distancing consistent with G.C. section 54953(e)(3). These findings are included in the draft resolution, included as Attachment One.

**ATTACHMENT**

- 1) Resolution Authorizing Remote Teleconference Meetings Pursuant to AB 361

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Margie Mohler, Chair  
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner  
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner  
Councilmember, City of Napa

Anne Cottrell, Vice Chair  
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner  
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner  
County of Napa Supervisor, 1st District

Kenneth Leary, Commissioner  
Representative of the General Public

Eve Kahn, Alternate Commissioner  
Representative of the General Public

Brendon Freeman  
*Executive Officer*

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE LEGISLATIVE COMMITTEE OF THE LOCAL AGENCY  
FORMATION COMMISSION OF NAPA COUNTY AUTHORIZING REMOTE  
TELECONFERENCE MEETINGS PURSUANT TO GOVERNMENT CODE SECTION  
54953(e) (“AB 361”)**

**WHEREAS**, Government Code section 54953(e), as amended by Assembly Bill No. 361 (“AB 361”), allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting for the purpose of determining whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

**WHEREAS**, on March 4, 2020, the Governor of California proclaimed a state of emergency due to COVID-19 pursuant to Government Code section 8625, which remains in effect; and

**WHEREAS**, the California Division of Occupational Safety and Health (“Cal/OSHA”) regulations at Title 8 Section 3205 recommends physical distancing in the workplace as precautions against the spread of COVID-19 and imposes certain restrictions and requirements due to a “close contact” which occurs when individuals are within six feet of another in certain circumstances; and

**WHEREAS**, the proliferation of Omicron subvariants of the virus continues to pose imminent risk to health and safety and directly impacts the ability of the public and the Committee to meet safely in person; accordingly, the Committee hereby recognizes the proclamation of a state of emergency by the Governor of the State of California and the regulations of Cal/OSHA recommending physical distancing; and

**WHEREAS**, as a consequence of the emergency related to COVID-19, the Committee shall conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of Government Code section 54953, and shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Section 54953; and

**WHEREAS**, the Committee meetings will be accessible to the public to attend electronically or via phone.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COMMITTEE DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

2. Findings. The Committee hereby finds and declares the following, as required by Government Code section 54953(e)(3):

- A. The Committee has reconsidered the circumstances of the state of emergency declared by the Governor of the State of California pursuant to his authority under Government Code section 8625;
- B. The state of emergency continues to directly impact the ability of members of the Committee and the public to meet safely in person;
- C. State and local officials have imposed or recommended measures to promote social distancing; and
- D. Meeting in person would present imminent risks to the health or safety of attendees.

3. Remote Teleconference Meetings. The Executive Officer is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, but not limited to, conducting open and public meetings of the Committee in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act for remote only teleconference meetings.

The foregoing resolution was duly and regularly adopted by the Committee at a public meeting held on February 28, 2023, after a motion by Committee Member \_\_\_\_\_, seconded by Committee Member \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Committee Member

ATTEST: \_\_\_\_\_  
Brendon Freeman  
Executive Officer

Recorded by: Dawn Mittleman Longoria  
Assistant Executive Officer



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**Agenda Item 4 (Action)**

**TO:** Legislative Committee

**FROM:** Brendon Freeman, Executive Officer *BF*

**MEETING DATE:** February 28, 2023

**SUBJECT:** Approval of Meeting Minutes: March 15, 2022 Legislative Committee Meeting

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**SUMMARY AND RECOMMENDATION**

The Legislative Committee will consider approving the meeting minutes for its March 15, 2022 meeting, included as Attachment One. Approval is recommended.

**ATTACHMENT**

- 1) Minutes for the March 15, 2022 Legislative Committee Meeting

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Margie Mohler, Chair  
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner  
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner  
Councilmember, City of Napa

Anne Cottrell, Vice Chair  
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner  
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner  
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Representative of the General Public

Eve Kahn, Alternate Commissioner  
Representative of the General Public

Brendon Freeman  
*Executive Officer*



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**Meeting Minutes**  
**LAFCO Legislative Committee**

Monday, March 15, 2022 at 9:00 AM

**Zoom Teleconference Meeting**

<b>Member</b>	<b>Member</b>	<b>Member</b>
Diane Dillon	Beth Painter	Brendon Freeman

**1. Call to Order**

All members present.

**2. Public Comment**

No public comments received.

**3. Approval of Meeting Minutes**

March 8, 2021 Legislative Committee meeting minutes approved.

**4. Review Legislative Platforms**

The Committee recommended minor amendments to the Commission's Legislative Policy and Legislative Platform.

**5. Review Proposed Legislation**

The Committee reviewed 24 bills related to LAFCOs. The Committee agreed to recommend the following at the Commission's April 4, 2022 meeting:

- Submit letters to the Legislature in support of AB 1773 and AB 2957.
- Discuss SB 938 and consider taking a formal position.
- Staff to watch the remaining bills and return with updates as appropriate at future Commission meetings.

**6. Adjournment**

Meeting adjourned at 10:04 AM.



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**Agenda Item 5 (Action)**

**TO:** Legislative Committee

**FROM:** Brendon Freeman, Executive Officer *BF*

**MEETING DATE:** February 28, 2023

**SUBJECT:** Review Legislative Policies and Platforms

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**SUMMARY AND RECOMMENDATION**

Consistent with the Commission’s Legislative Policy (Attachment One), the Legislative Committee (“the Committee”) will review the local Legislative Platform (Attachment Two) as well as the California Association of Local Agency Formation Commissions’ (CALAFCO) legislative policies (Attachment Three).

The Committee will determine if amendments to the Commission’s Legislative Policy or Platform should be recommended for Commission consideration at a future meeting. Recommendations on any amendments shall be made by a motion and a second followed by a vote of the Committee.

**DISCUSSION**

As part of the Committee’s review of local policies, the Executive Officer recommends the Committee discuss, at minimum, the following issues, which are then summarized:

- 1) Whether to remain a standing subcommittee or become an ad hoc subcommittee
- 2) Combine the Legislative Platform into the Legislative Policy

***Standing Subcommittees***

Standing subcommittees are subject to open and public meeting law under the Brown Act. Staff is required to prepare agendas and comply with public noticing and participation requirements similar to any public meeting of a government agency. The logistics of scheduling and conducting standing subcommittee meetings oftentimes prevents the Committee from having an opportunity to weigh in on all the important bills that are introduced or amended throughout the year.

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Margie Mohler, Chair  
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner  
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner  
Councilmember, City of Napa

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Representative of the General Public

Eve Kahn, Alternate Commissioner  
Representative of the General Public

Brendon Freeman  
*Executive Officer*



### ***Ad Hoc Subcommittees***

Ad hoc subcommittees are not subject to open and public meeting law. Ad hoc subcommittees would not have the authority to take formal actions on behalf of the Commission. In other words, the Committee would serve a less formal role that is more advisory in nature. An ad hoc subcommittee would be more flexible and would be able to meet with staff on a more regular basis either in person or by remote teleconference to consider legislative bills as they are introduced and amended throughout the year.

### ***Becoming Ad Hoc***

If the Committee is agreeable to transitioning to an ad hoc subcommittee, this can be accomplished by amending the Legislative Policy to state the Committee is an ad hoc subcommittee that is appointed annually and terminates with the conclusion of the Commission's Legislative activities for the year. Additional amendments throughout the Legislative Policy would also be needed to clarify that the Committee has no formal decision making authority, the Committee will serve in an advisory role to assist staff, and staff will present recommendations to the full Commission.

### ***Combine Policy and Platform***

The Executive Officer recommends combining the Legislative Platform into the Legislative Policy. There is no clear purpose in maintaining two separate documents. It would be more efficient to combine them as part of the Legislative Policy.

## **ATTACHMENTS**

- 1) Legislative Policy
- 2) Legislative Platform
- 3) CALAFCO Legislative Policies



## LOCAL AGENCY FORMATION COMMISSION OF NAPA

### *Legislative Policy*

(Adopted: December 4, 2017; Last Amended: April 4, 2022)

- 1) The Local Agency Formation Commission (LAFCO) of Napa County (“the Commission”) shall establish a standing committee to review proposed legislation (“Legislative Committee”). At the beginning of each two-year legislative session, the Commission shall appoint (or re-appoint) two members to the Legislative Committee, in addition to LAFCO’s Executive Officer. Meetings of the Legislative Committee must be noticed in accordance with the Ralph M. Brown Act.
- 2) The Legislative Committee shall, at least annually, review the California Association of LAFCOs’ legislative platform as well as the Commission’s adopted legislative platform if applicable and determine what action is needed in terms of adopting or amending a local legislative platform. The Legislative Committee shall present recommendations to the full Commission with respect to actions related to the local legislative platform.
- 3) The Legislative Committee shall, at least annually, review proposed legislation affecting LAFCO. The Executive Officer shall continue monitoring proposed legislation and present recommendations to the full Commission with respect to formal positions on proposed legislation.
- 4) In the event that proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer is authorized to submit written correspondence to the appropriate entity regarding the Commission’s position if the position is consistent with the adopted legislative platform of the Commission. The Chair, or the Vice-Chair if the Chair is unavailable, shall review and approve the written correspondence prior to it being submitted by the Executive Officer.
- 5) All submitted correspondence pursuant to this policy will be included on the next available Commission agenda.



## LOCAL AGENCY FORMATION COMMISSION OF NAPA

### *Legislative Platform*

(Adopted: February 5, 2018; Last Amended: April 4, 2022)

The following core guiding principles underlie the Local Agency Formation Commission (LAFCO) of Napa County's activities. Each of these principles is centered on Napa LAFCO having in-depth, active communication with respect to all relevant constituents.

- Municipal Service Reviews based on local agency, Napa County, & LAFCO needs
- Re-writing policies (on a schedule) to be comprehensive, effective, and transparent
- Forecasting issues relating to local services and boundaries, as well as State legislation
- Active involvement of agency constituents in problem-solving local agency sustainability
- Engagement with local city/town general plan updates
- Active with local agencies in managing housing growth and related issues including transportation

The following serves as Napa LAFCO's Legislative Platform for purposes of informing actions relating to proposed legislation. Napa LAFCO will first review and consider the positions of the California Association of Local Agency Formation Commissions (CALAFCO), the League of California Cities, and the California State Association of Counties before recommending the full Commission take a formal position on proposed legislation.

### **1. LAFCO Purpose and Authority**

- 1.1 Support legislation which enhances Napa LAFCO's authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq., and oppose legislation which diminishes Napa LAFCO's authority.
- 1.2 Support authority for Napa LAFCO to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions, and oppose any limitations to that authority.
- 1.3 Oppose additional Napa LAFCO responsibilities which require expansion of current local funding sources. Oppose unrelated responsibilities which dilute Napa LAFCO's ability to meet its primary mission.
- 1.4 Support alignment of responsibilities and authority of Napa LAFCO and regional agencies which may have overlapping responsibilities in orderly growth, preservation, and service delivery, and oppose legislation or policies which create conflicts or hamper those responsibilities.

- 1.5 Oppose grants of special status to any individual agency or proposal to circumvent the Napa LAFCO process.
- 1.6 Support individual commissioner responsibility that allows each commissioner to independently vote their conscience on issues affecting their own jurisdiction.
- 1.7 Support the independence of Napa LAFCO from local agencies.
- 1.8 Support recognition of Napa LAFCO's spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- 1.9 Support efforts to acquire funding for local projects if the funding efforts are supported by the CALAFCO Board of Directors.

## **2. Agricultural, Watershed, and Open Space Protection**

- 2.1. Support legislation which clarifies Napa LAFCO's authority to identify, encourage, and ensure the preservation of agricultural, watershed, and open space lands.
- 2.2. Support policies which encourage cities, counties and special districts to direct development away from agricultural, watershed, and open space lands.
- 2.3. Support policies and tools which protect agricultural, watershed, and open space lands.
- 2.4. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.
- 2.5. Support the recognition and use of spheres of influence as a management tool to provide better planning of growth and development, and to preserve agricultural, watershed, and open space lands.



# **CALAFCO 2023 Legislative Policies**

*As adopted by the Board of Directors on February 17, 2023*

## **1. LAFCo Purpose and Authority**

- 1.1. Support legislation that enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq. Oppose legislation that diminishes LAFCo authority.
- 1.2. Support authority for each LAFCo to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions. Oppose any limitations to that authority.
- 1.3. Oppose additional LAFCo responsibilities that require expansion of current local funding sources. Oppose unrelated responsibilities that dilute LAFCo ability to meet its primary mission.
- 1.4. Support alignment of responsibilities and authority of LAFCo and regional agencies that may have overlapping responsibilities in orderly growth, agricultural and open space preservation, and municipal service delivery. Oppose legislation or policies that create conflicts or hamper those responsibilities.
- 1.5. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.
- 1.6. Support individual commissioner responsibility that allows each commissioner to independently vote his or her conscience on issues affecting his or her own jurisdiction.

## **2. LAFCo Organization**

- 2.1. Support LAFCo independence from local agencies.
- 2.2. Oppose the re-composition of any LAFCo to create special seats and recognize the importance of balanced representation provided by cities, the county, the public, and special districts in advancing the public interest.
- 2.3. Support representation of special districts on all LAFCos in counties with independent districts and oppose removal of special districts from any LAFCo.
- 2.4. Support communication and collaborative decision-making among neighboring LAFCos when growth pressures and multicounty agencies extend beyond an individual LAFCo's boundaries.

## **3. Agricultural and Open Space Protection**

- 3.1. Support legislation that clarifies LAFCo authority to identify, encourage and ensure the preservation of agricultural and open space lands.
- 3.2. Encourage a consistent definition of agricultural and open space lands.
- 3.3. Support policies that encourage cities, counties and special districts to discourage development on all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.4. Support policies and tools that protect all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.5. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.

**CALAFCO 2023 Legislative Policies**

*As adopted by the Board of Directors on February 27, 2023*

**4. Orderly Growth**

- 4.1. Support the recognition and use of spheres of influence as a planning tool pertaining to growth and development, and the preservation of agricultural and open space lands.
- 4.2. Support recognition of LAFCo spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- 4.3. Support orderly boundaries of local agencies and the elimination of islands within the sphere of influence and boundaries of agencies.
- 4.4. Support communication among cities, counties, special districts, stakeholders and affected parties through a collaborative process that resolves service, infrastructure, housing, land use, and fiscal issues, prior to application to LAFCo.
- 4.5. Support cooperation between counties and cities on decisions related to development within a city's designated sphere of influence.
- 4.6. Support cooperation between cities and special districts on decisions related to development within city and district spheres of influence that overlap.
- 4.7. Support the recognition of extreme natural disasters and disaster preparedness when considering growth and service delivery issues.

**5. Service Delivery and Local Agency Effectiveness**

- 5.1. Support the use of LAFCo resources to review Regional Transportation Plans, with a focus on sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, and conformity with LAFCo's legislative mandates. Support efforts that enhance meaningful collaboration between LAFCOs and regional planning agencies.
- 5.2. Support LAFCo authority as the preferred method of local governance. Support the availability of LAFCo tools that provide options for local governance and efficient service delivery, including the authority to impose conditions that assure a proposal's conformity with LAFCo's legislative mandates.
- 5.3. Support a deliberative and open process for the creation or reorganization of local governments that evaluates the proposed new or successor agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.
- 5.4. Support the availability of tools for LAFCo to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.
- 5.5. Support legislation and collaborative efforts among agencies and LAFCOs that encourage opportunities for sharing of services, staff and facilities to provide more efficient and cost-effective services.

**CALAFCO 2023 Legislative Policies**

*As adopted by the Board of Directors on February 27, 2023*

**2022 Legislative Priorities****Primary Issues**

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**Authority of LAFCo**

Support legislation that maintains or enhances LAFCo's authority to condition proposals in order to address any or all financial, growth, service delivery, and agricultural and open space preservation issues. Support legislation that maintains or enhances LAFCo's ability to make decisions regarding boundaries and formations, and to enact recommendations related to the delivery of services and the agencies providing them, including changes of organization and reorganizations.

**Agriculture and Open Space Protection**

Support policies, programs and legislation that recognize LAFCo's mission to protect and mitigate the loss of all types of agricultural lands, including prime agricultural lands and open space lands and that encourage other agencies to coordinate with local LAFCos on land preservation and orderly growth. Support efforts that encourage the creation of habitat conservation plans.

**Water Availability**

Support policies, programs and legislation that promote an integrated approach to water availability and management. Promote adequate water supplies and infrastructure planning for current and planned growth and disadvantaged communities, and that support the sustainability of all types of agricultural lands, including prime agricultural lands and open space lands. Support policies that assist LAFCo in obtaining accurate and reliable water supply information in order to evaluate current and cumulative water demands for service expansions and boundary changes. Such policies should include the impacts of expanding water company service areas on orderly growth, and the impacts of consolidation or dissolution of water companies providing services.

**Viability of Local Services**

Support policies, programs and legislation that maintain or enhance LAFCo's ability to review and act to determine the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs including those identified in regional planning efforts such as sustainable communities strategies. Support legislation that provides LAFCo and local communities with options for local governance that ensures efficient, effective, and quality service delivery. Support efforts that provide tools to local agencies to address aging infrastructure, fiscal challenges, declining levels of services, and inadequate services to disadvantaged communities.

**CALAFCO 2023 Legislative Policies**

*As adopted by the Board of Directors on February 27, 2023*

**Issues of Interest**

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**Housing**

Provision of territory and services to support housing plans consistent with State affordable housing mandates, regional land use plans and local LAFCo policies.

**Transportation**

Effects of Regional Transportation Plans and expansion of transportation systems on future urban growth and service delivery needs, and the ability of local agencies to provide those services.

**Flood Control**

The ability and effectiveness of local agencies to maintain and improve levees and protect current infrastructure. Carefully consider the value of uninhabited territory, and the impact to public safety of proposed annexation to urban areas of uninhabited territory at risk of flooding. Support legislation that includes assessment of agency viability in decisions involving new funds for levee repair and maintenance. Support efforts that encourage the creation of habitat conservation plans.

**Adequate Municipal Services In Inhabited Territory**

Consistency of expedited processes for inhabited annexations with LAFCo law that include fiscal viability. Promote environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services, including options for annexation of contiguous disadvantaged unincorporated communities. Support policies, programs, and legislation that would provide adequate municipal services to disadvantaged communities. Promote the delivery of adequate, sustainable, efficient, and effective levels of municipal services through periodic updates and reviews of Municipal Service Reviews, Spheres of Influence, and related studies prepared by LAFCOs.

**Climate Adaptation**

The ability and effectiveness of local agencies to proactively and effectively address issues that impact municipal service infrastructure and service delivery that include sea level rise, sand erosion, and levee protection. Adequate resources for local agencies to prepare for and appropriately respond to extreme disasters related to climate change. Ensure local agencies are considering climate resiliency when considering future development.





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**Agenda Item 6 (Action)**

**TO:** Legislative Committee

**FROM:** Brendon Freeman, Executive Officer *BF*

**MEETING DATE:** February 28, 2023

**SUBJECT:** Review Proposed Legislation

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**SUMMARY AND RECOMMENDATION**

The Legislative Committee (“the Committee”) will review proposed state legislation affecting LAFCOs and consider any appropriate recommendations for the full Commission to take formal positions on bills of interest at a future meeting. The Committee may recommend any of the following positions on bills of interest: support; support if amended; oppose; oppose unless amended; and watch.

A summary of relevant bills that are being tracked by the California Association of Local Agency Formation Commissions (CALAFCO) is included as Attachment One.

A chart showing the positions on certain bills from CALAFCO, the California State Association of Counties (CSAC), and the League of Cities (“League”) is included as Attachment Two.

Recommendations on any bills shall be made by a motion and a second followed by a vote of the Committee.

**ATTACHMENTS**

- 1) CALAFCO Legislative Report (February 24, 2023)
- 2) Positions on Bills from CALAFCO, CSAC, and League

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Margie Mohler, Chair  
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner  
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner  
Councilmember, City of Napa

Anne Cottrell, Vice Chair  
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Representative of the General Public

Eve Kahn, Alternate Commissioner  
Representative of the General Public

Brendon Freeman  
*Executive Officer*

## CALAFCO Daily Legislative Report as of Friday, February 24, 2023

### [AB 930](#) ([Friedman D](#)) **Local government: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts.**

**Current Text:** Introduced: 2/14/2023 [html](#) [pdf](#)

**Introduced:** 2/14/2023

**Status:** 2/15/2023-From printer. May be heard in committee March 17.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would authorize the legislative bodies of 2 or more local governments, defined to include a city, county, special district, or transit agency, to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would require the Office of Planning and Research (OPR) to develop standards for the formation of RISE districts no later than November 30, 2025. The bill would provide for the establishment of a governing board of a RISE district with representatives of each participating local government.

**Position:** Neutral

**Subject:** Special District Principle Acts

**CALAFCO Comments:** This bill has a similar overtone to SB 852 Dodd in 2022 regarding the formation of climate resilience districts outside of the LAFCo process.

As introduced, this bill (AB 930) is focused on the generation of funding and the governance of the expenditure of those funds. However, it should be carefully tracked in case that mission is expanded.

### [AB 1439](#) ([Garcia D](#)) **Housing.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 2/18/2023-From printer. May be heard in committee March 20.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law generally sets forth the duties of the Department of Housing and Community Development, which is the principal state department responsible for coordinating federal-state relationships in housing and community development and for implementing the California Statewide Housing Plan. This bill would state the intent of the Legislature to enact legislation related to housing.

**Position:** Placeholder - Spot Bill

**Subject:** Housing

**CALAFCO Comments:** This is a spotholder bill that only notes an intent to address housing.

**[AB 1460](#) (Bennett D) Local government.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 2/18/2023-From printer. May be heard in committee March 20.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. This bill would make a nonsubstantive change to the provision naming the act.

**Position:** Neutral

**Subject:** CKH General Procedures, Other

**CALAFCO Comments:** As introduced, this bill makes only a minor nonsubstantive change to CKH in that it would merely add commas to Section 56000 so that it would read: "This division shall be known, and may be cited, as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000."

**[SB 68](#) (McGuire D) Local government.**

**Current Text:** Introduced: 1/5/2023 [html](#) [pdf](#)

**Introduced:** 1/5/2023

**Status:** 1/18/2023-Referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law provides for the formation and powers of various local governments, including counties and cities. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. This bill would state the intent of the Legislature to enact legislation relating to local government.

**Position:** Watch

**CALAFCO Comments:** 1-6-2023: As it currently stands, this bill appears to be a spot holder. In the write-up it notes that the legislative intent will be to address local government and it specifically mentions CKH. Consequently, the Executive Director reached out to the author's office requesting more particulars. On 1-9-2023, the author's office responded that they had no additional info to share but that, while the the leg counsel introduction mentioned CKH, their language had nothing to do with it.

**[SB 455](#) (McGuire D) Governmental organization.**

**Current Text:** Introduced: 2/13/2023 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Status:** 2/22/2023-Referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered

1st House	2nd House	Conf. Conc.			
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**Summary:**

Current constitutional and statutory law prescribes the organization of the government in California. The Government Code prescribes certain definitions for purposes of its interpretation, including definitions for "state," "county," and "city." This bill would state the intent of the Legislature to enact legislation relating to governmental organization.

**Position:** Placeholder - Spot Bill

**Subject:** Other

**CALAFCO Comments:** This is a spotholder bill that notes that its intent will be to enact legislation relating to governmental organization.

**[SB 537](#) ([Becker D](#)) **Open meetings: local agencies: teleconferences.****

**Current Text:** Introduced: 2/14/2023 [html](#) [pdf](#)

**Introduced:** 2/14/2023

**Status:** 2/22/2023-Referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would state the intent of the Legislature to enact subsequent legislation that expands local government's access to hold public meetings through teleconferencing and remote access.

**Position:** Placeholder - Spot Bill

**Subject:** Brown Act

**CALAFCO Comments:** This is a spotholder bill that states an intent to expand local government's access to hold public meetings through teleconferencing and remote access.

**[SB 768](#) ([Caballero D](#)) **California Environmental Quality Act: transportation impact analysis: rural areas.****

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 2/21/2023-From printer. May be acted upon on or after March 20.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would state the intent of the Legislature to enact subsequent legislation that would create a new transportation impact analysis for rural areas for purposes of CEQA. This bill contains other existing laws.

**Position:** Placeholder - Spot Bill

**Subject:** CEQA

**CALAFCO Comments:** This is a spotholder bill that notes an intent to enact subsequent legislation that would create a new transportation impact analysis for rural areas for purposes of the California Environmental Quality Act.

**[SB 833](#) ([McGuire D](#)) **Natural resources.****

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 2/21/2023-From printer. May be acted upon on or after March 20.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law declares that resource conservation is of fundamental importance to the prosperity and welfare of the people of this state, and provides for the formation and powers of resource conservation districts. This bill would declare the intent of the Legislature to enact subsequent legislation relating to natural resources.

**Position:** Placeholder - Spot Bill

**Subject:** Special District Powers, Special District Principle Acts, Special Districts Governance

**CALAFCO Comments:** This is a spotholder bill that notes only an intent to enact subsequent legislation relating to natural resources.

**SB 865 (Laird D) Municipal water districts: automatic exclusion of cities.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 2/21/2023-From printer. May be acted upon on or after March 20.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law authorizes a governing body of a municipal water district to adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, if the territory is annexed prior to the effective date of the formation of the municipal water district. Current law requires the Secretary of State to issue a certificate reciting the passage of the ordinance and the exclusion of the area from the municipal water district within 10 days of receiving a certified copy of the ordinance. This bill would extend the number of days the Secretary of State has to issue a certificate to 14 days.

**Position:** None at this time

**Subject:** Annexation Proceedings

**CALAFCO Comments:** Existing law authorizes a governing body of a municipal water district may adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, providing that the territory is annexed prior to the effective date of the formation of the municipal water district. If that happens, the Secretary of State must, within 10 days of receiving a certified copy, issue a certificate reciting the passage of the ordinance that excludes the area from the municipal water district. This bill would extend the Secretary of State's window to issue that certificate from 10 to 14 days.

**AB 557 (Hart D) Open meetings: local agencies: teleconferences.****Current Text:** Introduced: 2/8/2023 [html](#) [pdf](#)**Introduced:** 2/8/2023**Status:** 2/17/2023-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with 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. Current 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. Current 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.

**Position:** Neutral**Subject:** Brown Act**CALAFCO Comments:** Similar in scope to SB 411, this bill is follow-on legislation to AB 361 (2022) and seeks to return some of the pandemic-era teleconferencing provisions to the Brown Act. This bill is sponsored by CSDA.**AB 817 (Pacheco D) Local government: open meetings.****Current Text:** Introduced: 2/13/2023 [html](#) [pdf](#)**Introduced:** 2/13/2023**Status:** 2/14/2023-From printer. May be heard in committee March 16.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law, the Ralph M. Brown Act, requires each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. This bill would make nonsubstantive changes to a provision of the Ralph M. Brown Act.

**Position:** Placeholder - Spot Bill

**Subject:** Brown Act

**CALAFCO Comments:** This bill appears to be a spot holder in that it currently only makes minor grammatical changes. The lack of substance raises concern regarding future changes to this bill.

**AB 1348 (Grayson D) Local government: open meetings.**

**Current Text:** Introduced: 2/16/2023 [html](#) [pdf](#)

**Introduced:** 2/16/2023

**Status:** 2/17/2023-From printer. May be heard in committee March 19.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:**

Current law, the California Public Records Act, requires state agencies and local agencies to make public records available for inspection, subject to specified criteria, and with specified exceptions. Current law, the Ralph M. Brown Act, requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. This bill would make nonsubstantive changes to the public record provisions governing the writings related to agendas of public meetings.

**Position:** Neutral

**Subject:** Brown Act

**CALAFCO Comments:** This bill as introduced would change the Section 54957.5 of the Brown Act in a minor and nonsubstantive way by changing an "a" to "any" in two places.

**SB 411 (Portantino D) Open meetings: teleconferences: bodies with appointed membership.**

**Current Text:** Introduced: 2/9/2023 [html](#) [pdf](#)

**Introduced:** 2/9/2023

**Status:** 2/22/2023-Referred to Coms. on GOV. & F. and JUD.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:**

Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a legislative body to use alternate teleconferencing provisions similar to the emergency provisions

indefinitely and without regard to a state of emergency. The bill would alternatively define "legislative body" for this purpose to mean a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the Ralph M. Brown Act.

**Position:** Neutral

**Subject:** Brown Act

**CALAFCO Comments:** This bill would permanently add back provisions to Section 54953.4 of the Brown Act that had been temporarily enacted during the COVID-19 pandemic. The amendment would allow a legislative body to use teleconferencing provisions, and would define the proper procedure for conducting such a meeting, would require the legislative body to take no further action in the event of a broadcasting disruption within the local agency's control until the broadcast can be resumed, would require time public comment periods to remain open until the public comment time has elapsed, and would not only prevent requiring comments in advance but would also require that the public be afforded the chance to comment in real time.

**SB 878 (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 2/21/2023-From printer. May be acted upon on or after March 20.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would enact the First Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

**Position:** None at this time

**Subject:** LAFCo Administration

**CALAFCO Comments:** This is the first of three annual validating acts.

**SB 879 (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 2/21/2023-From printer. May be acted upon on or after March 20.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would enact the Second Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

**Position:** None at this time

**Subject:** LAFCo Administration

**CALAFCO Comments:** This is one of three annual validating acts.



**SB 880 (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 2/21/2023-From printer. May be acted upon on or after March 20.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Would enact the Third Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Position:** None at this time

**Subject:** LAFCo Administration

**CALAFCO Comments:** This is one of three annual validating acts.

Total Measures: 16

Total Tracking Forms: 16

Napa LAFCO Legislative Committee meeting February 24, 2023				
Bill	Napa LAFCO Legislative Committee	CALAFCO	CSAC	League
<b>Brown Act</b>				
AB 557		support	sponsor	watch
AB 817		watch	pending	sponsor
AB 1348		watch	pending	watch
SB 411		support	pending	watch
SB 537			pending	watch
<b>Annual Validations</b>				
SB 878,879,880		support	*	watch
<p>* indicates not tracking the bill</p> <p><a href="#">CSAC website, advocacy, legislative tracking, bill report by subject area</a>  <a href="https://www.counties.org/legislative-tracking">https://www.counties.org/legislative-tracking</a></p> <p>CSAC not all bill reports by subject have up to date posts. Contacted legislative staff directly.</p> <p>CSAC: "pending" means deciding on position. "Watch" means no position unless changes occur</p> <p><a href="https://www.cacities.org/Policy-Advocacy/Bill-Search">League bill tracking: https://www.cacities.org/Policy-Advocacy/Bill-Search</a></p> <p>SDAC does not provide bill tracking for non-members</p>				