

## M E M O R A N D U M

**TO:** Local Agency Formation Commission

**FROM:** Stephen Lucas, Executive Officer

**SUBJECT:** **Agenda Item 6.1 - Executive Officer's Report**

**DATE:** August 26, 2021 for the meeting of September 2, 2021

**ADMINISTRATION:**

1. The terms of Special District Commissioners McGreehan (Regular Non-Enterprise) and Bradley (Alternate) technically ended on May 31, 2021. Staff issued ballots to each Special District in February with an initial due date of May 14, 2021 at which time Staff had received only 14 ballots. The election was extended to July 2, 2021 and again to September 3, 2021. At present we have received 20 ballots. Current commissioners will remain seated until a quorum of 21 districts vote.

**PROJECT/GENERAL NOTES:**

The following issues/proposals are at various stages of being reviewed, discussed and/or considered:

- **\*\*NEW\*\*** A new citizens committee has been formed in Paradise called Hold Our Water (HOW). The reported goal of this committee is to bring together the Town, its residents, and PID to prevent a takeover of PID water assets from state or private interests who want to control our “Stranded Asset”, and constrain our ability to recover from the destruction caused by the fire. The Executive Officer was asked to assist the Committee with understanding the LAFCo process and the various reorganization options available to the PID and Town. This subject is closely related to the ongoing Paradise Irrigation District Options Study.
- ***Town of Paradise/City of Chico Sewer Line*** – The Town of Paradise is exploring options to provide wastewater treatment services to its existing commercial land uses that are limited from expanding due to sewage disposal constraints. The preferred option is conveying the Town’s wastewater directly to the City of Chico’s existing Water Pollution Control Plant. This alternative would represent an extension of services (GC56133) by the City of Chico outside of its jurisdictional and sphere of influence boundaries requiring LAFCo approval. Staff recognizes that this proposed project is of significant value to the Town and has been a long standing goal and it is important to have the Commission’s involvement at the earliest stages of consideration. The Town staff have presented the proposal to the Chico City Council, the Board of Supervisors and LAFCo and the City of Chico has agreed to proceed with the sewer options study. The *Paradise Sewer Regionalization Project Advisory Committee* consisting of 2 councilmembers each from the Town of Paradise and City of Chico and guided by State Water Board staff will be evaluating the proposal as it proceeds. The Committee’s efforts can be tracked at <https://paradisesewer.com>. The group initially met on March 8, 2021 and again on April 12, 2021 via Zoom. Most of the discussion to date has involved logistics and expectations for the project. Shown below are both the *Project Schedule* and the anticipated *Project Costs*. Staff is concerned that the “Project Schedule” does not show a step in the process for LAFCo review and consideration. The Committee meets again on May 10, 2021.

Projected costs are estimated to be approximately \$184 million: \$2M for environmental studies, \$30M for design and right-of-way acquisition, \$152M for construction. The Town has released a Notice of Preparation (NOP) for the Environmental Impact Report (EIR) with comments due by June 3, 2021. Staff prepared and submitted NOP comments on May 20, 2021 and met with Town staff and consultants on May 24, 2021 to discuss the comments and the process ahead. **\*\*NEW\*\*** Town staff have provided the July 2021 monthly written update. (**Attachment 1**) and the City of Chico and Town engineering staff continue to develop a sewer agreement that will be the backbone of the proposal.

- **Proposed Tuscan Water District** – On September 2, 2020, Executive Officer circulated a Notice of Intent to Circulate Petition submitted by the proponents of the proposed Tuscan Water District formation. The proponents submitted the petitions to the Executive Officer for review on February 22, 2021. The Executive Officer and Legal Counsel thoroughly reviewed each petition and its supporting ownership documents and determined the petition to be sufficient to support an application to LAFCo and Certificate of Sufficiency was issued on April 8, 2021. **\*\*NEW\*\*** The petitioners subsequently submitted an application to LAFCo on June 22, 2021. The application is in the review stage as comments are received. We await comments from the Butte County Water Commission (Sept 1 agenda), the Vina Groundwater Sustainability Agency (Sept 8 agenda) and the Butte County Board of Supervisors (Sept 14 agenda). The debate in the public/social media has commenced and a new group has formed called Butte Water Watch which held a meeting on August 24 at the Masonic Lodge in Chico which was clearly focused on opposing the TWD formation and at which staff believes much misinformation was dispensed.
- **City of Oroville – Contractual Services Agreement with CALFIRE.** At its March 2, 2021 meeting, the City of Oroville directed its staff to sign a Letter of Intent with CALFIRE to begin negotiations for the possible transfer of fire protection services from the Oroville Fire Department to CALFIRE. This contractual agreement is required to be approved by LAFCo pursuant to Government Code Section 56134. Staff met with representatives of CALFIRE and the City of Oroville on April 12, 2021 to discuss the necessary steps to consider a contractual agreement. **\*\*NEW\*\*** The City held a public hearing in August and formally requested CALFire make application to LAFCo for the extension of fire services to the City of Oroville. CALFire is currently preparing the necessary documents for submittal to LAFCo.
- **City of Biggs – Annexation Plan** – The City of Biggs has utilized its share of SB2 planning funds to develop a long range annexation plan that is anticipated to occur in three phases and be driven by market demand for new homes. City staff have worked very cooperatively with LAFCo staff during this process.
- **Miocene Canal** - The destruction of the upper Miocene Canal by the Camp Fire has dewatered the middle and lower Miocene, causing great disruption to landowners dependent on the water supply for their farms/residences and the environment dependent on canal leakage over the decades to thrive. PG&E initially refused to repair the canal infrastructure, but entered a plea agreement for its criminal actions resulting in PG&E providing up to \$15 million over five years to restore water to the middle canal. A number of options were considered to restore the Miocene flow and PG&E has tentatively decided to replace the destroyed upper Miocene ditch/flumes with pipes to carry the Feather River water to Kunkle Reservoir. This effort is anticipated to be completed by November 2021. It remains an open question as to how this water flow will be managed/maintained in the future with one possible scenario being to form a special district to finance and manage any future facilities. Staff continues to participate in discussions. Staff will continue to monitor and assist this effort towards the universal goal of re-establishing water flow in the Miocene Canal. Staff

participated in the Miocene Working Group monthly call on May 20, 2021 which covered emergency water deliveries from Paradise Irrigation District (PID) which would require LAFCo review, the ongoing design of a replacement project for the Upper Miocene and the belief by PG&E that they are not legally bound to redevelop the destroyed Miocene facilities, but only required to restore water deliveries (by any means possible).

- **Oroville Region Sewer and Water Service Providers MSR** - The State Department of Housing and Community Development (HCD) has awarded a \$100,000 SB2 Planning Grant to Butte County to contract with LAFCo for the development of a MSR update for backbone service providers in the Oroville region, including the SFWPA, LOAPUD, TWSD and SCOR. LAFCo entered into an Agreement with SWALE Inc. to conduct the study and prepare the documents. A kick-off meeting was held on March 17, 2021 with all the affected Districts staff. The final MSR is expected to be completed in October 2021. The Consultants have now met with staff with from TWSD, SFWPA, SCOR and LOAPUD one on one and completed Requests for Information.
- **County of Butte - Tuscan Ridge Planned Development (PUD21-0001)** - The 163 acre site on the south side of Skyway about 3 miles west of Paradise and 4 miles east of Chico which was used as staging area for Camp Fire workers in 2018/19 and was previously the former Tuscan Ridge Golf Course. The proposal includes a 98 acre planned development he PUD of 165 homes, limited commercial space, golf related facilities and open space. The site is to be served by an existing on-site well for domestic water and an existing permitted on-site wastewater treatment system, both of which are proposed to be managed by a newly formed Community Service District (CSD) that would require LAFCo approval. At this time, the County informs us that the application submittal is incomplete and comments will be requested once all documents are received. Given the issues related to a conceptual potable water pipeline and sewer line to Chico along the Skyway, this proposal does cause concerns related to service provisions, growth inducement and logical/orderly development patterns.
- **City of Gridley MSR/SOI Update** – The City has expressed an interest in updating its MSR and SOI Plan in anticipation of new development proposals being considered. Staff anticipates that the City and LAFCo may enter into a Letter Agreement to conduct this effort, similar to agreements with the City of Chico and City of Oroville.
- **El Medio Fire Protection District** – LAFCo was contacted by the County of Butte and City of Oroville in August 2020 to discuss concerns about the functionality of the El Medio Fire Protection District (EMFPD), primarily a lack of adequate funding. The EMFPD tax measure failed in November, 2020, and the District Board met on November 11, 2020 and unilaterally decided to “shut the doors” and lay-off its employees, under the belief they could self-dissolve. The Board met on November 19 and issued lay-off notices that took effect on Dec 25 at which time the District reasonably ceased to provide its empowered services. As directed by the Commission, Staff has engaged all parties to explore the issues at hand and the options available for District reorganization including contractual agreements, converting to a subsidiary district (governed by City Council) and dissolution. The EMFPD Board requested the City of Oroville to execute a contract for services and both the local fire unions have provided written support for a contractual agreement. Staff coordinated a meeting on December 4, 2020, with representatives from the District (Board Chair, Chief, Fire Captain), the County (Fire Chief, Deputy Administrative Officer) and the City of Oroville (Public Safety Director, Battalion Chief). Staff discussed various options that could be considered by all parties. There seemed to be preliminary concurrence that the City and the District would - prior to the December 25 shutdown - approve a contractual agreement or MOU that would allow the City to provide services to the District for payment. This effort was unsuccessful

and the District effectively shut down operations on December 25, 2020. The Oroville City Council held a special meeting on January 28, 2021 to receive a presentation from CALFIRE related to the City contracting for fire services similar to Paradise, Biggs, Gridley and the County. This presentation included contingencies to address the issue of the EMFPD. The resolution of this concern will take considerable effort by all parties to find a reasonable outcome that results in both effective fire protection services and respects the concerns of the residents of all agencies. The issue cannot be solved alone by LAFCo, but most likely will require LAFCo action to resolve. Staff will remain actively involved and update the Commission regularly.

- ***Paradise Irrigation District/Financial Recovery*** - The State Water Resources Control Board (SWRCB) in cooperation with Sacramento State University, Office of Water Programs (CSUS-OWP), continues to proceed with the Options Study for the Paradise Irrigation District. The group of stakeholders, including LAFCo, meets regularly to discuss the process and the path forward. Possible options include, the District merging with the Town of Paradise, reorganizing with another public or private water purveyor, expanding the District's customer base (Miocene residents, Butte Valley, Chico), temporary raw water transfers, Chico intertie, new businesses (bottled water, hydro power, fisheries help), partnership with the Town to operate the proposed sewer system, and rate increases. On 2/5/21, GEI Consultants, Inc. was selected to prepare the Options Study and the OWP is completing contract negotiations with GEI. Work is underway with an anticipated completion date of November 2021. Staff will keep the Commission apprised of this process.
- ***Butte County Upper Ridge Community Plan (URCP)*** - The URCP would be an extension of the Butte County General Plan and provide policy guidance for the areas within the unincorporated portion of Butte County north of the Town of Paradise, including Magalia and Paradise Pines, collectively known as the *Upper Ridge*. The 2018 Camp Fire destroyed 2,158 homes within the area, especially in the lower Paradise Pines subdivision. The Upper Ridge Community Council (URCC) has identified benefits from a community plan, such as fire safety, evacuation routes, land use planning, community and economic development, affordable housing, infrastructure, recreation, and quality of life. Past interactions with the URCC have included questions concerning governance options and service provision options such as community services district or county service area, which would require LAFCo action to accomplish. Staff will continue to monitor the process for LAFCo interests. More information can be found at [www.buttecounty.net/dds/urcp](http://www.buttecounty.net/dds/urcp)
- ***County of Butte, North Chico Village Vision Plan*** – The County in cooperation with the City of Chico, is developing an update to the "Village Core" in the 1995 North Chico Specific Plan (NCSP). The mixed-use North Chico Village, known as the heart of the NCSP, is a 484-acre portion of the larger 2,980-acre NCSP. The site is relatively flat and extensively planted with orchards at this time. Current zoning would support approximately 2,000 dwelling units, the area has been identified for urban development by both the City and County's General Plans since 1995, but has yet to be developed due to a lack of infrastructure and financing. The planning effort includes a "re-visioning" of the North Chico Village with an emphasis on increased residential development and density. The project will update existing constraints, provide for a mix of housing types, including multi-family and low-income. Staff will be tracking this project as it will require annexation to the City of Chico in order to build-out with full City services provided. The following schedule has been approved by the County:  
Project Kick-Off - The North Chico Village Vision Plan and Specific Plan Update Project Kicked off in September 2020.  
Existing Conditions - The consultant team will gather existing conditions to understand the opportunities and constraints for the project.

Community Workshop #1 (10/28/21) - In the first workshop, participants will explore ideas, needs and goals related to the community and big-picture “what if” questions about the future of the site.

Community Workshop #2 (11/18/21) - In the second workshop, the project team will present the best practices and solicit input on which ideas might have applicability for the North Chico Village site. The majority of time in the second workshop will be devoted to small group discussions where participants will brainstorm and map their ideas for the North Chico Village.

Community Workshop #3 (12/9/21) - In the third workshop, the project team will return with several alternative concepts for the North Chico Village that combine the themes and ideas from the prior workshop and solicit feedback on relative merits for the alternatives. Following the third workshop, the project team will integrate the feedback into a Draft Specific Plan update.

BOS Workshop/Specific Plan Update (5/25/21) - The consultant team will incorporate community and stakeholder input into an updated Specific Plan document to present to the Board of Supervisors.

More information can be found at [www.northchicovillage.com](http://www.northchicovillage.com)

- **Drainage/Reclamation District MSR Actions** – The Drainage and Reclamation Districts MSR/SOI Plan adopted in 2018 called for a number of possible reorganizations among drainage districts. Staff has met with district staff and initiated a process to consider the dissolution of Drainage District No. 2 as it is completely overlaid by Butte Creek Drainage District and the detachment of territory from Butte Creek Drainage District that is overlaid with District 100. These actions will have no impact to current services, but will rather clean-up old boundaries that no longer make sense.
- **Thermalito Sewer and Water District** - Sphere of Influence Amendment and Annexation of the state owned clay pits recreation area southeast of the Oroville airport along Larkin Road. The State has yet to resolve a conflict between the State Parks Department and Department of Fish and Wildlife who share authority over the affected territory.
- **County of Butte** - Expansion of Powers for CSA 164 to add fire protection services. The County has placed this effort on hold.
- **City of Oroville MSR Update** – The City of Oroville is starting the process to evaluate its growth goals and has determined that the City needs to update its SOI to accommodate new development goals and at the same time update its MSR to reflect its current service capabilities and financial position. The City has requested LAFCo update its MSR at City expense and executed a Letter Agreement with LAFCo to prepare the MSR update. The City has entered into a contract with Policy Consulting Associates to complete the project under LAFCo supervision. The administrative draft is currently being prepared.

#### **CALAFCO:**

- The CALAFCO Board of Directors, based on the rollback of statewide COVID restrictions, determined to move forward with 2021 Annual Conference in Newport Beach (John Wayne Airport) October 5-7, 2021. At this juncture, CALAFCO is evaluating whether to carry-on with the Conference as set based on low registration numbers due to COVID concerns and anticipated COVID restrictions.
- The CALAFCO Quarterly Newsletter is provided for review (**Attachment 2**)

- The Executive Officer, on the behalf of CALAFCO, was invited to be a panelist for the Wildfire and Water Supply in California webinar hosted by the University of California, Institute for Water Resources on September 29, 2021.

**LEGISLATION:** The CALAFCO Legislative Report is attached for review (*Attachment 3*)

**APPLICATION ACTIVITY:**

<b>APPLICATION ACTIVITY</b>								
<i>Project Status As of August 26, 2021</i>								
File	Applicant	Project Name	Date Application Received	Certificate of Filing	LAFCO Hearing Date	Certificate of Completion	SBE Submittal Date	Additional Comments
11-06	Butte County	CSA No. 114 - Expansion of Powers	02/02/11	N/A	pending	N/A	N/A	Incomplete - On Hold
18-09	TWSD	Clay Pit State Recreation Area Annexation						On hold. Incomplete Application
19-12	County	CSA 158 - Mandville Park Subd. Annex	05/02/19	05/29/19	10/03/19			Approved w/ conditions - 218 Hearing
20-06	OMAD	Dissolution / Annexation to BCMVCD	01/21/20	02/06/20	08/06/20	08/17/21		Waiting for TRA Statement
20-08	Oroville	Municipal Service Review Update (MSR)	05/20/20	N/A				In progress
20-09	LAFCO	Oroville Region Sewer & Water MSR	N/A	N/A				In progress
21-05	Oroville	Feather Avenue Annexation No. 2	02/25/21	06/10/21	09/02/21			In progress
21-06	Landowners	Tuscan Water District Formation	02/22/21					In progress
21-07	SFWPA	Gold Avenue Annexation No. 1	03/15/21	04/09/21	05/06/21	07/27/21		Approved - Waiting for SBE form
22-01	SFWPA	Dunstone Drive Annexation No. 1	08/06/21					Incomplete
22-02	SFWPA	Long Bar Road Annexation No. 1	08/06/21					Incomplete
22-03	SFWPA	Pioneer Trail Annexation No. 1	08/06/21					Incomplete

- Attachments: 1. Town of Paradise Sewer Update Memorandum – July 30, 2021  
 2. CALAFCO Quarterly Report  
 3. CALAFCO Legislative Report – 4/29/21

# Memorandum

## *Paradise Sewer Project*



**Subject:** July 2021 Monthly Status Report for Paradise Sewer Project to Butte County Agencies  
**Date:** July 30, 2021  
**Authors:** Marc Mattox (Town of Paradise), John Buttz (HDR)

This monthly memo is intended to be a high level summary of activities for the purpose of regular communication with Butte County agencies and to identify any need for formal Board presentations. For project information, please see [www.paradisesewer.com](http://www.paradisesewer.com).

### **Efforts for Past Month:**

- Finalized the “Scoping Report” summarizing the May scoping period for the Environmental Impact Report (EIR). The report will be posted to [www.paradisesewer.com](http://www.paradisesewer.com).
- Continued analysis efforts the Draft EIR. Finalized cultural field studies. Estimated construction impacts. Updated Project Description and Alternatives sections.
- Continued to update public website ([www.paradisesewer.com](http://www.paradisesewer.com)).

### **Efforts for Next Month:**

- The Central Valley Regional Water Quality Control Board (Regional Board) hosts meetings of the Sewer Regionalization Project Advisory Committee (SRPAC). At it’s June 14<sup>th</sup> meeting, the Committee decided to shift to a meeting frequency of once every two months, with the next meeting planned for August 9, 2021 at 1:00 pm. It will be held in-person at the City of Chico’s council chambers. Information about SRPAC meetings can be found at [www.paradisesewer.com](http://www.paradisesewer.com).
- Continue analysis efforts on the Draft Environmental Impact Report (EIR).

### **Requests/Interactions with County Agencies:**

- EIR field work would benefit from access to several private parcels in south Chico (outside of the city limits). We would like to continue to explore potential rights-of-entry requests for those parcels.

# News from the Board of Directors CALAFCO QUARTERLY

August 2021



A message from the Executive Director

Greetings from your CALAFCO Board of Directors and Executive Director. It's summer and a hot one it is. As the drought continues, wildfires begin to rage, and we continue to deal with the pandemic, we hope everyone is staying healthy and safe

This Third Quarterly Report of 2021 will begin by highlighting the news in our CALAFCO family first, followed by Association updates. Happy reading!

## LAFcos in the News

### Congratulations on these retirements

We want to congratulate two long-time LAFCo leaders on their retirements. Their contributions to CALAFCO and to LAFcos statewide are far too numerous to list here. Needless to say, they both leave huge shoes to fill and will be greatly missed. We wish them both all the best in their retirement!



After a 33-year career in local government, **Don Lockhart**, Sacramento LAFCo Executive Officer, retired at the end of July. Don began his local government career in Calaveras, then after 12 years at the City of Sacramento (where he processed his first annexation), he joined the Sacramento LAFCo team in

2002. Don became the Executive Officer in 2017. Don also served as CALAFCO Deputy Executive Officer in 2008 and 2011.

Also calling it time to retire this month is Placer LAFCo Executive Officer **Kris Berry**. Her local government career began 36 years ago in Monterey County as a Planner, and after 17 years she joined the Monterey LAFCo team. She's been the Placer LAFCo EO for well over 16 years. Kris also served as CALAFCO Deputy Executive Officer in 2016-17.



### Napa LAFCo moved offices



**Napa LAFCo** recently moved offices. The new address is 1754 Second Street, Suite C, Napa, CA 94559. Executive Officer **Brendon Freeman** thanks **Kathy Mabry**, Commission

Secretary, who he says, "Did most of the heavy lifting in terms of finding the office and coordinating moving logistics".

### Sacramento LAFCo Welcomes New Executive Officer

Sacramento LAFCo announced the hiring of **José Henriques** as the new Executive Officer. Most recently, José was the Executive Officer of El Dorado LAFCo.

### El Dorado LAFCo Announces Interim Executive Officer

**Erica Sanchez** has transitioned to the Interim EO position for El Dorado LAFCo, with the departure of José.



## CALAFCO Educational Events

MARK YOUR CALENDARS FOR THESE UPCOMING CALAFCO EDUCATIONAL EVENTS!

### CALAFCO 2021 ANNUAL CONFERENCE

Join us **October 6-8** at the **Hyatt Regency Newport Beach John Wayne Airport** for the 2021 Annual Conference. It's been so long since we've gathered in person and the time is finally here! All Conference details including info about the program, registration and hotel reservations can be found on the CALAFCO website at [www.calafco.org](http://www.calafco.org). **Deadline to register for the Conference is September 17 and hotel reservation cutoff date is September 6.**



### CALAFCO UNIVERSITY

**CALAFCO University** We are pleased to continue offering webinars at no cost to our members. During the month of August we are featuring a very special 4-part series on **Fire and EMS Agencies: Basics, Challenges and LAFcos' Role & Responsibility**. The first three sessions feature diverse and highly experienced panels that are focusing on the various service models and types of services offered by these unique agencies, how to conduct a thorough evaluation of services, and what's involved in changing contracts (§56134). The final session will present three very different case studies from urban, suburban and rural LAFcos.



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Join us on September 1 for another session on *Forming a CSD*. Details for all CALAFCO University courses are on the CALAFCO website.

### CALAFCO Board of Directors

#### CALAFCO BOARD ACTIONS

The Board met virtually on July 30 with a full agenda. Under the leadership of *Chair Mike Kelley*, the Board took a number of actions.



- ✓ **The FY 2020-21 final year-end budget was presented.** The Board received the year-end fiscal report which includes a net balance of \$69,986. For the first time, CALAFCO had to sustain itself solely on member dues as there was no Staff Workshop, Conference or CALAFCO U revenue. Savings were realized in many operational areas.
- ✓ **Updated Policies for Sections III and IV of the current CALAFCO Policies were adopted.** One of the goals for 2021 is to conduct a comprehensive review of CALAFCO Policies, considering two sections per quarter. This is the second of a three-phase update process. The updated policies can be found on the CALAFCO website.
- ✓ **Associate member survey was presented.** CALAFCO recently conducted a survey of our Associate members to get feedback on membership services provided and how we can enhance our partnership value with them. Staff will continue to gather information from our Associate members as we work towards revitalizing and enhancing that program.
- ✓ **The Board received the Legislative Committee report and began discussion on legislative priorities for 2022.** An update on current legislative matters was provided, followed by a discussion about potential legislative priorities for 2022. The Board considered the extension of service proposal it tabled for 2021 and committed to revisit for 2022, along with supporting moving forward the consolidated language of existing protest provisions and an Omnibus bill.

Last quarter we reported to you on the Board's approval of CALAFCO filing an amicus letter to the CA Supreme Court requesting they review the decision in the case of *San Luis Obispo Local Agency Formation Commission v. City of Pismo Beach*. The letter was filed and the Court denied the request to review the decision, and further denied the request to de-publish the decision. While the Board acknowledges this is an important and unfavorable decision for LAFCos, there is mixed sentiment amongst LAFCos as to the overall impact of this decision. As a result, there will be

discussion of the matter during the Annual Conference at the legal counsel roundtable and during a topical roundtable breakout session.

- ✓ **Several other reports were received.** Including Elections Committee, Awards Committee, a CALAFCO U update and an update on the Conference.

All Board meeting documents are on the CALAFCO website.

### CALAFCO Administrative Update

A reminder to all our members that September 1 is the deadline to remit your CALAFCO dues for FY 2021-22. We are pleased to report that all Associate Members have been transitioned to a FY cycle rather than calendar year cycle and thank them for their patience during that transition.



### CALAFCO Legislative Update



This is the first year in the two-year legislative cycle, and wow has it been a busy one so far for CALAFCO.

This year, 2,721 bills were introduced which is about the average number. However, complicating the legislative process this year is the fact the Legislature has compressed their hearing schedule due to a shortage of hearing rooms that allow for social distancing. This means there is not the normal timeframe to negotiate amendments before bills get heard in committee and legislators are being required to seriously prioritize their bills for passage. (Only 12 bills per author were allowed to move from their house of origin to the other house.)

The Legislature returns from summer recess on August 16 and there will be the last minute flurry of amendments and pushing bills through the pipeline. Looming deadlines include: August 27 - last day for fiscal committees to meet and push out bills; September 3 - last day to amend bills on the floor; and September 10 - last day for the Legislature to pass bills. The last day for the Governor to sign bills is October 10, 2021.

This year, more than in past years, CALAFCO has been called on to work with legislators, their staff, and stakeholders in crafting amendments to bills. CALAFCO staff has done a large amount of negotiation on current

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and potential legislation, beginning last November and continuing today.

This year alone, four subcommittees were created to work on various bills, including the Caballero water authority bill (never introduced), AB 1195 (C. Garcia), SB 403 (Gonzalez) and SB 96 (Dahle). CALAFCO wishes to thank all the Legislative Committee and Advisory Committee volunteers, and also those who serve on these various subcommittees.

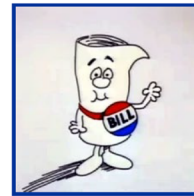
We are currently tracking 33 bills. Here are a few of the bills of importance we are tracking or have worked on:

- ✓ **AB 1581 (Assembly Local Government Committee Omnibus) CALAFCO Sponsor.** The annual Omnibus bill authored by the Assembly Local Government Committee (ALGC) and sponsored by CALAFCO was first introduced on March 9, 2021 and contained four proposals. Amended on April 19, the bill added two proposals originally approved by the Committee that required extended stakeholder review, and seven additional items that were a product of the Protest Working Group, eliminating obsolete special provisions. In total, the Omnibus bill this year contains thirteen (13) proposals. *The bill was signed into law by the Governor on June 28, 2021.*
- ✓ **AB 1195 (C. Garcia) CALAFCO Watch With Concerns.** Drinking water. Creates the So LA County Human Rights to Water Collaboration Act and gives the Water Board authority to appoint a Commissioner to oversee the Central Basin Municipal Water District. CALAFCO worked extensively with staff from both the author and Speaker's offices, as well as other stakeholders on crafting amendments that include a special pilot program for LA LAFCo. The bill passed the Assembly but given substantial pushback from stakeholders, it was *held over in the Senate as a two-year bill.*
- ✓ **SB 403 (Gonzalez) CALAFCO Neutral.** Drinking water consolidation. Authorizes the Water Board to order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined. All three of our requested amendments were accepted by the author and we removed our opposition as a result. After undergoing three rounds of amendments since introduction, the bill passed the Senate and is in the *Assembly Appropriations Suspense file.*
- ✓ **AB 897 (Mullin) CALAFCO Support.** Regional Climate Networks. The bill builds on existing programs through the Governor's Office of Planning and Research (OPR) by promoting regional collaboration in climate adaptation and resilience planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region. CALAFCO requested an amendment to explicitly state LAFCos are eligible entities for

participation in the regional climate networks, which was accepted. *The bill is now awaiting hearing in Senate Appropriations.*

All bills being tracked by CALAFCO can be found on the CALAFCO website inside the Legislation section of the site (log in with your member id first to access this section). CALAFCO's position on all bills is reflected there, and any letters issued by CALAFCO are posted. The CALAFCO Legislative Committee meets regularly and all meeting materials are located in the Legislation section of the CALAFCO website.

Watch for solicitation of legislative proposals for 2022 coming soon!



### CALAFCO Associate Members' Corner



This section is dedicated to highlighting our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.

#### **Economic & Planning Systems (EPS)**

EPS is an urban economics consulting firm specializing in governance analysis; LAFCo special studies and service reviews; tax sharing; annexation; incorporation, and reorganization feasibility; fiscal analysis; public finance; demographic and regional forecasting. EPS has been an Associate member since June 2005. Learn more about EPS and their services at [www.epsys.com](http://www.epsys.com), or contact **Ashleigh Kanat** at [akanat@epsys.com](mailto:akanat@epsys.com).



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## Goleta West Sanitary District

A Silver Associate Member since August 2011, **Goleta West Sanitary District** provides wastewater collection and treatment as well as street sweeping services. Formed in 1954, the district serves over 35,000 people. For more information, visit their website at [www.goletawest.com](http://www.goletawest.com), or email their General Manager **Mark Nation** at [info@goletawest.com](mailto:info@goletawest.com).



## LACO Associates

**LACO Associates** has been a Silver Associate Member since February 2012. **LACO** provides integrated solutions for development, infrastructure and geo-environmental projects. Their services include planning, design, engineering and geo-environmental as well as CEQA compliance, GIS, MSRs and economic studies. For more information visit their website at [www.lacoassociates.com](http://www.lacoassociates.com), or email **Kevin Doble** at [doblek@lacoassociates.com](mailto:doblek@lacoassociates.com).



## Griffith, Masuda & Hobbs

**Griffith, Masuda & Hobbs** has been a Silver Associate Member since March 2012. Founded in 1920, they specialize in water, energy, environmental and public law matters. They focus on serving public agencies and serve as general counsel or special water counsel to various agencies in the Central Valley. For more information, visit their website at [www.calwaterlaw.com](http://www.calwaterlaw.com) or email **David Hobbs** at [dhobbs@calwaterlaw.com](mailto:dhobbs@calwaterlaw.com).

## HdL Coren & Cone

**HdL Coren & Cone** has been a Silver Associate Member since July 2013. They assist local agencies by using property tax parcel data for developing specialized data reports, focused economic development strategies and revenue projections. HdLCC provides services to cities, counties and special districts in the state. For more information, visit them at [www.hdlcompanies.com](http://www.hdlcompanies.com), or email **Paula Cone** at [pcone@hdlccpropertytax.com](mailto:pcone@hdlccpropertytax.com).

## Planwest Partners, Inc.

**Planwest Partners Inc.** has been a Silver Associate Member since August 2014. They provide contract LAFCo staffing services to multiple LAFCos. This includes preparing and conducting MSRs and SOI updates, public noticing, environmental documents, GIS, fiscal and economic studies, website management, application processing, facilitation and training. For more information, visit them at [www.planwestpartners.com](http://www.planwestpartners.com), or email **George Williamson** at [georgew@planwestpartners.com](mailto:georgew@planwestpartners.com).



*CALAFCO wishes to thank all of our Associate Members for your ongoing support and partnership. We look forward to continuing to highlight you in future Quarterly Reports. Look for our next update to include short interviews featuring our Associate Members.*

## Did You Know??

### Meeting Documents Online

Did you know that all **CALAFCO Board of Directors and Legislative Committee meeting documents are online?** Visit the Boards & Committees pages in the Members Section of the site. Board documents cover 2008 to present and Legislative Committee documents span 2007 to present.



### CALAFCO Webinars & Courses Archived

Did you know that all **CALAFCO Webinar recordings on archived on the CALAFCO website and available at no cost for on-demand viewing?** Visit the CALAFCO website in the CALAFCO Webinars section (log in as a member first). There are now 30 CALAFCO U courses archived, and 8 webinars are archived and available for on-demand viewing.



## IMPORTANT REMINDERS

**Deadline to submit Achievement Award nominations is August 13, 2021 at 3:00 p.m.**

**Deadline to submit Board election nomination packets is September 7, 2021 at 5:00 p.m. and requests for absentee ballots must be received by September 7, 2021 at 5:00 p.m.**

## Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO U webinar on Fire/EMS Agency series – 8/16, 8/23 and 8/26
- ❖ CALAFCO U webinar on Forming a CSD – 9/1
- ❖ CALAFCO Leg meeting – 9/10 (virtual)
- ❖ CALAFCO Annual Conference – 10/6 – 10/8 (Newport Beach)
- ❖ CALAFCO Board Meeting – 10/8 (Newport Beach)
- ❖ CALAFCO Leg meeting – 10/22 (location TBD)



The **CALAFCO 2021 Calendar of Events** can be found on the CALAFCO website.



**CALAFCO Daily Legislative Report  
as of August 26, 2021  
Priority 1 Bills**

1

**[AB 339](#) ([Lee D](#)) **Local government: open and public meetings.****

**Current Text:** Amended: 8/25/2021 [html](#) [pdf](#)

**Introduced:** 1/28/2021 **Last Amended:** 8/25/2021 **Status:** 8/25/2021-Read third time and amended. Ordered to second reading.

**Calendar:** 8/26/2021 #2 SENATE ASSEMBLY BILLS - SECOND READING FILE

**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. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.

**Attachments:** [AB 339 Fact Sheet](#) **Position:** Watch **Subject:** Other

**CALAFCO Comments:** This bill allows for continued remote participant in local (and state) hearings/meetings while adding requirements for both call-in and internet service based options for all public meetings; requires providing closed caption services; and requires agencies to provide language access services. The bill requires teleconferenced meetings to include an in-person public comment opportunity that creates a place where members of the public can gather at a designated site to give public comment (barring any in-person restrictions). Further, the bill requires the agenda and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency is a speaker.

The bill adds requirements for local agencies to employ a sufficient amount of qualified bilingual people to provide translation services during the meeting in the language of the non-English speaking person (consistent with all languages for which 5% of the population in the area governed by the local agency speak). The bill adds similar requirements for any state legislative body. All of these new requirements are unfunded mandates. This bill is sponsored by the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill. The bill was significantly amended on 4-15-21. These amendments removed all state requirements as noted above. Further, they require public participation by phone or internet (with video/audio), and allow agencies to create a registration process for public comments so long as people can register to speak via phone and in person.

The amendments remove the blanket requirement to translate the agenda and meeting access information and makes those an on-request requirements. The amendments also remove the blanket requirement for agencies to have sufficient qualified bilingual translators during meetings and changes that requirement to on-request, and requires agencies to make public the process to make such a request. All requirements remain unfunded mandates.

Amended on 5-4-21 as a result of the ALGC hearing, this version of the bill now:

- Limits the bill's applicability to the meetings of city councils and county boards of supervisors only, the jurisdictions of which contain a population of at least 250,000 people;
- Requires public access via telephone OR internet (not both);
- Removes language requiring two-way operability for internet;
- Removes all language translation requirements;
- Removes language allowing local agencies to require members of the public to register in order to provide public comment;
- Removes language allowing teleconferencing to be used by members of the legislative body (to avoid inadvertently precluding the use of teleconferencing by the public);
- Refines language referring to "all meetings" to state "all open and public meetings" (to ensure closed sessions are not subject to the provisions of the bill);
- Restores current law allowing public comment before an agenda item is taken up; and,
- Adds a sunset date of December 31, 2023.

As amended 6/25/21 - The bill requires a city or county with over 250,000 to conduct public meetings with a two-way telephone or internet option for the public. It also requires them, if as of 6-15-21 the agency has provided video streaming of their public meetings, to continue to do so. Also requires the agency to provide in-person public comment unless the law prohibits in-person gatherings.

UPDATE: The 7/5/21 amendment specifies that the agency shall continue to provide streaming if they have conducted at least one (not all) meeting in that manner as of 6-15-21.

**AB 361 (Rivas, Robert D) **Open meetings: local agencies: teleconferences.****

**Current Text:** Amended: 7/6/2021 [html](#) [pdf](#)

**Introduced:** 2/1/2021 **Last Amended:** 7/6/2021 **Status:** 7/15/2021-Read second time. Ordered to third reading. **Calendar:** 8/26/2021 #65 SENATE ASSEMBLY BILLS - THIRD READING FILE

**Summary:** Existing law, 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. This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

**Attachments:** [CALAFCO Support July 2021](#) [AB 361 Fact Sheet](#)

**Position:** Support **Subject:** Brown Act

**CALAFCO Comments:** Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that certain requirements are met (noticing, public access, etc.). This bill allows a local agency to conduct meetings using teleconference methods without complying with certain teleconferencing requirements if they are meeting for the purposes of declaring or ratifying a local emergency, during a declared state or local emergency (as defined in statute), when state or local health officials have imposed or recommended certain measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote. The legislative body must give notice of the meeting and post agendas to allow members of the public to access the meeting and address the legislative body, offer public comment, and protect rights of the parties and public appearing before the legislative body. The bill also rescinds the requirement that at least a quorum of the body must meet within the jurisdictional boundaries of the agency under these circumstances when meeting via telecom. As amended on 4/6/21, the bill now specifies that the new statute can be applied if meeting in person presents imminent risk to the health & safety of attendees; Requires the agenda to provide opportunity for anyone to attend via call-in or internet option; should there be a service disruption that prevents remote public participation, the agency must take no further action on any agenda item until service is restored; the agency cannot require submittal of public comments in advance of the meeting; and requires the legislative body, every 30 days after the initial declaration of emergency, should the emergency remain active, to make certain findings that the emergency still exists and prevents in-person meetings. As amended on 5-10-21, the amendments tighten restrictions for in-person meetings to only the determination that meeting in person presents imminent risk to the health and safety of attendees (removing the option to consider if attendance by one of more members of the legislative body is hindered).

**UPDATE:** As amended 7/6/21, the bill now only applies to state declared emergencies; adds specific requirements for making accommodations for various types of public comment processes during local government meetings; adds a sunset date of 1-1-24; and allows agencies to use telecom methods to meet and specifies requirements for those meetings. This bill is sponsored by the CA Special Districts Association (CSDA). The bill is not marked fiscal. A fact sheet is posted in the tracking section of the bill.

**AB 703 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.**

**Current Text:** Amended: 4/29/2021 [html](#) [pdf](#) **Introduced:** 2/16/2021 **Last Amended:** 4/29/2021

**Status:** 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 2/25/2021)(May be acted upon Jan 2021)

**Summary:** Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the notice requirements particular to teleconferencing and would revise the requirements of the act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction.

**Position:** Watch **Subject:** Brown Act

**CALAFCO Comments:** As amended on 4/29/21, the bill requires local agencies to allow for public participation during meetings of the legislative body both at in-person and via a call-in or internet-based option. It further requires that if the agency holds a teleconference meeting, at least a quorum of the governing body shall participate in person from a single location which shall be open to the public (and located within the boundaries of the jurisdiction). Despite these requirements, the bill is not marked fiscal. Further, it applies only to local agencies, not state agencies. The bill is sponsored by Three Valleys Municipal Water Agency.

**AB 1195 (Garcia, Cristina D) Drinking water.**

**Current Text:** Amended: 5/24/2021 [html](#) [pdf](#) **Introduced:** 2/18/2021 **Last Amended:** 5/24/2021

**Status:** 5/24/2021-Read second time and amended. Ordered returned to second reading.

**Summary:** Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would prohibit a public water system from transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed.

**Attachments:** [AB 1195 Fact Sheet](#) [CALAFCO Letter of Concern - April 2021](#)

**Position:** Watch With Concerns **Subject:** Water

**CALAFCO Comments:** As amended on 4-6-21, the bill was gut and amended and now creates the So LA County Human Rights to Water Collaboration Act. It requires the Water Board to appoint a commissioner to implement the Safe & Affordable Funding for Equity & Resilience Program and gives the commissioner certain authorities (although they are not clearly spelled out). It requires the commissioner by 12-31-24 to submit to the Water Board a plan for the long-term sustainability of public water systems in southern LA County and prescribes what shall be included in the plan. The bill also creates a technical advisory board and requires the commissioner to oversee the Central Basin Municipal Water District. In its current form the bill creates numerous concerns. CALAFCO's letter of concern is posted in the tracking section of the bill, and includes: (1) Focus of the bill is very broad as is the focus of the commissioner; (2) In an attempt to prevent privatization of water systems there is language regarding severing water rights. That language could be problematic should a consolidation be ordered; (3) Diminishing local control that is being invested in the state (an ongoing concern since SB 88); (4) A clear distinction needs to be made between an Administrator and Commissioner; (5) The poorly written section on the technical advisory board; and (6) The lack of LAFCo involvement in any consolidation process. CALAFCO will continue to work with LA LAFCo, the author's office and other stakeholders on the bill. The bill is author-sponsored and we understand there is currently no funding source. A fact sheet is posted in the tracking section of the bill. CALAFCO's letter of concern is also posted there.

UPDATE: 05/20/21 - Bill passed out of Assm. Approps. today with two amendments: (1) delete the provisions relating to severing water rights, and (2) keep LA LAFCo in the process. CALAFCO is currently reviewing the version dated 5/24/21.

**SB 403 (Gonzalez D) **Drinking water: consolidation.****

**Current Text:** Amended: 4/27/2021 [html](#) [pdf](#) **Introduced:** 2/12/2021 **Last Amended:** 4/27/2021

**Status:** 5/20/2021-Read third time. Passed. (Ayes 27. Noes 7.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**Summary:** The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would authorize the state board to also order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined.

**Attachments:** [CALAFCO Oppose Unless Amended Letter April 2021](#), [SB 403 Fact Sheet 2021](#)

**Position:** Oppose unless amended **Subject:** Disadvantaged Communities, Water

**CALAFCO Comments:** Current law (Health & Safety Code Section 116682) authorizes the State Water Resources Control Board (Board) to order consolidation (physical or operational) of a public water system or state small water system serving a disadvantaged community that consistently fails to provide an adequate supply of safe drinking water, or a disadvantaged community (in whole or part) that is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would add to that a water system or domestic well(s) that are at risk of failing to provide an adequate supply of safe drinking water, as determined by the Board. The bill also requires the Board, before ordering consolidation, to conduct outreach to ratepayers and residents served by the at-risk system and to consider any petition submitted by members of a disadvantaged community being served by the at-risk system. There appears to be several problems with this bill: (1) The bill does not define "at risk" and there is no definition of "at risk" currently in H&S Code Sec. 116681; (2) There is a lack of consultation with GSAs by the State Board when considering ordering consolidation or extension of service; (3) There is no requirement or even consideration for annexation upon extension of service; and (4) there does not appear to be a limitation of the number of connections or the extent to which the system can be extended.

The bill is co-sponsored by the Leadership Counsel for Justice and Accountability, Clean Water Action and Community Water Center. A fact sheet is posted in the tracking section of the bill. CALAFCO's position letter is also posted there. Specific to SB 403, we requested 3 amendments: (1) Define "at risk"; (2) Add a requirement for the SWRCB to consult with GSAs when considering a domestic well consolidation; and (3) Put a cap on the number of users to be added by the subsuming system or the extent to which the service is being extended. Additionally, CALAFCO recommended a comprehensive review of the current mandatory consolidation process citing a host of issues the current process creates

UPDATE: As amended on 4/27/21, the bill now defines "at risk system" and "at risk domestic well"; creates an appeal process for potentially subsumed water systems; requires inspection or testing of wells to determine "at risk" status; and allows the Board to prioritize systems historically overburdened by pollution and industrial development or other environmental justice concerns. It also puts a cap of 3,300 or fewer connections on systems that can be subsumed. These amendments address 2 of our 3 requested amendments. We will continue to work with the author on requiring the SWRCB to consult with GSAs on wells.

**AB 959 (Mullin D) **Park districts: ordinances: nuisances: abatement.****

**Current Text:** Amended: 5/10/2021 [html](#) [pdf](#) **Introduced:** 2/17/2021 **Last Amended:** 5/10/2021

**Status:** 5/11/2021-Read second time. Ordered to third reading.

**Summary:** Current law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes a city legislative body to declare what constitutes a nuisance. Current law authorizes the legislative body of a city, county, or city and county to provide for the summary abatement of any nuisance resulting from the defacement of the property of another by graffiti or other inscribed material, at the expense of the minor or other person creating, causing, or committing the nuisance, and, by ordinance, authorizes the legislative body to make the expense of abatement of the nuisance a lien against property of the minor or other person and a personal obligation against the minor or other person. This bill would authorize the board of directors of a district to declare what constitutes a nuisance, as provided. The bill would, among other things, authorize a district to exercise the authority granted to a city, as described above, for purposes of abating a nuisance, as provided.

**Attachments:** [AB 959 Fact Sheet](#) **Position:** Watch

**CALAFCO Comments:** As introduced, this bill gives authority to independent regional park & open space districts governed by PRC 5500 to: (1) Declare by ordinance what constitutes a public nuisance; (2) Abate those public nuisances by either administrative or civil actions; and (3) Ability to recover costs incurred in abating the public nuisance, including attorneys' fees. There are 4 of these independent special districts: (1) Midpeninsula Regional Open Space District; (2) East Bay Regional Park District; (3) Monterey Peninsula Regional Park District; and (4) Napa County Regional Park and Open Space District. A fact sheet is posted in the tracking section of the bill.

**UPDATE:** As amended on 5-10-21, the bill requires the district Board to adopt an ordinance declaring what constitutes a nuisance. It authorizes the district to initiate civil action and recover damages.

#### **[AB 1295](#) (Muratsuchi D) Residential development agreements: very high fire risk areas.**

**Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#) **Introduced:** 2/19/2021 **Status:** 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/4/2021)(May be acted upon Jan 2021)

**Summary:** Current law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on the severity of fire hazard that is expected to prevail in those areas, as specified, and requires each local agency to designate, by ordinance, the very high fire hazard severity zones in its jurisdiction. Current law additionally requires the director to classify lands within state responsibility areas into fire hazard severity zones. This bill, beginning on or after January 1, 2022, would prohibit the legislative body of a city or county from entering into a residential development agreement for property located in a very high fire risk area. The bill would define "very high fire risk area" for these purposes to mean a very high fire hazard severity zone designated by a local agency or a fire hazard severity zone classified by the director.

**Attachments:** [AB 1295 Fact Sheet](#) **Position:** Watch **Subject:** Growth Management, Planning

**CALAFCO Comments:** This bill prohibits a city or county from entering into a residential development agreement for property located within a very high fire risk area as of 1-1-2022. This bill appears similar to SB 55 (Stern) except: (1) This bill explicitly calls out residential development, whereas SB 55 addresses new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone; and (2) SB 55 adds a state responsibility area. The bill is not marked fiscal. This is an author-sponsored bill and a fact sheet is posted in the tracking section of the bill.

#### **[SB 10](#) (Wiener D) Planning and zoning: housing development: density.**

**Current Text:** Amended: 4/27/2021 [html](#) [pdf](#) **Introduced:** 12/7/2020 **Last Amended:** 4/27/2021

**Status:** 5/20/2021-From committee: Do pass. (Ayes 6. Noes 1.) (May 20). Read second time. Ordered to third reading.

**Summary:** Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act.

**Position:** Watch **Subject:** Housing



**CALAFCO Comments:** While not directly affecting LAFCoS, the requirements in the bill are of interest. As amended on 4/13/21, the bill authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined in the bill. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution adopted to amend the jurisdiction's General Plan Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is exempt from CEQA. The bill imposes specified requirements on a zoning ordinance adopted under these provisions. The bill would prohibit a legislative body that adopts a zoning ordinance pursuant to these provisions from subsequently reducing the density of any parcel subject to the ordinance and makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts a use or density authorized by an ordinance adopted pursuant to the provisions in the bill.

**UPDATE:** The amendment of 4/27/21 amends 65913.5(a)(3) to remove exemption of parcels excluded from specified hazard zones by a local agency pursuant to 51179(b).

**SB 12 (McGuire D) Local government: planning and zoning: wildfires.**

**Current Text:** Amended: 5/4/2021 [html](#) [pdf](#) **Introduced:** 12/7/2020 **Last Amended:** 5/4/2021

**Status:** 5/20/2021-From committee: Do pass. (Ayes 5. Noes 2.) (May 20). Read second time. Ordered to third reading.

**Summary:** Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. 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.

**Position:** Watch **Subject:** Growth Management, Planning

**SB 13 (Dodd D) Local agency services: contracts: Counties of Napa and San Bernardino.**

**Current Text:** Amended: 5/11/2021 [html](#) [pdf](#) **Introduced:** 12/7/2020 **Last Amended:** 5/11/2021

**Status:** 5/17/2021-Read third time. Urgency clause adopted. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**Summary:** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Current law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021. This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025, deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require the contents of that report to include how many requests for extension of services were received under these provisions.

**Attachments:** [CALAFCO Oppose Unless Amended letter May 2021](#)

**Position:** Oppose unless amended **Subject:** CKH General Procedures

**CALAFCO Comments:** This bill is the same as SB 799 from 2020 and seeks to re-establish and continue the pilot program for five more years. The program ended as of January 1, 2021 but due to the pandemic, SB 799 from 2020 to extend the sunset was not moved forward in the legislature.

**UPDATE:** As amended on 4/29/21, the bill now adds 56133.6 which seeks to address several projects in the City of St. Helena, and resolve a current law suit between the winery and the city. The amendments authorize Napa LAFCo to consider new or extended service by the city to specific parcels with certain

conditions. The bill requires the Napa LAFCo make certain determinations if approving, include any decision in their required report to the Legislature and has a sunset of 1-1-26. CALAFCO has made a request for several technical amendments to the version dated 4-29-21, and has concern this addition strays too far from the original intent of the pilot program. Requested amendments on the table now include: (1) Rewording of both sections 56133.5(a)(2) and 56133.6(a)(3) to explicitly state both (A) and (B) are required; (2) Reword the new addition to 56133.5(d) so that it does not presume Napa LAFCo will authorize the new or extension of service; and (3) Rewrite 56133.6(a)(1) to clarify that (A) must apply to both (B) and (C). As amended on 5-11-21, all requested technical amendments were made, however the intent of the pilot program has changed with the addition of 56133.6 and Napa LAFCo's ability to approve extension of service for parcels that do not meet the pilot program's requirement of planned use as defined in 56133.5. For this reason, CALAFCO is opposed unless amended, requesting the removal of 56133.6. Our letter is in the bill detail section.

**[SB 55](#) (Stern D) Very high fire hazard severity zone: state responsibility area: development prohibition: supplemental height and density bonuses.**

**Current Text:** Amended: 4/5/2021 [html](#) [pdf](#) **Introduced:** 12/7/2020 **Last Amended:** 4/5/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/3/2021)(May be acted upon Jan 2022)

**Summary:** Would, in furtherance of specified state housing production, sustainability communities strategies, greenhouse gas reduction, and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area unless there is substantial evidence that the local agency has adopted a comprehensive, necessary, and appropriate wildfire prevention and community hardening strategy to mitigate significant risks of loss, injury, or death, as specified. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.

**Attachments:** [SB 55 Fact Sheet](#) **Position:** Watch **Subject:** Growth Management, Planning

**CALAFCO Comments:** This bill prohibits the creation or approval of a new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone or a state responsibility area. The bill is author-sponsored and imposes unfunded mandates. A fact sheet is posted in the tracking section of the bill. As amended on 4/5/21, the bill removes the "blanket approach" to prohibiting development as noted above by adding specificity. The bill prohibits development in either of the areas noted above unless there is substantial evidence that the local agency has adopted a comprehensive, necessary and appropriate wildfire preventions and community hardening strategy to mitigate significant risks of loss, injury or death as specified in the bill. Additionally, the bill provides a qualifying developer a supplemental height bonus and a supplemental density bonus, as specified, if the development is located on a site that meets certain criteria, including, among others, not being located in a moderate, high, or very high fire hazard severity zone, as specified. These requirements are unfunded mandates. This bill appears similar to AB 1295 (Muratsuchi) except this bill appears to be broader in scope in terms of the type of development prohibited and includes a state responsibility area, whereas AB 1295 only addresses residential development in a very high fire risk area.