



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

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

Agenda Item 5i (Consent/Information)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: December 5, 2022

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.

During the 2022 legislative year, the California Association of LAFCOs (CALAFCO) tracked 29 total bills that are directly relevant to LAFCOs. CALAFCO has released a year-end summary of these bills and their outcomes, included as Attachment One.

ATTACHMENT

- 1) CALAFCO 2022 Review of Tracked Bills

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

CALAFCO
2022 REVIEW OF TRACKED BILLS

Number of Bills Reviewed: 5129 Number of Bills Tracked: 29

Intro Year	Bill Number/ Author	Subject	Summary/Concerns	CALAFCO Action	Outcome
CALAFCO SPONSORED BILLS					
2021	AB 2957 (Committee on Local Government)	CALAFCO Omnibus	<p>The annual CALAFCO Omnibus bill. As introduced, it made 3 minor, technical non-substantive changes in CKH: (1) Replaces “to be completed and in existence” with “take effect” under GCS 56102; (2) Adds GCS 56078.5: “Successor Agency” means the local agency the Commission designates to wind up the affairs of a dissolved district; and (3) Replaces “proposals” with “applications” within GCS 56653(a), 56654(a), (b), and (c), and 56658(b)(1) and (b)(2).</p> <p>The bill was amended on April 18, 2022 to include additional changes requested by CALAFCO that addressed grammar changes, the correction of a PUC citation in GC Sec 56133(e)(5) from 9604 to 224.3, the extension of the sunset date within R&T Section 99(b)(8)(B) to January 1, 2028, and to renumber the remaining provisions as needed due to the changes.</p>	<p>SUPPORT.</p> <p>CALAFCO sponsored. CALAFCO interfaced with its members, as well as the Senate and Assembly Consultants, to draft the bill and institute the desired changes.</p>	<p>PASSED and approved by the Governor on 6/21/2022.</p>
2022	SB 938 (Hertzberg)	Protest Provisions Amendments	<p>CALAFCO sponsored. This bill is a response to a 2017 recommendation by the Little Hoover Commission and represents the culmination of a five-year effort by CALAFCO staff, and a collaborative three-year effort by an 18-member multi-organizational working group, to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a LAFCo may initiate dissolution of a district at the 25 percent protest threshold.</p>	<p>SUPPORT.</p> <p>CALAFCO sponsored. CALAFCO issued a letter of support, called for and coordinated letters of support from member LAFCOs, and provided lead testimony in support before the Senate Governance and Finance Committee, and the Assembly Local Government Committee.</p>	<p>PASSED and approved by the Governor on 7/1/2022.</p>

Intro Year	Bill Number/ Author	Subject	Summary/Concerns	CALAFCO Action	Outcome
POSITIONS TAKEN – ASSEMBLY BILLS					
2021	AB 897 (Mullin)	Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans	As introduced in 2021, the bill sought to build on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region. Over the course of the next year, the bill would be amended four times to require OPR to develop guidelines for Regional Climate Adaptation Action Plans, make recommendations to the Legislature regarding potential sources of financial assistance for the creation of these Action Plans, and establish geographic boundaries for regional climate networks.	SUPPORT.	DEAD. AB 897 died in Senate Appropriations Committee's Suspense File.
2022	AB 1640 (Ward)	Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans	<p>This bill was a follow up and was very similar to AB 897 (2021). As introduced, it would have authorized eligible entities, as defined (including LAFCo), to establish and participate in a regional climate network. The bill also would have authorized a regional climate network to engage in activities to address specific areas of climate change. It would also have required regional climate networks to develop a regional climate adaptation and resilience action plan and to submit the plan to OPR for review, comments, and certification.</p> <p>The bill was amended twice in 2022, the first time to change a requirement to develop regional climate networks to an option. The second amendment removed the deadline for OPR to publish guidelines, and removed an exemption which would have been based on population.</p>	SUPPORT. Upon introduction, CALAFCO conferred with the author's office to ensure that LAFCOs were included in the guideline development process. Once included, CALAFCO's position was SUPPORT.	DEAD. AB 1640 died in the Senate Appropriations Committee's Suspense File.
22	AB 1773 (Patterson)	Return of Williamson Act Subvention Payments	This bill would have reinstated Williamson Act subvention payments with an allocation of \$40 million from the General Fund for the 2022-23 budget year.	SUPPORT. CALAFCO issued a letter of support, called for and coordinated letters of support from member LAFCOs,	DEAD. AB 1773 died in Assembly Appropriations Committee's Suspense File.

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			As originally implemented, the Williamson Act was created to incentivize the preservation and conservation of open space and agricultural land. It did that by offering reduced property taxes for lands “under contract,” which are agreements to not develop the land in exchange for lower property taxes. The State then, subsidized the difference through subvention payments to counties. Funding amounted to \$35-\$40 million per year, but was stopped during the recession.	and testified before the Assembly Committee on Local Government.	
2022	AB 2081 (Garcia)	Municipal water districts: extension of sunset date requiring LAFCo approval of water service extension onto tribal lands	<p>This bill extends the sunset date created in AB 1361 (2017). Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe’s lands that are not within a district. Current law also authorizes a district, under specified circumstances, to apply to the applicable LAFCo to provide this service of water to Indian lands, as defined, that are not within the district and requires the LAFCo to approve such an application. This bill extends the sunset date from January 1, 2023 to January 1, 2025.</p> <p>CALAFCO opposed AB 1361 in 2017 as the process requires LAFCo to approve the extension of service, requires the district to extend the service, and does not require annexation upon extension of service.</p>	<p>OPPOSED. CALAFCO issued a letter in opposition, called for and coordinated letters of opposition from member LAFCOs, and provided lead testimony in opposition before the Senate Governance and Finance Committee.</p>	<p>PASSED and approved by the Governor on 9/23/2022.</p>
POSITIONS TAKEN – SENATE BILLS					
2021	SB 739 (Cortese)	At introduction, this bill sought to introduce a pilot program for a California Universal Basic Income for Transition Age Youth.	<p>No concerns as introduced.</p> <p>Gutted and Amended Version: OPPOSED. While the revised bill’s intent to create a streamlined process for the conversion of unused golf courses into housing was laudable,</p>	<p>No position as introduced.</p> <p>OPPOSED to the gutted and amended version. CALAFCO immediately met with Senator Cortese’s office to explain CALAFCO concerns regarding ministerial approvals. Upon the meeting’s conclusion,</p>	<p>DEAD.</p>

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		LATE GUT & AMEND The bill was gutted and amended on 6/13/2022, to allow the annexation of unused golf courses for the development of high-rise housing developments of 600 units or more, and would have required ministerial approvals on all levels including LAFCos.	CALAFCO had significant concerns regarding its requirement for ministerial approvals of annexations and zoning changes. Additionally, the bill assumed that annexation delays were due to LAFCo procedures when CALAFCO data shows that it actually occurs in regards to the negotiation of tax sharing agreements – a process that LAFCos have no control over.	the Senator's office advised that they would not be pursuing the bill, but would float it to other legislators to see if anyone else wished to pursue it in the future.	
2022	SB 1100 (Cortese)	Brown Act: Orderly Conduct	<p>This bill adds a new provision to the Brown Act, which allows the presiding member of a legislative body who is conducting a meeting, to remove of have removed, individual(s) who are disrupting a meeting.</p> <p>“Disrupting” is defined as behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to: (A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law. Or (B) Engaging in behavior that constitutes use of force or a true threat of force.</p> <p>However, before removing the individual(s), the presiding member (or designee) needs to first issue a warning to the individual noting that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. If the disruptive behavior is not promptly stopped, the presiding member or their designee may then remove the individual.</p> <p>However, the procedure does not apply to behavior that constitutes use of force or a true threat of force.</p>	<p>SUPPORT. CALAFCO submitted a letter of support in concern with a broad coalition of agencies.</p>	<p>PASSED and approved by the Governor on 8/22/2022.</p>

Intro Year	Bill Number/ Author	Subject	Summary/Concerns	CALAFCO Action	Outcome
2022	SB 1490 (Committee on Governance and Finance)	Validating Acts	The first of 3 annual validating acts that validate organizations, boundaries, acts, proceedings, and bonds of public bodies, and provides limitations of time in which actions may be commenced.	SUPPORT.	PASSED and approved by the Governor on 7/1/2022.
2022	SB 1491 (Committee on Governance and Finance)	Validating Acts	The second of the 3 annual validating acts.	SUPPORT.	PASSED and approved by the Governor on 7/1/2022.
2022	SB 1492 (Committee on Governance and Finance)	Validating Acts	The third of the 3 annual validating acts.	SUPPORT.	PASSED and approved by the Governor on 7/1/2022.
2022	SB 1449 (Caballero)	Office of Planning and Research: grant program: annexation of unincorporated areas	This bill sought to incentivize the annexation of islands by developing a program that would provide grants to cities to assist with the costs associated with any infrastructure buildout associated with such an annexation.	SUPPORT. CALAFCO worked with the author's office in an attempt to define a metric that OPR would be able to use when funding such grants, and provided lead testimony in support.	VETOED by the Governor on 9/28/2022. with the message that 1. Costs of the program were not funded in the budget; and 2. Revenues received so far this fiscal year have been lower than expected.
WATCHED BILLS - ASSEMBLY					
2021	AB 903 (Frazier)	Los Medanos Community Healthcare District.	This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. LAFCo would not be involved in the dissolution as the bill was introduced. The bill was then amended to specify how the funds received through the property tax transfer must be used, and defines how profits shall be used. The author then resigned his Assembly seat in December, 2021. Additionally, the appellate court overturned a lower court's decision upon which this bill was predicated.	WATCH.	DEAD. AB 903 failed to make its 2-year deadline on 7/5/2022.

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2021	AB 975 (Rivas, L.)	Political Reform Act of 1974: filing requirements and gifts	As introduced, this bill would have increased the timeframe in which public officials could be reimbursed for attending an invitation-only event, and would have reduced the gift notification timeframe for lobbyist employers. The bill was amended on 4/21/21 and 5/18/21. On 2/24/2022, the author's office indicated that it would be moving forward with the bill this year and would be bringing back amendments. No further action after that.	WATCH.	DEAD. AB975 dead as of 8/31/2022 after failing to meet a deadline.
2021	AB 1195 (Garcia, Cristina D)	Originally, the creation of a regional water agency in southern California. The bill was later amended to address Cal HR procedures.	As introduced, would have created the Southern Los Angeles County Regional Water Agency as a regional water agency serving the drinking water needs of the cities, unincorporated areas, and residents in the communities overlying the Central Basin and West Coast Basin aquifers in southern Los Angeles County. Gut and Amend on 5/18/2022 removed previous verbiage regarding water. Subject matter was changed to address the State Department of Human Resources and the Limited Eligibility and Appointment Program (LEAP), which the California Department of Human Resources administers.	Watch with Concerns at introduction. No concerns after amendment. Consequently, CALAFCO downgraded its stance to Watch , and changed priority to "None."	The final AB 1195 subject matter no longer within the realm of CALAFCO concern.
2022	AB 1757 (Garcia, C.)	California Global Warming Solutions Act of 2006: climate goal: natural and working lands.	Initially introduced by Assemblymember Ward as a Labor Standards bill. Amended on 3/10/22 to, instead, amend the Water Code to create Groundwater Sustainability Agencies. Went through several iterations with Ward as the author, then Haney (5/10/2022), and finally came back, on 8/28/2022, with Garcia and others as authors, and gutted and amended to create the California Global Warming Solutions Act of 2006; climate goal: natural and working lands. The Act requires collaboration among several state boards to, by January 1, 2025, develop standard methods for state agencies to track greenhouse gas emissions and reductions, carbon sequestration, and, where feasible and in	WATCH.	PASSED and approved by the Governor on 8/22/2022.

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			consultation with the Natural Resources Agency and the Department of Food and Agriculture, additional benefits from natural and working lands over time.		
2022	AB 1944 (Lee)	Brown Act: Remote meeting locations	This bill addressed the teleconferencing provisions of the Brown Act. At introduction, it would have allowed members of a legislative body to participate in meetings remotely without identifying their location, as is currently required. The bill was amended twice, once to provide a provision that agendas reflect the names of all members participating remotely, as well as well as to allow a legislative body to determine, by a majority vote, situations when identification of the location did not need to be disclosed. The second amendment added a provision that would have allowed the above exemption to occur only when there was a quorum of the body participating from a single physical location.	WATCH.	DEAD. AB 1944 failed to secure approval by the Senate Governance and Finance Committee by the deadline.
2022	AB 2041 (Garcia, E)	California Safe Drinking Water Act: primary drinking water standards: compliance	This bill would provide for the state board to take specified actions if the state board adopts a primary drinking water standard with a compliance period in which public water systems are given a designated period of time to install necessary corrective measures without being held in violation of the primary drinking water standard. Amended on 4/18/2022 to require the state board to determine which public water system may not be able to comply with the primary drinking water standard without receiving financial assistance and to develop a compliance plan.	WATCH.	DEAD. AB 2041 dead as of 5/20/2022 after failing to meet deadline.
2022	AB 2201 (Bennett, D)	Groundwater sustainability agency: groundwater extraction permit: verification.	Introduced 2/15/2022 as spot holder bill. Amended 3/17/2022 to add a new section into the Water Code that would require, after July 1, 2023, designated extraction facilities to procure permits from the Department of Water	WATCH.	DEAD. AB 2202 dead as of 8/31/2022 after failing to meet deadline.

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			<p>Resources (DWR.)</p> <p>Amended again on 4/27/2022 to remove all provisions regarding groundwater extraction facilities, added in provisions addressing local agencies, which are defined as cities, counties, districts, agencies, or other entities with the authority to issue a permit for a new groundwater well or for an alteration to an existing well.</p>		
2022	AB 2442 (Rivas, R.)	California Disaster Assistance Act: climate change.	<p>This bill sought to add climate change to the California Disaster Assistance Act and went through six iterations which added and removed language including mitigation measures for the preservation of open space, improved forest management and wildfire risk reduction measures, and other investments in natural infrastructure, and also would s requirement that General Plans include "a set of measures designed to reduce emissions of greenhouse gases resulting in climate change, and natural features and ecosystem processes in or near identified at-risk areas threatened by the impacts attributable." The final version confined itself to the CDAA.</p>	WATCH.	<p>DEAD. AB 2442 dead as of 8/31/2022 after failing to meet deadline.</p>
2022	AB 2449 (Rubio, B.)	Brown Act: Disclosing Teleconferencing Locations	<p>As introduced, this bill sought to authorize the use of teleconferencing without noticing and making available to the public teleconferencing locations if a quorum of the members of the legislative body participated in person from a single location that is noticed and open to the public, and it would have required the legislative body to offer public comment via video or phone. However, there was broad opposition and fear that doing so would minimize public access to elected officials. The bill went through five amendments as the author sought to craft a workable bill. The final bill provides a limited set of circumstances and number of times per year when Board members can participate remotely.</p>	WATCH.	<p>PASSED and approved by the Governor on 9/13/2022.</p>

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2022	AB 2647 (Levine)	Brown Act: Posting documents to the internet	Provides that posting, to the internet, those documents that are received and distributed to a legislative body after the agenda has been posted but before the meeting, is in compliance with Brown Act provisions to have the documents available for public inspection.	WATCH.	PASSED and approved by the Governor on 9/30/2022.
WATCHED BILLS - SENATE					
2020	SB 12 (McGuire, D)	Local government: planning and zoning: wildfire	This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse	WATCH.	DEAD. SB 2442 dead as of 7/5/2022 after failing to meet deadline.
2022	SB 418	Pajaro Valley Health Care District	Gutted and amended on 1/14/22, this bill forms the Pajaro Valley Health Care District within Santa Cruz and Monterey counties. The formation, done by special legislation, bypasses the LAFCo process, with language explicitly stating upon formation, LAFCo shall have authority. The bill requires that within 5 years of the date of the first meeting of the Board of Directors of the district, the board of directors shall divide the district into zones. The bill would require the district to notify Santa Cruz LAFCo when the district, or any other entity, acquires the Watsonville Community Hospital. The bill requires the LAFCo to order the dissolution of the district if the hospital has not been acquired by January 1, 2024 through a streamlined process, and requires the district to notify LAFCo if the district sells the Watsonville Community Hospital to another entity or stops providing health care services at the facility, requiring the	WATCH. CALAFCO worked closely with the author's office, Santa Cruz County lobbyist and the Santa Cruz and Monterey LAFCos on this bill. We have requested further amendments which the Senator has agreed to take in a follow-up bill this year. Those amendments include requiring Santa Cruz LAFCo to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFCo for the first 3 years, Santa Cruz LAFCo conducting a special study on the district after 3 years, and representation from both counties on the governing board.	PASSED and approved by the Governor on 2/4/2022.

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			<p>LAFCo to dissolve the district under those circumstances in a streamlined process.</p> <p>Given the hospital has filed bankruptcy and this is the only hospital in the area and serves disadvantaged communities and employs a large number of people in the area, the bill has an urgency clause.</p> <p>Several amendments were added on 1/24/22 by the ALGC and SGFC all contained within Section 32498.7.</p>		
2022	SB 852 (Dodd)	Climate resilience districts: formation: funding mechanisms.	This bill creates the Climate Resilience Districts Act. The bill completely bypasses LAFCo in the formation and oversight of these new districts because the districts are primarily being created as a funding mechanism for local climate resilience projects (as a tax increment finance – or TIF district - for which LAFCos also have no involvement.)	WATCH.	PASSED and approved by the Governor on 9/9/2022.
2022	SB 969 (Laird, D)	Pajaro Valley Health Care District	<p>This bill is a follow up to SB 418 (Laird) and contains some of the amendments requested by CALAFCO and Monterey and Santa Cruz LAFCos.</p> <p>As introduced the bill requires Santa Cruz LAFCo to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFCo for the first 2 years, Santa Cruz LAFCo conducting a Municipal Service Review on the district every 5 years with the first being conducted by 12-31-25. Our final requested amendment, ensuring representation from both counties</p>	WATCH.	PASSED and approved by the Governor on 2/4/2022.
2022	SB 1405 (Ochoa Bogh)	Community service districts: Lake Arrowhead Community Service District: covenants, conditions, and restrictions: enforcement	Would authorize the Lake Arrowhead Community Services District to enforce all or part of the covenants, conditions, and restrictions for tracts within that district, and to assume the duties of the Arrowhead Woods Architectural Committee for those tracts, as provided.	WATCH.	PASSED and approved by the Governor on 9/13/2022.

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2022	SB 1425 (Stern, D)	Open-space element: updates.	As first introduced, the bill addressed consumer products/toy safety. It was amended on 3/16/2022, and would impose an unfunded mandate by requiring every city and county to review and update its local open-space plan by January 1, 2026, and every time it updates its housing element. Subsequent amendments removed the requirement to review and update whenever the housing element is updated, but added requirements for action plans.	WATCH.	PASSED and approved by the Governor on 9/30/2022.
2022	SB 1489 (Committee on Governance and Finance)	Local Government Omnibus Act of 2022	This is the Senate Governance & Finance Committee annual omnibus bill.	WATCH.	PASSED and approved by the Governor on 9/13/2022.