



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 6f (Consent/Information)

TO: Local Agency Formation Commission

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

MEETING DATE: June 3, 2024

SUBJECT: Legislative Report

BACKGROUND AND SUMMARY

This is a consent item for information purposes only. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair. No formal action will be taken as part of this item.

Chair Cottrell and Commissioner Painter currently serve on the Commission’s Legislative Committee (“the Committee”), which is an ad hoc subcommittee responsible for reviewing proposed legislation affecting LAFCOs and making recommendations to the Commission with respect to taking formal positions.

On April 8, 2024, the Commission directed staff to submit letters to the Legislature supporting Assembly Bill (AB) 817 and Senate Bill (SB) 1209. The Commission also discussed AB 3277, included as Attachment 3, and agreed to watch the bill.

Consistent with local policy, the submitted support letters for AB 817 and SB 1209 are included on today’s agenda for information purposes as Attachments 1 and 2, respectively.

AB 3277 would limit the requirement for a financial analysis of ad valorem taxes during the formation of a district to those instances when a share of the tax is sought. This bill has been keyed as fiscal, and is awaiting scheduling in Appropriations, where it will most likely be placed on the Consent agenda. Once through Appropriations, it will be scheduled before the Assembly Local Government Committee for hearing. The bill passed the Assembly on April 29, 2024, and was ordered to the Senate where it sits in the Rules Committee waiting on its policy assignment.

ATTACHMENTS

- 1) AB 817 Support Letter to Legislature
- 2) SB 1209 Support Letter to Legislature

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, 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, Vice Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
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April 9, 2024

The Honorable Assembly Member Blanca Pacheco
 State Capitol, Room 6240
 Sacramento, CA 95814

RE: *AB 817 (Pacheco) Open Meetings: Teleconferencing: Subsidiary Body – SUPPORT*

Dear Assembly Member Pacheco,

Napa LAFCO is pleased to express our support for AB 817, which would remove barriers to entry for appointed and elected office by allowing non-decision-making legislative bodies to participate in two-way virtual teleconferencing without posting location.

Challenges associated with recruitment have been attributed to participation time commitments, time and location of meetings, physical limitations, conflicts with childcare, and work obligations.

During the pandemic, public health precautions allowed for remote participation during public meetings, which resulted in increased accessibility and resident participation. Individuals who could not previously meet the time, distance, or mandatory physical participation requirements were able to become more engaged, increasing the diversity of input and thought on several critical community proposals.

Existing law (Stats. 1991, Ch. 669) requires local bodies to publish and publicly notice opportunities that exist to participate in and serve on local regulatory and advisory boards, commissions, and committees under the Local Appointments List, known as Maddy's Act. However, merely informing the public of the opportunity to engage is not enough: addressing barriers to entry to achieve diverse representation in leadership furthers the Legislature's declared goals of equal access and equal opportunity.

Diversification in civic participation at all levels requires careful consideration of different protected characteristics as well as socioeconomic status. The in-person requirement to participate in local governance bodies presents a disproportionate challenge for those with physical or economic limitations, including seniors, persons with disability, single parents, caretakers, economically marginalized groups, and those who live in rural areas and face prohibitive driving distances. Participation in local advisory bodies and appointed boards and commissions often serves as a pipeline to local elected office and opportunities for state and federal leadership positions.

Margie Mohler, Commissioner
 Councilmember, Town of Yountville

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Brendon Freeman
 Executive Officer

Napa LAFCO Support for AB 817
April 9, 2024
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AB 817 would help address these issues by providing a narrow exemption under the Ralph M. Brown Act for non-decision-making legislative bodies that do not take final action on any legislation, regulations, contracts, licenses, permits, or other entitlements, so that equity in opportunity to serve locally and representative diversity in leadership can be achieved.

One of LAFCO's missions is to encourage and facilitate efficient governance that is inclusive of all demographics. With this in mind, Napa LAFCO is pleased to support AB 817 and want to thank you for your leadership on this most important issue.

Sincerely,



Brendon Freeman
Executive Officer
Napa LAFCO

cc: The Honorable Assembly Member Blanca Pacheco
Jimmy MacDonald, Consultant, Assembly Local Government Committee
Anne Cottrell, Napa LAFCO Chair
René LaRoche, CALAFCO Executive Director
League of California Cities



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April 9, 2024

Honorable David Cortese
 California State Senate
 1021 O Street, Suite 6630
 Sacramento, CA 95814

RE: *SB 1209 (Cortese): Local agency formation commission: indemnification – SUPPORT*

Dear Senator Cortese:

The Napa Local Agency Formation Commission (LAFCO) is pleased to support Senate Bill 1209, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO). SB 1209 would add a new section into Government Code authorizing LAFCOs to enter into an indemnification agreement with an applicant. Counties and cities are already empowered to require indemnification, and routinely do so with respect to discretionary land-use approvals. SB 1209 would merely provide LAFCOs with the same authority.

This bill addresses a 2022 decision of the Second District Court of Appeals, which found that existing State law does not provide explicit authority to require indemnification. Absent indemnification authority - and because LAFCO funding is statutorily required in a specified ratio from the county, cities, and special districts within a county - the costs to defend litigation must be absorbed by all of LAFCO's funding agencies.

Consequently, **SB 1209** will:

- Provide LAFCOs with the ability to use a tool already in use by counties and cities;
- Prevent costs to defend litigation from being shifted to a county, its cities, and its special districts; and
- Remove the possibility that an applicant threatens litigation to coerce a desirable LAFCO determination.

Thus, for the above reasons, Napa LAFCO is in strong *support of SB 1209*.

Sincerely,

Brendon Freeman
 Brendon Freeman
 Executive Officer
 Napa LAFCO

cc: The Honorable Maria Elena Durazo, Chair, and Members,
 Senate Local Government Committee
 Anton Favorini-Csorba, Chief Consultant, Senate Local
 Government Committee
 Ryan Eisberg, Consultant, Senate Republican Caucus
 Anne Cottrell, Napa LAFCO Chair
 René LaRoche, CALAFCO Executive Director

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