



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

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

Agenda Item 6c (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*
Dawn Mittleman Longoria, Assistant Executive Officer *DML*

MEETING DATE: August 7, 2023

SUBJECT: Legislative Report

RECOMMENDATION

It is recommended the Commission receive the legislative update and direct the Executive Officer to submit a letter to the Legislature opposing Assembly Bill (AB) 399. The Commission may take additional support positions on other bills if desired.

SUMMARY

The Commission's *Legislative Policy* and *Legislative Platform* are included as Attachment One and Attachment Two, respectively.

Commissioners Aboudamous and Painter serve on the Commission's ad hoc Legislative Committee ("the Committee") this year. The Committee serves in an advisory role to staff.

The California Association of LAFCOs (CALAFCO) tracks each bill affecting LAFCOs. The most recent CALAFCO Legislative Report is dated July 31, 2023, tracks 21 bills, and is included as Attachment Three.

Consistent with local policy, staff submitted letters to the Legislature in support of CALAFCO's annual omnibus bill, AB 1753. The letters are included as Attachment Four. AB 1753 was signed by the Governor on June 29, 2023.

One of the bills being tracked by CALAFCO, AB 399, has become problematic following recent amendments by the author. Staff recommends the Commission discuss AB 399 and consider taking a formal position opposing the bill. A summary is provided on the following page.

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

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

Assembly Bill 399 Background and Summary

San Diego LAFCO approved the detachment of two water districts from the San Diego County Water Authority. The voters within the boundaries of the two water districts were expected to vote on the detachment. The process prior to San Diego LAFCO's decision included numerous meetings among a wide variety of stakeholders. The staff report exceeded 400 pages and provided extensive research and background. The water authority continued to fight the detachment.

AB 399, included as Attachment Five, seeks to circumvent the LAFCO process, retroactively. The bill would require the vote of all the voters within the entire water authority, rather than limiting the vote to the affected area within the two water districts. The bill relies on provisions of a 1945 law that was enacted during World War II to protect water provision to a military base.

San Diego LAFCO formally opposes AB 399. San Diego LAFCO's letter in opposition to AB 399 is included as Attachment Six.

Other key stakeholders have taken the following positions:

- CALAFCO: Oppose
- California State Association of Counties: Pending
- League of California Cities: Watch

CALAFCO opposes AB 399 based on the following:

1. Circumvents the LAFCO process.
2. Sets precedent for other similar legislation.
3. Creates another "spot bill" without considering LAFCOs as a whole.

Staff recommends the Commission also take a formal position opposing AB 399 and direct staff to submit a letter to the Legislature similar to the San Diego LAFCO letter.

The Commission also is invited to discuss any other bills of interest and consider directing staff to submit formal position letters to the Legislature.

ATTACHMENTS

- 1) Legislative Policy
- 2) Legislative Platform
- 3) CALAFCO Legislative Report (Dated July 31, 2023)
- 4) AB 1753 Support Letters
- 5) AB 399 Bill Text
- 6) San Diego LAFCO Letter Opposing AB 399



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Policy

(Adopted: December 4, 2017; Last Amended: April 3, 2023)

- 1) The Local Agency Formation Commission (LAFCO) of Napa County (“the Commission”) shall annually establish an ad hoc committee, which shall terminate at the end of the calendar year, and appoint two members (“Legislative Committee”) to advise staff as described in this policy.
- 2) The Legislative Committee shall, at least annually, review this policy, the Commission’s adopted legislative platform, and the California Association of Local Agency Formation Commissions (CALAFCO)’s legislative policies. Based on communication with the Legislative Committee, staff shall present recommendations to the full Commission with respect to any appropriate amendments to this policy or the local legislative platform.
- 3) The Legislative Committee shall, at least annually, review proposed legislation affecting LAFCO. Based on communication with the Legislative Committee, staff 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 and Assistant Executive Officer are authorized to submit written correspondence to the appropriate entity regarding the Commission’s position if the position is consistent with the local legislative platform. The Chair, or the Vice Chair if the Chair is unavailable, shall review and approve the written correspondence prior to submittal by the Executive Officer or Assistant 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 Daily Legislative Report as of Monday, July 31, 2023

AB 530 (Boerner D) Vehicles: electric bicycles.

Current Text: Amended: 7/13/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amended: 7/13/2023

Status: 7/13/2023-From committee chair, with author's amendments: Amend, and re-refer to Com. on RLS. Read second time and amended.

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

Summary:

Would prohibit a person under 12 years of age from operating an electric bicycle of any class. The bill would state the intent of the Legislature to create an e-bike license program with an online written test and a state-issued photo identification for those persons without a valid driver's license, prohibit persons under 12 years of age from riding e-bikes, and create a stakeholders working group composed of the Department of Motor Vehicles, the Department of the California Highway Patrol, the Transportation Agency, bicycle groups, policy and fiscal staff, and other relevant stakeholders to work on recommendations to establish an e-bike training program and license. Because the bill would prohibit certain persons from riding electric bicycles, the violation of which would be a crime, the bill would impose a state-mandated local program.

Subject: Water

CALAFCO Comments: As introduced, this bill was relative to greenhouse emissions. However, it was gutted and amended on 5/15/2023 and now addresses county water authorities.

Under existing law, the governing body of any public agency has an option (phrased as a "may") to submit to the voters any proposition to exclude the corporate area of that public agency from a county water authority. This bill would add the procedures under which that optional election would be conducted. Specifically, notice would be required in the manner already defined within subdivision (c) of Section 10. The election would be conducted and returns canvassed as provided by law for the elections in the public agency, and a majority of electors within county water authority territory would be needed for passage. The new procedure would also require that these elections will be separate elections but may run with another election.

On 6/16/2023, this topic was transitioned to AB 399 through the gut and amend process. Amendments of 7/13/2023 make this bill now relative to electric bicycles which is not a concern to CALAFCO. Position updated to -None-.

AB 828 (Connolly D) Sustainable groundwater management: managed wetlands.

Current Text: Amended: 4/17/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 4/17/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/2/2023)(May be acted upon Jan 2024)

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

Summary:

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the term "managed wetland."

Position: None at this time

Subject: Water

CALAFCO Comments: Adds definitions for Managed Wetlands, and Small community water system to Water Code Section 10721.

4/17/2023: Amended to define agencies and entities required or excluded from existing 10726.4 (a)(4). Amends Water Code section 10730.2 to add language regarding fees, and amends Water Code section 10733 to address groundwater sustainability plans.

Failed to make April policy committee deadline and now cannot be acted upon until January 2024.

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

Current Text: Amended: 4/26/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 4/26/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/25/2023)(May be acted upon Jan 2024)

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

Summary:

Current law authorizes certain local agencies to form a community revitalization authority within a community revitalization and investment area, as defined, and authorizes an authority to, among other things, provide for low- and moderate-income housing and issue bonds, as provided. Current law authorizes a community revitalization and investment plan to provide for the division of taxes within the plan area. This bill would authorize the legislative bodies of 2 or more cities or

counties to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would authorize a special district to join a RISE district, by resolution, as specified.

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.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 1460 (Bennett D) Local government.

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

Introduced: 2/17/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)

2 year	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."
3/24/2023: No change since introduction.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 1637 (Irwin D) Local government: internet websites and email addresses.

Current Text: Amended: 6/29/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 6/29/2023

Status: 7/10/2023-In committee: Referred to APPR. suspense file.

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

Summary:

Would, no later than January 1, 2029, 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, 2029, 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.

Position: Watch

Subject: LAFCo Administration

CALAFCO Comments: As introduced, this bill would have required LAFCos who do not already have website domains ending with the ".gov" extension to transition to it no later than January 1, 2027. This bill was not considered as having a broad impact on LAFCos given that 12 of them already use the .gov extension.

5/18/2023: The bill was amended and is not longer applicable to LAFCos as its definition of a local agency has been narrowly defined to only cities and counties. However, we are continue our Watch position to monitor for potential changes.

SB 768 (Caballero D) California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.

Current Text: Amended: 3/22/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 3/22/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/29/2023)(May be acted upon Jan 2024)

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

Summary:

The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA prohibits a public agency from approving or carrying out a project for which a certified EIR has identified one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency finds either (1) changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment, (2) those changes or alterations are within the jurisdiction of another public agency and have been, or can and should be, adopted by the other agency, or (3) specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR and the public agency finds that those specific considerations outweigh the significant effects on the environment, commonly known as a statement of overriding consideration. This bill would provide that a public agency, in approving or carrying out a housing development project, as defined, a commercial project, or an industrial project, is not required to issue a

statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled or similar metrics if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project..

Position: Neutral

Subject: CEQA

CALAFCO Comments: Introduced as a spotholder bill that noted 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. 3/22/2023: The bill was amended and would add language into the Public Resource Code to provide that a public agency, in approving or carrying out certain types of projects, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

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

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

Introduced: 2/17/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/1/2023)(May be acted upon Jan 2024)

Desk	2 year	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: Neutral

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.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

[AB 68](#) (Ward D) Land use: streamlined housing approvals: density, subdivision, and utility approvals.

Current Text: Amended: 4/12/2023 [html](#) [pdf](#)

Introduced: 12/8/2022

Last Amended: 4/12/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 3/16/2023)(May be acted upon Jan 2024)

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

Summary:

Would require a local government to approve a proposed housing development pursuant to a streamlined, ministerial approval process if the development meets certain objective planning standards, including, but not limited to, a requirement that the proposed parcel for the development be a climate-smart parcel, as described, or be included in the applicable region's sustainable communities strategy as a priority development area. The bill would set forth procedures for approving these developments and would set forth various limitations for these developments. The bill would authorize the Department of Housing and Community Development to review, adopt, amend, and repeal guidelines, rules, and regulations to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth by this process.

Position: Watch

Subject: Planning

CALAFCO Comments: This bill was introduced as a spot holder in December, 2022, then was gutted and amended on March 16, 2023.

It now seeks to set up ministerial approvals for developments and certain water and sewer service extensions for developments that meet certain parameters. Parameters include that the parcel must be in a high or moderate resource area as categorized by the opportunity maps maintained by the California Tax Credit Allocation Committee, be located within one-mile of transit but be in a very low vehicle travel area, and within one mile of assorted restaurants, bars, coffee shops, etc. Additionally, types of locations that do not qualify are also enumerated. Those include farmlands, wetlands, high fire hazard severity zones (as determined by Cal Fire), in proximity to a hazardous waste site, within a delineated earthquake fault zone, within a special flood hazard area or within a regulatory floodway, lands identified for conservation, protected habitat, and lands under a conservation easement.

3/31/2023: Watch position taken by Leg Committee.

4/21/2023: CALAFCO received word from the Assembly Housing and Community Development Committee, that this bill will not be heard this year.

Under the procedure that would be established by this bill, a minimum of 30 days notice to LAFCo would be required for the public hearing should a county seek to amend its general plan to increase the planned density on climate resilient lands.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 918 (Garcia D) Health care district: County of Imperial.

Current Text: Amended: 7/13/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 7/13/2023

Status: 7/13/2023-From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (July 12). Read second time and amended. Re-referred to Com. on APPR.

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

Calendar:

8/14/2023 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, ANTHONY, Chair

Summary:

The Local Health Care District Law authorizes the organization and incorporation of local health care districts and specifies the powers of those districts, including, among other things, the power to establish, maintain, and operate, or provide assistance in the operation of, one or more health facilities or health services, including, but not limited to, outpatient programs, services, and facilities; retirement programs, services, and facilities; chemical dependency programs, services, and facilities; or other health care programs, services, and facilities and activities at any location within or without the district for the benefit of the district and the people served by the district. This bill would form a local health care district in the County of Imperial, designated as the Imperial Valley Healthcare District, that includes all of the County of Imperial. The bill would require the initial board of directors of the Imperial Valley Healthcare District to be appointed from and by specified bodies, including among others, the Imperial County Board of Supervisors, the Pioneers Memorial Healthcare District Board of Directors, and the Heffernan Memorial Healthcare District Board of Directors. The bill would require the initial board of directors to recommend a permanent funding source mechanism to be presented to and approved by voters via ballot measure. The bill would require the initial board of directors to enter negotiations with El Centro Regional Medical Center to decide the terms of the acquisition of the hospital. The bill would require the board of directors to finalize the terms of the acquisition by November 5, 2024. The bill would require the City of El Centro to negotiate in good faith with the Imperial Valley Healthcare District. The bill would require the board of directors to hold a minimum of 3 public meetings between the effective date of the bill and January 1, 2025, as specified. The bill would require the board of directors to recommend to the Imperial County Local Agency Formation Commission (LAFCO) dates for the dissolutions of the Pioneers Memorial Healthcare District and Heffernan Memorial Healthcare District and would authorize the board to recommend separate dates for each district’s dissolution. The bill would require, by January 1, 2025, the Imperial County LAFCO to dissolve the Heffernan Memorial Healthcare District and the Pioneers Memorial Healthcare District and would transfer the assets, rights, and responsibilities of the dissolved districts to the Imperial Valley Healthcare District.

Attachments:

[CALAFCO Letter in Opposition to 4-17-2023 bill amendment](#)
[CALAFCO Oppose Letter](#)

Position: Oppose

Subject: Other

CALAFCO Comments: As introduced, this bill was merely a spotholder that stated an intent to create a countywide healthcare district in Imperial County.

March 23, 2023, the bill was amended with specifics. It now seeks to rename the Pioneer Memorial Healthcare District to the Imperial County Healthcare District (ICHHD) and then sets up what, in essence, is a ministerial process for the countywide expansion of the ICHD. The expansion process is first initiated by the ICHD Resolution of Application, which is required to be filed with LAFCo no later than January 5, 2024. The LAFCo then has 150 days to complete the entire process, including the vote. Protest proceedings for that expansion would be waived under this bill. The bill also does not allow the LAFCo to deny the application. The bill also notes that future changes of organization or reorganization of the resulting districts would need to follow the normal provisions of CKH. A copy of CALAFCO's letter in opposition can be found in the attachments section.

4/17/2023: the bill was amended to entirely remove LAFCo involvement. CALAFCO's second letter of opposition that addresses this amended version can be found in the attachments section.

5/15/2023: The bill was amended again with a return of LAFCo into the process. However, it does again require LAFCo approval. As amended, the bill would rename the Pioneers Memorial Healthcare District to the Imperial Valley Healthcare District, then authorizes the expansion of the newly formed Imperial Valley Healthcare District to include all of the County of Imperial. As before, the bill requires the newly formed district to submit a resolution of application to the Imperial County LAFCo to initiate proceedings to expand the district, then requires the commission to order the expansion subject to a vote of the registered voters within the territory to be annexed. The bill provides for expansion of the district upon voter approval and providing that a funding source is also approved, if necessary. If expansion is approved, the Heffernan Memorial Healthcare District would transfer its assets, rights, and responsibilities to the Imperial Valley Healthcare District. The bill goes on to address other housekeeping issue such as the composition of the newly formed district board of directors.

7/12/2023, the bill was approved by the Senate Governance and Finance Committee, with the support of Imperial LAFCo.
 Position change to Neutral will be recommended to the Legislative Committee on 7/28/2023.
 Senate Appropriations hearing set for August 14, 2023.

SB 360 (Blakespear D) California Coastal Commission: member voting.

Current Text: Chaptered: 7/21/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amended: 6/14/2023

Status: 7/21/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 108, Statutes of 2023.

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

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

Attachments:

- [SB 360 Fact Sheet](#)
- [SB 360 CALAFCO Letter of Support](#)

Position: Support

Subject: Other

CALAFCO Comments: PRC 30318 currently holds a provision that allows members or employees of certain entities to sit on the California Coastal Commission. This bill would add members or employees of JPAs and LAFcos into that list.

3/24/2023: No change since introduction.

3/31/2023: Position changed to support. The Fact Sheet and a copy of CALAFCO's Support letter can be found in the attachments.

After two minor amendments, the bill was passed on 7/6/2023, Enrolled and presented to the Governor for signature at 11 a.m. on 07/11/2023.

[AB 399](#) (Boerner D) Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure.

Current Text: Amended: 6/14/2023 [html](#) [pdf](#)

Introduced: 2/2/2023

Last Amended: 6/14/2023

Status: 7/13/2023-From committee: Amend, and do pass as amended. (Ayes 5. Noes 3.) (July 12).

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

Summary:

The County Water Authority Act provides 2 methods of excluding territory from any county water authority, one of which is that a public agency whose corporate area as a unit is part of a county water authority may obtain exclusion of the area by submitting to the electors within the public agency, at any general or special election, the proposition of excluding the public agency's corporate area from the

county water authority. Current law requires that, if a majority of the electors approve the proposition, specified actions take place to implement the exclusion. This bill, the Water Ratepayers Protections Act of 2023, would additionally require the public entity to submit the proposition of excluding the public agency's corporate area from the county water authority to the electors within the territory of the county water authority. The bill would require the 2 elections to be separate; however, the bill would authorize both elections to run concurrently. The bill would require a majority vote for withdrawal in both elections for the withdrawal of the public agency from the territory of the county water authority. This bill would declare that it is to take effect immediately as an urgency statute.

Attachments:

[CALAFCO Oppose as Amended Letter](#)

[AB 399 Fact Sheet](#)

Position: Oppose

Subject: Detachment Proceedings

CALAFCO Comments: AB 399 was previously AB 530, which did not pass out of policy committee before deadlines.

AB 399, originally addressed the Vehicle Code but was gutted and amended on 6/14/2023 to become: the Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure. A fast moving bill, this is proceeding as an urgency bill which would take effect upon passage. The action is being undertaken to counter two detachments that have been approved by the San Diego LAFCo, subject to exit fees.

Under the uncodified County Water Authority Act of 1943, detachment proceedings require a vote of the residents in the detaching district. This bill seeks to add a second vote among the larger population of the full county water authority. While the vote among the residents of the detaching district is essentially consistent with LAFCo laws, requiring a second vote among the larger population of the entire water authority is not. AB 399 would set many precedents including: legislative "fixes" for contested LAFCo decisions; the ability of the legislature to unilaterally change the exit terms for multi-government consortiums after entities join; and the permissibility of requiring double votes on matters.

Staff met with the author on 7/11/2023 who remained steadfast on the bill. The bill was heard the next day (7/12/23) by the Senate Gov & Finance Committee where CALAFCO provided lead opposition. The bill passed by a 5-3 vote and is now headed to the Senate floor for consideration sometime after the summer recess. If AB 399 passes there, it will return to the Assembly. It is unclear at this time whether it would be immediately scheduled for Assembly concurrence, or before the ALGC.

The author's Fact Sheet, as well as CALAFCO's letter in opposition, can be found in the attachments section.

[AB 557](#) (Hart D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 6/19/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amended: 6/19/2023

Status: 6/29/2023-Read second time. Ordered to third reading.

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

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. This bill would revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect. Specifically, the bill would extend indefinitely that authority in the circumstances under which the legislative body either (1) meets 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, or (2) has previously made that determination.

Position: Watch

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 and would change the timeline for legislative bodies to reaffirm an emergency from the current 30 days to 45 days. This bill is sponsored by CSDA.

AB 805 (Arambula D) Drinking water consolidation: sewer service.

Current Text: Amended: 3/9/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 3/9/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

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

Summary:

Would authorize the State Water Resources Control Board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities, including, but not limited to, consulting with the relevant regional water board and the receiving water system and conducting outreach to ratepayers and residents served by the receiving and subsumed water systems, as provided.

Position: Watch With Concerns

Subject: Water

CALAFCO Comments: This bill would authorize the state board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities. Under existing section (b)(3) LAFcos must be consulted and their input considered in regards to the provision of water service but sewer systems seem to be lacking.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 817 (Pacheco D) Open meetings: teleconferencing: subsidiary body.

Current Text: Amended: 3/16/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amended: 3/16/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/16/2023)(May be acted upon Jan 2024)

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

Summary:

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 subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to the Ralph M. Brown Act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

Position: Watch

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.

3/16/2023: The bill was amended to speak specifically to teleconferenced meetings of subsidiary bodies, defined as a body that serves exclusively in an advisory capacity, and is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements. For qualifying bodies, this bill would remove the requirement to post an agenda at the location of the subsidiary body member who was participating from off site- providing that the legislative body that formed the subsidiary body has previously made findings noting that teleconferenced meetings of the subsidiary body would enhance public access, and would promote the attractions, retention and diversity of the subsidiary body. The superior legislative body would need to revisit the matter and

repeat those finding every 12 months thereafter. This bill also reaffirms that other provisions of the Brown Act are applicable to subsidiary bodies.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 1379 (Papan D) Open meetings: local agencies: teleconferences.

Current Text: Amended: 3/23/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amended: 3/23/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/23/2023)(May be acted upon Jan 2024)

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

Summary:

The Ralph M. Brown Act, requires, with specified exceptions, 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. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. This bill, with respect to those general provisions on teleconferencing, would require a legislative body electing to use teleconferencing to instead post agendas at a singular designated physical meeting location, as defined, rather than at all teleconference locations. The bill would remove the requirements for the legislative body of the local agency to identify each teleconference location in the notice and agenda, that each teleconference location be accessible to the public, and that at least a quorum of the members participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

Position: Watch

Subject: Brown Act

CALAFCO Comments: Originally introduced as a spotholder to address "Local agencies: financial affairs", this bill was gutted and amended on March 23, 2023, and now seeks amendment of the Brown Act's teleconferencing provisions. If successful, GC Section 54953 (b)(3) would be amended to remove the requirement to post agendas for teleconferenced meetings at all locations, and would instead limit the posting to a newly defined "singular designated physical meeting location", which is required to have either two-way audiovisual capabilities, or two-way telephone service for the public to remotely hear and address the body. Additionally, the body would have to hold at least two meetings in person each year.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

AB 1753 (Committee on Local Government) Local government: reorganization.**Current Text:** Chaptered: 6/29/2023 [html](#) [pdf](#)**Introduced:** 3/2/2023**Status:** 6/29/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 25, Statutes of 2023.

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. The act requires a petitioner or legislative body desiring to initiate proceedings for a change of organization or reorganization to submit an application to the executive officer of the principal county. The act specifies when an application is complete and acceptable for filing, and requires the executive officer to immediately issue a certificate of filing when an application is accepted for filing, as specified. Upon the filing of an application or a resolution pursuant to the act, but prior to the issuance of a certificate of filing, current law requires the executive officer to give notice of the filing to the assessor and auditor of each county within which the territory subject to the jurisdiction change is located, as specified. Current law prohibits the executive officer from issuing a certificate pursuant to the provisions described above until resolutions are adopted by specified counties and cities in which they agree to accept the exchange of property tax revenues. Current law authorizes a county and any local agency within the county to develop and adopt a master property tax transfer agreement, as specified. This bill would, if applicable, prohibit the executive officer from accepting for filing an application for change or organization or reorganization and issuing a certificate of filing pursuant to the provisions described above, and would provide that an application is not deemed accepted for filing pursuant to the provisions described above, if an agreement for the exchange of property tax revenues has not been adopted pursuant to the provisions described above.

Attachments:[AB 1753 CALAFCO Letter of Support, 03-28-23](#)**Position:** Support**Subject:** CKH General Procedures

CALAFCO Comments: This is CALAFCO's Omnibus bill. It seeks to add two new provisions to CKH. The first, would add section (d)(1) to Government Code Section 56658 and would note that R&T Section 99(d)(b)(6) requires an property tax agreement for an application to be considered complete. The second adds language to GC Sec. 56882 allowing transmission of commission determination by email, providing that the executive officer confirms receipt through an electronic read receipt of other means.

CALAFCO's letter of support can be found in the attachments.

SB 411 (Portantino D) Open meetings: teleconferences: neighborhood councils.**Current Text:** Amended: 4/24/2023 [html](#) [pdf](#)**Introduced:** 2/9/2023**Last Amended:** 4/24/2023

Status: 7/13/2023-From committee: Do pass as amended. (Ayes 7. Noes 0.) (July 12).

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

Summary:

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill, until January 1, 2028, would authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define "eligible legislative body" for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act.

Position: Watch

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.

4/24/2023: The bill was amended to make it specific to neighborhood councils and is no longer a concern for CALAFCO. However, we continue to monitor in case of changes.

[SB 537](#) (Becker D) Open meetings: multijurisdictional, cross-county agencies: teleconferences.

Current Text: Amended: 4/24/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amended: 4/24/2023

Status: 7/18/2023-From committee: Do pass as amended. (Ayes 6. Noes 1.) (July 12).

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

Summary:

Current law, under the Ralph M. Brown Act, requires that, during a teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. 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. These circumstances include if a member shows “just cause,” including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of “just cause” to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

Position: Watch

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.

3/22/2023: was amended and fleshed out to add teleconferencing provisions to allow legislative bodies of multijurisdictional agencies to meet remotely. Multijurisdictional agencies are defined as boards, commissions, or advisory bodies of a multijurisdictional, cross county agency, which is composed of appointed representatives from more than one county, city, city and county, special district, or a joint powers entity.

The bill is sponsored by Peninsula Clean Energy, a community choice aggregator with a board comprised of local elected officials from the County of San Mateo and its 20 cities, as well as the City of Los Banos.

4/24/2023: The bill was amended to further clarify definitions and the requirements needed for members of an eligible legislative body to meet remotely.

The bill passed Senate Judiciary on 5/2/23, and had its third reading in the Senate on 5/30/2023.

7/12/23: The bill passed the Assembly Local Government Committee.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)
Introduced: 2/17/2023
Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 30, Statutes of 2023.

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.

Attachments:

[Annual Validations Joint Letter of Support](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is the first of three annual validating acts. The joint letter of support is in the attachments section.
 Passed and approved by the Governor on 6/29/2023.

[SB 879](#) (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)
Introduced: 2/17/2023
Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 31, Statutes of 2023.

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.

Attachments:

[Annual Validations Joint Letter of Support](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts. The joint letter of support is in the attachments section.
 Passed and approved by the Governor on 6/29/2023.

[SB 880](#) (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/29/2023 [html](#) [pdf](#)
Introduced: 2/17/2023
Status: 6/29/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 32, Statutes of 2023.

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.

Attachments:

[Annual Validations Joint Letter of Support](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts. The joint letter of support is in the attachments section.

Passed and approved by the Governor on 6/29/2023.

Total Measures: 21

Total Tracking Forms: 21

7/31/2023 3:33:08 PM



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

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

April 3, 2023

RE: Support of AB 1753, Local Government: Reorganization Omnibus Bill

Dear Chair Aguiar-Curry:

The Napa Local Agency Formation Commission (LAFCO) is pleased to support the Assembly Local Government Committee Bill AB 1753, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO), which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of LAFCOs. These changes are necessary as Commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. AB 1753 currently makes minor technical corrections to language used in the Act. The Napa LAFCO is grateful to your Committee, staff, and CALAFCO, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

This legislation helps insure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state. We appreciate your Committee's authorship and support of this bill, and your support of the mission of LAFCOs.

Yours sincerely,

Margie Mohler
Chair

cc: Members, Assembly Local Government Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee
William Weber, Consultant, Assembly Republican Caucus
René LaRoche, Executive Director, CALAFCO

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



Local Agency Formation Commission of Napa County
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Napa, California 94559
Phone: (707) 259-8645
www.napa.lafco.ca.gov

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

June 26, 2023

The Honorable Governor Gavin Newsom
State of California
State Capitol Building
Sacramento, CA 95814

**SUBJECT: Request to Sign Assembly Bill 1753 (Local Government: Reorganization)
Assembly Local Government Committee Omnibus Bill**

Dear Governor Newsom:

The Local Agency Formation Commission (LAFCO) of Napa County respectfully **requests your signature on *Assembly Bill 1753*** (Assembly Local Government Committee) which is now before you for action. ***AB 1753*** is an Omnibus bill that makes technical changes and clarifications to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“the Act”).

This annual bill includes technical changes to the Act which governs the work of local agency formation commissions. These changes are necessary as commissions implement the Act and find small inconsistencies or ambiguities requiring clarification. By making minor technical changes, ***AB 1753*** clarifies the Act and ensures consistency for all stakeholders.

Because this legislation helps ensure that the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state, LAFCO of Napa County respectfully requests that you sign ***AB 1753***.

Sincerely,

Brendon Freeman
Executive Officer

cc: Honorable Cecilia Aguiar-Curry, Chair, Assembly Local Government Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee
Ronda Paschal, Deputy Legislative Secretary to the Governor
René LaRoche, Executive Director, CALAFCO
Margie Mohler, Chair, Napa LAFCO

Margie Mohler, Chair
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

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

AMENDED IN SENATE JUNE 14, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL**No. 399****Introduced by Assembly Member ~~Ting Boerner~~**

February 2, 2023

~~An act to amend Section 14602.1 of the Vehicle Code, relating to vehicles.~~ *An act to amend Section 11 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 399, as amended, ~~Ting Boerner~~. ~~Vehicles: police pursuit data reporting.~~ *Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure.*

The County Water Authority Act provides for the formation of county water authorities and grants to those authorities specified powers with regards to providing water service. The act provides 2 methods of excluding territory from any county water authority, one of which is that a public agency whose corporate area as a unit is part of a county water authority may obtain exclusion of the area by submitting to the electors within the public agency, at any general or special election, the proposition of excluding the public agency's corporate area from the county water authority. Existing law requires that, if a majority of the electors approve the proposition, specified actions take place to implement the exclusion.

This bill, the Water Ratepayers Protections Act of 2023, would additionally require the public entity to submit the proposition of excluding the public agency's corporate area from the county water authority to the electors within the territory of the county water

authority. The bill would require the 2 elections to be separate; however, the bill would authorize both elections to run concurrently. The bill would require a majority vote for withdrawal in both elections for the withdrawal of the public agency from the territory of the county water authority.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires every state and local law enforcement agency to report all vehicle pursuit data, as specified, to the Department of the California Highway Patrol no later than 30 days after a pursuit.~~

~~This bill would instead require every state and local law enforcement agency to report vehicle pursuit data to the department no later than 45 days after a pursuit.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~yes~~^{no}. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Water Ratepayers Protections Act of 2023.

3 SEC. 2. Section 11 of the County Water Authority Act (Chapter
4 545 of the Statutes of 1943), as amended by Section 3 of Chapter
5 1408 of the Statutes of 1985, is amended to read:

6 Sec. 11. (a) Exclusion of territory from any county water
7 authority may be effected by either of the following methods:

8 (1) Territory excluded from the portion of the corporate area of
9 any public agency ~~which~~ *that* lies within the exterior boundaries
10 of a county water authority, the public agency being a unit of the
11 authority, and ~~which~~ *that* exclusion occurs in accordance with the
12 provisions of law applicable to those exclusions, shall thereby be
13 excluded from and shall no longer be a part of the authority;
14 provided, that the taxable property within the excluded territory
15 shall continue to be taxable by the county water authority for the
16 purpose of paying the ~~bounded~~ *bonded* or other indebtedness
17 outstanding or contracted for at the time of the exclusion and until
18 the bonded or other indebtedness has been satisfied; provided
19 further, that if the taxable property within the excluded territory
20 or any part thereof shall be, at the time of the exclusion, subject
21 to special taxes levied, or to be levied, by the county water
22 authority pursuant to terms and conditions previously fixed under

1 paragraph subdivision (c) or (d) of Section 10 for the annexation
2 of the excluded territory or part thereof to the county water
3 authority, the taxable property within the excluded territory or part
4 thereof so subject to those special taxes shall continue to be taxable
5 by the county water authority for the purpose of raising the
6 aggregate sums to be raised by the levy of special taxes upon
7 taxable property within the respective annexing areas pursuant to
8 terms and conditions for the annexation or annexations as so fixed
9 and until the aggregate sums have been so raised by the special
10 tax levies.

11 Exclusion of territory from a county water authority pursuant to
12 this paragraph shall not occur if two or more public agencies that
13 are included in a county water authority as separate units are subject
14 to a reorganization of their boundaries under applicable provisions
15 of law ~~which~~ *that* would result in an exchange or transfer, but not
16 an overlapping, of territory that is entirely within the county water
17 authority. The boundaries of those agencies within the county
18 water authority, upon that reorganization and the filing with the
19 secretary of the county water authority of a copy of the certificate
20 of completion prepared, executed, and filed by the executive officer
21 of the local agency formation commission responsible therefore
22 constitute the boundaries of the agencies for all purposes of the
23 county water authority, without action by the board of directors
24 of the county water authority. If the exchange includes territory
25 subject to special conditions and tax levies pursuant to the terms
26 of annexation at the time the territory became a part of the county
27 water authority, the territory shall continue to be subject to those
28 conditions and to be taxable by the county water authority or those
29 levies.

30 From and after the effective date of the inclusion of the territory
31 by the including public agency, the territory shall be considered
32 to be a part of the corporate area of the including agency; provided,
33 however, that, if the taxable property within the territory, or any
34 portion thereof, is subject to special taxes levied or to be levied
35 by the county water authority pursuant to terms and ~~condition~~
36 *conditions* previously fixed under subdivision (c) or (d) of Section
37 10 for the annexation of the territory or portion thereof to the
38 county water authority, then the taxable property within the
39 territory shall continue to be taxable by the county water authority
40 for the purpose of raising the aggregate sums to be raised by the

1 levy of the special taxes pursuant to the terms and conditions for
2 the annexation or annexations as so fixed and until the aggregate
3 sums have been ~~or~~ so raised by the special tax levy.

4 (2) Any public agency whose corporate area as a unit has
5 become or is a part of any county water authority may obtain the
6 exclusion of the area therefrom *by elections conducted* in the
7 following manner:

8 ~~The~~

9 (A) (i) *The governing body of any public agency may submit*
10 *to the electors thereof at any general or special election the*
11 *proposition of excluding from the county water authority the*
12 *corporate area of the public agency. Notice of the election shall*
13 *be given in the manner provided in subdivision (c) of Section 10.*
14 *The election shall be conducted and the returns thereof canvassed*
15 *in the manner provided by law for the conduct of elections in the*
16 *public agency. If a majority of electors voting thereon vote in favor*
17 *of withdrawal, the result thereof shall be certified by the governing*
18 *body of the public agency to the board of directors of the county*
19 *water authority.* ~~A~~

20 (ii) *The governing body of any public agency may submit to the*
21 *electors within the territory of the county water authority at any*
22 *general or special election the proposition of excluding from the*
23 *county water authority the corporate area of the public agency.*
24 *Notice of the election shall be given in the manner provided in*
25 *subdivision (c) of Section 10. The election shall be conducted and*
26 *the returns thereof canvassed in the manner provided by law for*
27 *the conduct of elections in the public agency. If a majority of*
28 *electors within the territory of the county water authority voting*
29 *thereon vote in favor of withdrawal, the result thereof shall be*
30 *certified by the governing body of the public agency to the board*
31 *of directors of the county water authority.*

32 (iii) *The elections conducted pursuant to this subparagraph*
33 *shall be separate elections; however, they may run concurrently*
34 *with one another. A majority vote in both elections for withdrawal*
35 *is necessary for the withdrawal of the public agency from the*
36 *territory of the county water authority.*

37 (B) A certificate of the proceedings shall be made by the
38 secretary of the county water authority and filed with the Secretary
39 of State. Upon the filing of the certificate, the corporate area of
40 the public agency shall be excluded from the county water authority

1 and shall no longer be a part thereof; provided, that the taxable
2 property within the excluded area shall continue to be taxable by
3 the county water authority for the purpose of paying the bonded
4 and other indebtedness of the county water authority outstanding
5 or contracted for at the time of the exclusion and until the bonded
6 or other indebtedness has been satisfied; provided further, that if
7 the taxable property within the excluded area or any part thereof
8 is, at the time of the exclusion, subject to special taxes levied or
9 to be levied by the county water authority pursuant to the terms
10 and conditions previously fixed under subdivision (c) or (d) of
11 Section 10 for the annexation of the excluded area or part thereof
12 to the county water authority, the taxable property within the
13 excluded area or part thereof so subject to the special taxes shall
14 continue to be taxable by the county water authority for the purpose
15 of raising the aggregate sums to be raised by the levy of special
16 taxes upon taxable property within the respective annexing areas
17 pursuant to the terms and conditions for the annexation or
18 annexations as so fixed and until the aggregate sums have been so
19 raised by the special tax levies. Upon the filing of the certificate
20 of proceedings, the Secretary of State shall, within 10 days, issue
21 a certificate reciting the filing of the papers in ~~his or her~~ *the*
22 *Secretary of State's* office and the exclusion of the corporate area
23 of the public agency from the county water authority. The Secretary
24 of State shall transmit the original of the certificate to the secretary
25 of the county water authority and shall forward a certified copy
26 thereof to the county clerk of the county in which the county water
27 authority is situated.

28 (b) Whenever territory is excluded from any public agency in
29 accordance with paragraph (1) of subdivision (a), the governing
30 body, or clerk thereof, of the public agency shall file with the board
31 of directors of the county water authority a statement of the change
32 of boundaries of the public agency, setting forth the legal
33 description of the boundaries of the public agency, as so changed,
34 and of the part thereof within the county water authority, which
35 statement shall be accompanied by a map or plat indicating the
36 boundaries.

37 (c) Whenever any territory has been excluded from any public
38 agency prior to the effective date of this section, under conditions
39 ~~which~~ *that* would have resulted in the exclusion of the territory
40 from a county water authority had paragraph (1) of subdivision

1 (a) then been in effect, upon compliance with the following
2 provisions of this paragraph, the territory shall be excluded from
3 and shall no longer be a part of, the authority, the last-mentioned
4 provisions being as follows:

5 (1) The governing body of the public agency may adopt an
6 ordinance—~~which,~~ *that*, after reciting that the territory has been
7 excluded from the public agency by proceedings previously taken
8 under statutory authority, and after referring to the applicable
9 statutes and to the date or dates upon which the exclusion became
10 effective, shall describe the territory and shall determine and
11 declare that the territory shall be, and thereby is, excluded from
12 the county water authority.

13 (2) The governing body, or clerk thereof, of the public agency
14 shall file a certified copy of the ordinance with the Secretary of
15 State. Upon the filing of the certified copy of the ordinance in the
16 office of the Secretary of State, the territory shall be excluded
17 from, and shall no longer be a part of, the county water authority;
18 provided, that the taxable property within the excluded territory
19 shall continue to be taxable by the county water authority for the
20 purpose of paying the bonded or other indebtedness outstanding
21 or contracted for at the time of the exclusion, and until the bonded
22 or other indebtedness has been satisfied; provided further, that if
23 the taxable property within the excluded territory or any part
24 thereof is, at the time of the exclusion, subject to special taxes
25 levied or to be levied by the county water authority pursuant to
26 terms and conditions previously fixed under subdivision (c) or (d)
27 of Section 10 for the annexation of the excluded territory or part
28 thereof to the county water authority, the taxable property within
29 the excluded territory or part thereof so subject to the special taxes
30 shall continue to be taxable by the county water authority for the
31 purpose of raising the aggregate sums to be raised by the levy of
32 special taxes upon taxable property within the respective annexing
33 areas pursuant to the terms and conditions for the annexation or
34 annexations as so fixed, and until the aggregate sums have been
35 so raised by the special tax levies.

36 (3) Upon the filing of the certified copy of the ordinance, the
37 Secretary of State shall, within 10 days issue a certificate describing
38 the territory, reciting the filing of certified copy of the ordinance
39 and the exclusion of the territory from the county water authority,
40 and declaring that the territory is no longer a part of the county

1 water authority. The Secretary of State shall transmit the original
2 of the certificate to the secretary of the county water authority and
3 shall forward a certified copy of the certificate to the county clerk
4 of the county in which the county water authority is situated.

5 (d) Whenever any territory has been exchanged or transferred
6 pursuant to law prior to January 1, 1986, among two or more public
7 agencies that are included in a county water authority as separate
8 units, the territory shall not be deemed excluded from the county
9 water authority, notwithstanding the failure of the county water
10 authority to give its consent to the exchange or transfer of the
11 territory, if there has been filed with the board of directors of the
12 county water authority prior to January 1, 1986, a statement of the
13 change of boundaries of the agencies, as so changed, and of the
14 part within the county water authority, which statement shall be
15 accompanied by a map or plat indicating those boundaries.

16 *SEC. 3. This act is an urgency statute necessary for the*
17 *immediate preservation of the public peace, health, or safety within*
18 *the meaning of Article IV of the California Constitution and shall*
19 *go into immediate effect. The facts constituting the necessity are:*

20 *In order to provide immediate relief for ratepayers to have a*
21 *voice in decisions affecting their access to affordable and safe*
22 *water, essential to public health, it is necessary that this act take*
23 *effect immediately.*

24 **SECTION 1.** ~~Section 14602.1 of the Vehicle Code is amended~~
25 ~~to read:~~

26 ~~14602.1.— (a) Every state and local law enforcement agency,~~
27 ~~including, but not limited to, city police departments and county~~
28 ~~sheriffs' offices, shall report to the Department of the California~~
29 ~~Highway Patrol, on a paper or electronic form developed and~~
30 ~~approved by the Department of the California Highway Patrol, all~~
31 ~~motor vehicle pursuit data.~~

32 ~~(b) Effective January 1, 2006, the form shall require the~~
33 ~~reporting of all motor vehicle pursuit data, which shall include,~~
34 ~~but not be limited to, all of the following:~~

35 ~~(1) Whether a person involved in a pursuit or a subsequent arrest~~
36 ~~was injured, specifying the nature of that injury. For all purposes~~
37 ~~of this section, the form shall differentiate between the suspect~~
38 ~~driver, a suspect passenger, and the peace officers involved.~~

39 ~~(2) The violations that caused the pursuit to be initiated.~~

40 ~~(3) The identity of the peace officers involved in the pursuit.~~

- 1 ~~(4) The means or methods used to stop the suspect being~~
2 ~~pursued.~~
3 ~~(5) All charges filed with the court by the district attorney.~~
4 ~~(6) The conditions of the pursuit, including, but not limited to,~~
5 ~~all of the following:~~
6 ~~(A) Duration.~~
7 ~~(B) Mileage.~~
8 ~~(C) Number of peace officers involved.~~
9 ~~(D) Maximum number of law enforcement vehicles involved.~~
10 ~~(E) Time of day.~~
11 ~~(F) Weather conditions.~~
12 ~~(G) Maximum speeds.~~
13 ~~(7) Whether a pursuit resulted in a collision, and a resulting~~
14 ~~injury or fatality to an uninvolved third party, and the~~
15 ~~corresponding number of persons involved.~~
16 ~~(8) Whether the pursuit involved multiple law enforcement~~
17 ~~agencies.~~
18 ~~(9) How the pursuit was terminated.~~
19 ~~(e) In order to minimize costs, the department, upon updating~~
20 ~~the form, shall update the corresponding database to include all of~~
21 ~~the reporting requirements specified in subdivision (b).~~
22 ~~(d) All motor vehicle pursuit data obtained pursuant to~~
23 ~~subdivision (b) shall be submitted to the Department of the~~
24 ~~California Highway Patrol no later than 45 days following a motor~~
25 ~~vehicle pursuit.~~
26 ~~(e) The Department of the California Highway Patrol shall~~
27 ~~submit annually to the Legislature a report that includes, but is not~~
28 ~~limited to, the following information:~~
29 ~~(1) The number of motor vehicle pursuits reported to the~~
30 ~~Department of the California Highway Patrol during that year.~~
31 ~~(2) The number of those motor vehicle pursuits that reportedly~~
32 ~~resulted in a collision in which an injury or fatality to an uninvolved~~
33 ~~third party occurred.~~
34 ~~(3) The total number of uninvolved third parties who were~~
35 ~~injured or killed as a result of those collisions during that year.~~



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

June 15, 2023

DELIVERED BY ELECTRONIC MAIL

Assemblymember Tasha Boerner
State of California
77th Assembly District
c/o Robert Charles, Chief of Staff
robert.charles@asm.ca.gov

SUBJECT: Opposition to Assembly Bill (AB) 399

Honorable Assemblymember Boerner:

On behalf of the San Diego County Local Agency Formation Commission (LAFCO), I respectfully write to communicate our opposition this session to AB 399 as amended on June 14th. The proposed legislation seeks an affirmative vote of the entire San Diego County Water Authority electorate via its principal act as a statutory condition to any member agency receiving LAFCO approval to detach. The proposed legislation also includes an urgency clause to enact the provisions immediately.

As previously communicated through our Executive Officer, the amended bill – which had been initially placed in AB 530 through its own comprehensive amendment process on May 15th – generates substantive concerns with respect to timing and content. These concerns are collectively marked by disenfranchising Fallbrook Public Utility District and Rainbow Municipal Water District given their current proposal filings by establishing new and inconsistent thresholds in statute for special district detachments.

LAFCO appreciates the otherwise fair intentions you and the sponsor – City of San Diego Mayor's Office – have in proposing the legislation. However, the timing is not right, and the content merits further refining based on our expertise in managing local agency boundaries and municipal services to effectuate orderly and responsive growth and development. To this end, if you are agreeable, we would welcome the opportunity to collaborate on potential amendments and in doing so be ready to reverse positions. We are nonetheless compelled to go on record now with our opposition given the urgency clause.

Administration

Keene Simonds, Executive Officer
2550 Fifth Avenue, Suite 725
San Diego, California 92103-6624
T 619.321.3380
www.sdlafco.org
lafco@sdcounty.ca.gov

Chair Jim Desmond
County of San Diego

Joel Anderson
County of San Diego

Nora Vargas, Alt.
County of San Diego

Kristi Becker
City of Solana Beach

Dane White
City of Escondido

John McCann
City of Chula Vista

Vice Chair Stephen Whitburn
City of San Diego

Marni von Wilpert, Alt.
City of San Diego

Jo MacKenzie
Vista Irrigation

Barry Willis
Alpine Fire Protection

David A. Drake, Alt.
Rincon del Diablo

Andy Vanderlaan
General Public

Harry Mathis, Alt.
General Public

San Diego LAFCO

Honorable Assemblymember Boerner

June 15, 2023 on Assembly Bill 399

Should you or your staff have any questions and/or would like to schedule a meeting, please contact LAFCO Executive Officer Keene Simonds by telephone at 619.321.3380 or e-mail at keene.simonds@sdcounty.ca.gov.

Respectfully,

A handwritten signature in black ink, appearing to read "Jim Desmond". The signature is fluid and cursive, with the first name "Jim" and last name "Desmond" clearly distinguishable.

Jim Desmond
Chair

cc:

San Diego LAFCO Commissioners
Keene Simonds, Executive Officer
Holly O. Whatley, Commission Counsel
René LaRoche, CALAFCO Director
Nick Serrano, Honorable Mayor Todd Gloria's Deputy Chief of Staff
Adrian Granda, Honorable Mayor Todd Gloria's Intergovernmental Affairs Director
Sandy Kerl, County Water Authority General Manager
Jack Bebee, Fallbrook Public Utility District General Manager
Tom Kennedy, Rainbow Municipal Water District General Manager
Nick Kanetis, Eastern Municipal Water District Assistant General Manager