



Lou Ann Teixeira  
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
40 Muir Road, 1st Floor • Martinez, CA 94553  
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(925) 313-7133

## **NOTICE AND AGENDA FOR REGULAR MEETING**

**Wednesday, November 10, 2021, 1:30 PM**  
**\*\*\* BY TELECONFERENCE ONLY \*\*\***

As permitted by Government Code section 54953(e), this meeting will be held by Zoom and teleconference. No physical location will be available for this meeting.

### **PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS**

To join the meeting click Zoom link: <https://cccounty-us.zoom.us/j/82734682270>

Dial in:

USA 214 765 0478 US Toll

USA 888 278 0254 US Toll-free

Conference code: 843298

LAFCO meetings are audio recorded and posted online at <http://contracostalafco.org/meetings-and-public-hearings/>. Audio recordings are available the day following the LAFCO meeting. LAFCO meeting materials and staff reports are available online at <http://contracostalafco.org/meetings-and-public-hearings/>.

**PUBLIC COMMENT:** The Commission will consider all verbal and written comments received. Comments may be emailed to [LouAnn.Teixeira@lafco.cccounty.us](mailto:LouAnn.Teixeira@lafco.cccounty.us) or by U.S. mail to Contra Costa LAFCO at 40 Muir Road 1<sup>st</sup> Floor, Martinez, CA 94553. Please indicate the agenda item number, if any. If you want your comments read into the record, please indicate so in the subject line. For public hearings, the Chair will announce the opening and closing of the public hearing. The Chair will call for verbal public comments.

### **NOTICE TO THE PUBLIC**

Disclosable public records for a regular meeting agenda distributed to a majority of the members of the Commission less than 72 hours prior to that meeting will be made available on <http://contracostalafco.org/meetings>

#### **Campaign Contribution Disclosure**

If you are an applicant or an agent of an applicant on a matter to be heard by the Commission, and if you have made campaign contributions totaling \$250 or more to any Commissioner in the past 12 months, Government Code Section 84308 requires that you disclose the fact, either orally or in writing, for the official record of the proceedings.

#### **Notice of Intent to Waive Protest Proceedings**

In the case of a change of organization consisting of an annexation or detachment, or a reorganization consisting solely of annexations or detachments, or both, or the formation of a county service area, it is the intent of the Commission to waive subsequent protest and election proceedings provided that appropriate mailed notice has been given to landowners and registered voters within the affected territory pursuant to Gov. Code sections 56157 and 56663, and no written opposition from affected landowner or voters to the proposal is received before the conclusion of the commission proceedings on the proposal.

#### **American Disabilities Act Compliance**

LAFCO will provide reasonable accommodations for persons with disabilities planning to join the meeting. Please contact the LAFCO office at least 48 hours before the meeting at 925-313-7133.

## **NOVEMBER 10, 2021 CONTRA COSTA LAFCO AGENDA**

1. Call to Order
2. Roll Call
3. Adoption of Agenda
4. Approval of Minutes for the September 8, 2021 regular LAFCO meeting
5. Public Comment Period (please observe a three-minute time limit):  
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.

### **TELECONFERENCING**

6. *Assembly Bill 361* – consider adopting a resolution authorizing LAFCO to conduct teleconference meetings under Government Code section 54953(e) and making related findings

### **SPHERE OF INFLUENCE AMENDMENTS/CHANGES OF ORGANIZATION**

7. *County Service Area (CSAs) R-9 and R-10* – consider initiating dissolution of CSA R-9 which comprises 3.1± square miles and serves unincorporated El Sobrante Valley including parts of Richmond, and dissolution of CSA R-10 which comprises 7.37± square miles and serves unincorporated Rodeo

### **BUSINESS ITEMS**

8. *Request to Transfer Jurisdiction from Alameda LAFCO to Contra Costa LAFCO* - consider assuming jurisdiction and authorizing staff to send a request to Alameda LAFCO to transfer jurisdiction in order to consider a proposed sphere of influence amendment and corresponding annexation to the East Bay Municipal Utility District. The subject property is located at 285 Lark Lane in unincorporated Alamo
9. *FY 2021-22 First Quarter Budget Report* – receive FY 2021-22 first quarter budget report
10. *2021-22 Legislative Update* – a legislative update will be provided – information only

### **INFORMATIONAL ITEMS**

11. *Pending Applications* - receive an update on pending proposals – information only
12. Correspondence from Contra Costa County Employees' Retirement Association (CCCERA)
13. Commissioner Comments and Announcements
14. Staff Announcements/CALAFCO Updates/Newspaper Articles

### **ADJOURNMENT**

*Next regular LAFCO meeting December 8, 2021 at 1:30 pm.*

LAFCO STAFF REPORTS AVAILABLE AT [http://www.contracostalafco.org/meeting\\_archive.htm](http://www.contracostalafco.org/meeting_archive.htm)

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION**  
**DRAFT MEETING MINUTES**  
**September 8, 2021**

**November 10, 2021**  
**Agenda Item 4**

**1. Welcome and Call to Order; Roll Call (Agenda Items 1 & 2)**

Chair Skaredoff called the regular meeting of September 8, 2021, to order at 1:30 p.m.  
The following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Igor Skaredoff, Chair	Edi Birsan	Lou Ann Texeira, Executive Officer
Rob Schroder, Vice Chair	Diane Burgis	Tom Geiger, Commission Counsel
Candace Andersen	Stan Caldwell	Sherrie Weis, LAFCO Clerk
Don Blubaugh	Chuck Lewis	
Tom Butt		
Mike McGill		
Federal Glover		

Announcement: Pursuant to Governor Newsom's Executive Order and local county health orders issued to address the COVID 19 pandemic, the Commission meeting is being held via Zoom videoconference. The public may listen to the meeting telephonically and comment by calling in to the teleconference meeting per the instructions on page 1 of the agenda. As required by the Brown Act, all votes taken this afternoon will be done by a roll call vote of the attending Commissioners participating via teleconference.

**3. Adoption of Agenda**

Upon motion by Commissioner McGill and second by Commissioner Andersen, the Commission unanimously, by a 7-0 vote, adopted the agenda

**VOTE:**

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

**4. Approval of Minutes**

Upon motion by Commissioner Andersen and second by Commissioner Blubaugh, the Commission unanimously, by a 7-0 vote approved the August 11, 2021 meeting minutes

**VOTE:**

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

**5. Public Comments**

Chair Skaredoff invited members of the audience to provide public comment. There no were speakers.

## **SPHERE OF INFLUENCE AMENDMENTS/CHANGES OF ORGANIZATION**

6. ***LAFCO 21-04– Beacon West & Willow Mobile Home Park - Annexations to Contra Costa Water District (CCWD) and Diablo Water District (DWD)*** - consider approving annexations to CCWD (37.58± acres) and DWD (30.1± acres) (numerous parcels) located in unincorporated Bethel Island; and consider related actions per the California Environmental Quality Act (CEQA) **Public Hearing**

Chair Skaredoff opened the public hearing. Mr. Gloski, a Bethel Island resident, voiced concerns of water pressure and water rates but did not make a formal protest.

Chair Skaredoff closed the public hearing.

Following Commissioner comments and questions, and upon a motion by Commissioner Andersen and second by Commissioner McGill, the Commission, unanimously, by a 7-0 vote, approved Option 1 approve annexation to CCWD and DWD, and related actions per CEQA

### **VOTE:**

AYES: Andersen, Blubaugh, Butt, McGill, Glover Schroder, Skaredoff  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

## **BUSINESS ITEMS**

7. ***Municipal Service Reviews (MSRs)*** – authorize staff to execute a contract with Economic & Planning Systems to prepare second round MSRs/SOIs updates covering resource conservation services and mosquito & vector control services

Upon motion by Commissioner Blubaugh and second by Commissioner Andersen, unanimously, by a 7-0 vote, authorized LAFCO staff to execute a contract with EPS to prepare the 2nd round resource conservation and mosquito and vector control services MSRs/SOI updates, with a project budget not to exceed \$35,000

### **VOTE:**

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

8. ***2022 LAFCO Meeting Schedule*** – consider approving the 2022 LAFCO meeting schedule

Upon motion by Commissioner McGill second by Commissioner Glover, the Commission unanimously, by a 7-0 vote, received staff report; and approved the 2022 meeting schedule

### **VOTE:**

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE



**9. FY 2019-20 Financial Audit** – receive and file audit report

Commissioner Skaredoff requested that thank you notes be sent to staff that helped provide information for the FY 2019-20 Financial Audit

**INFORMATIONAL ITEMS**

**10. Pending Applications** – receive an update on pending proposals –informational update – no action required by the Commission.

**CORRESPONDENCE**

**11. Correspondence from Contra Costa County Employee's Retirement Association (CCCERA)**

**12. Commissioner Comments and Announcements**

Commissioner McGill updated the Commission on CALAFCO's activities:

- August 25, 2021 CALAFCO Executive Committee Meeting
- September 2, 2021 CALAFCO Board of Directors Special Meeting
- September 10, 2021 CALAFCO Legislative Committee Meeting
- September 15, 2021 CALAFCO Executive Committee Meeting – Interviews with the candidates for the CALAFCO Executive Officer position

Commissioner McGill reported that Commissioner Stan Caldwell received the William Hollingsworth Award of Excellence, the most prestigious honor bestowed by the California Special Districts Association (CSDA). This award celebrates distinguished ongoing service and exceptional contributions to the special districts and the communities they serve. The criteria for this award include a demonstration of significant leadership, or in partnership with, special districts regionally or statewide. Stan has been a very active participant at California Associate of Sanitation Agencies, CSDA, and the Contra Costa Special Districts Association (CCSDA) for many years. Further, he has faithfully served as the special district alternate to Contra Costa LAFCO and CCSDA. Stan also currently serves as the CCSDA President and prepares the chapter newsletter as the editor.

Commissioner McGill asked that staff prepare a Resolution recognizing Commissioner Caldwell. Moved by Commissioner McGill seconded by Commissioner Blubaugh. Informal vote – carried unanimously.

**13. Staff Announcements**

Executive Officer announced that the annual CALAFCO conference was cancelled

The meeting adjourned at 1:58 p.m.

Final Minutes Approved by the Commission November 10, 2021

	<u>VOTE:</u>
AYES:	<u>Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff</u>
NOES:	<u>NONE</u>
ABSENT:	<u>NONE</u>
ABSTAIN:	<u>NONE</u>

**ADJOURNMENT**

*The next regular LAFCO meeting is November 10, 2021, at 1:30 pm.*

By \_\_\_\_\_  
Executive Officer



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Federal Glover  
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Michael R. McGill  
Special District Member

Rob Schroder  
City Member

ALTERNATE MEMBERS

Diane Burgis  
County Member

Stanley Caldwell  
Special District Member

Charles R. Lewis, IV  
Public Member

Edi Birsan  
City Member

November 10, 2021

Contra Costa Local Agency Formation Commission  
40 Muir Road, First Floor  
Martinez, CA 94553

**November 10, 2021**  
**Agenda Item 6**

**Authorizing Teleconference Meetings**  
**Assembly Bill 361, Government Code Section 54953(e)**

Dear Members of the Commission:

When the COVID-19 pandemic began, Governor Newsom issued an executive order allowing local agencies to meet remotely without complying with the strict teleconferencing requirements of the Brown Act. Executive Order N-29-20 suspended the Brown Act's non-emergency teleconferencing rules, including requirements that each teleconference location must be physically accessible to the public and that the public must be given an opportunity to comment at each teleconference location. Since March 2020, LAFCO has been meeting virtually, as authorized by Executive Order N-29-20 and subsequent orders. This authority expired September 30, 2021.

Assembly Bill (AB) 361 amended the teleconferencing provisions of the Brown Act, Government Code (GC) section 54953. Effective October 1, 2021, subsection (e) of GC section 54953 authorizes a local agency to use special teleconferencing rules when the legislative body of the local agency holds a meeting during a state of emergency declared by the state, and either (a) state or local officials have imposed or recommended measures to promote social distancing, or (b) the legislative body is meeting to determine, or has determined, that meeting in person would present imminent risks to the health or safety of meeting attendees.

The following rules apply to teleconferencing meetings held under GC section 54953(e):

- The agency must provide notice of the meeting and post an agenda as required by the Brown Act, but the agenda does not need to list each teleconference location or be physically posted at each teleconference location.
- The agenda must state how members of the public can access the meeting and provide public comment.
- The agenda must include an option for all persons to attend via a call-in or internet-based service option.

- The legislative body must conduct the meeting in a manner that protects the constitutional and statutory rights of the public.
- If there is a disruption in the public broadcast of the call-in or internet-based meeting service, the legislative body must stop and take no further action on agenda items until public access is restored.
- The agency may not require public comments to be submitted in advance of the meeting and must allow virtual comments to be submitted in real time.
- The legislative body must allow a reasonable amount of time per agenda item to permit members of the public to comment, including time to register or otherwise be recognized for the purposes of comment.
- If the legislative body provides a timed period for all public comment on an item, it may not close that period before the time has elapsed.
- The legislative body must reconsider the circumstances of the state of emergency and the findings in support of emergency teleconference meetings every 30 days or every time it meets.
- AB 361 sunsets on January 1, 2024.

A resolution authorizing teleconferencing under GC section 54953(e) is attached. It would determine that the state has declared a state of emergency related to COVID-19 and find that social distancing recommendations are in place and that there is an imminent risk of harm to the public, staff, and officials if live meetings are conducted. If adopted, the resolution would authorize LAFCO to hold teleconference meetings consistent with the above rules.

If LAFCO wishes to continue teleconferencing under GC section 54953(e), every 30 days after adopting the resolution or every time it meets, LAFCO must reconsider the circumstances of the state of emergency and that one of the following circumstances exists: the emergency continues to directly impact the ability of members to safely meet in person, or state or local officials continue to impose or recommend measures to promote social distancing. If the state-declared emergency no longer exists, or if LAFCO does not make these findings by majority vote, then LAFCO will no longer be exempt from the Brown Act's non-emergency teleconferencing rules.

**RECOMMENDATION:** Adopt the attached resolution allowing Contra Costa LAFCO to conduct teleconference meetings pursuant to GC section 54953(e) and make related findings.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment 1 – Resolution No. 2021-01

**RESOLUTION NO. 2021-01****A RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION  
COMMISSION AUTHORIZING TELECONFERENCE MEETINGS UNDER  
GOVERNMENT CODE SECTION 54953(e) (ASSEMBLY BILL 361)****Recitals**

- A. On March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq.
- B. On March 10, 2020, the Contra Costa County Board of Supervisors found that due to the introduction of COVID-19 in the County, conditions of disaster or extreme peril to the safety of persons and property had arisen, commencing on March 3, 2020. Based on these conditions, pursuant to Government Code section 8630, the Board of Supervisors adopted Resolution No. 2020/92, proclaiming the existence of a local emergency throughout Contra Costa County.
- C. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the Brown Act), provided certain requirements were met and followed.
- D. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which clarified the suspension of the teleconferencing rules set forth in the Brown Act and further provided that those provisions would remain suspended through September 30, 2021.
- E. On September 16, 2021, Governor Newsom signed Assembly Bill 361, which provides that under Government Code section 54953(e), a legislative body subject to the Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code section 54953(b)(3) if a proclaimed state of emergency exists and state or local officials have imposed or recommended measures to promote social distancing.
- F. On September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings that include recommended measures to promote social distancing.
- G. Among the Health Officer's recommendations: (1) on-line meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; (2) if a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended when possible to give those at higher risk of an/or higher concern about COVID-19 an alternative to participating in person; (3) a written safety protocol should be developed and followed, and it is recommended that the protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees; (4) seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
- H. The California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (CDC) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and even fully vaccinated individuals can spread the

- virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations.
- I. As of October 6, 2021, the COVID-19 case rate in Contra Costa County was in the “substantial” community transmission tier, the second-highest tier of the CDC’s four community transmission tiers.
  - J. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Contra Costa Local Agency Formation Commission (LAFCO) intends to invoke the provisions of Assembly Bill 361 related to teleconferencing.

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission resolves as follows:

- 1. LAFCO finds that: the state of emergency proclaimed by Governor Newsom on March 4, 2020, is currently in effect; the Contra Costa County Health Officer has strongly recommended that public meetings be held by teleconferencing as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; and meeting in person would present imminent risks to the health or safety of attendees because the case rate of COVID-19 infections in the County is in the “substantial” community transmission tier, the second-highest of the CDC’s four community transmission tiers.
- 2. As authorized by Assembly Bill 361, LAFCO will use teleconferencing for its meetings in accordance with the provisions of Government Code section 54953(e).
- 3. The Executive Officer is authorized and directed to take all actions necessary to implement the intent and purpose of this resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act.

PASSED AND ADOPTED on November 10, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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IGOR SKAREDOFF, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: November 10, 2021

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Lou Ann Texeira, Executive Officer



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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Edi Birsan  
City Member

November 10, 2021 (Agenda)  
Contra Costa Local Agency Formation Commission  
40 Muir Road, 1<sup>st</sup> Floor  
Martinez, CA 94553

November 10, 2021  
Agenda Item 7

**Initiation of Dissolution - County Service Areas R-9 and R-10**

Dear Members of the Commission:

**SYNOPSIS**

In August 2021, Contra Costa LAFCO completed its 2<sup>nd</sup> round *Parks & Recreation Services Municipal Services Review* (MSR) and Sphere of Influence (SOI) updates. In accordance with the recommendations contained in the MSR, the Commission adopted zero SOIs for County Service Areas (CSAs) R-9 and R-10 signalling future dissolution of the districts.

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCO has the authority to initiate dissolution, set terms and conditions, and designate a successor agency to wind up the affairs of the dissolved district.

**DISCUSSION**

**CSA R-9** was formed in 1974 to provide park services to the unincorporated El Sobrante community. Since formation, there were five detachments from and three annexations to R-9. The R-9 service area is approximately 3.1± square miles with an estimated population of 14,546 (2020).

CSA R-9 is almost entirely within the City of Richmond's SOI with a small portion in the north that lies within the City of Pinole's SOI, and an island to the southwest which lies within the City of San Pablo's SOI. There are no disadvantaged communities within the R-9 SOI.

Within R-9 is the Children's Reading Garden located at the El Sobrante library. The Reading Garden was built with one time Park Dedication Fees and designed to have minimal maintenance. The Reading Garden is maintained by volunteers and the Library. R-9 has no money and no funding source. Park improvements in El Sobrante have been funded with one time park dedication funds collected on new development. The County reports that reliance on volunteer

community members is not sustainable due to liability and accountability issues. Further, the Reading Garden is  $0.1\pm$  acres and does not provide sufficient capacity to meet current or future demands. There are limited opportunities for shared facilities given R-9's lack of resources.

Regarding financial ability of the district to provide services, R-9 lacks a secure source of revenue. Planned expenditures are expected to exceed revenues, which means maintenance and other expenses may need to be partially deferred. Two past attempts to pass assessments in 1985 and 1998 failed.

The recommendation included in the MSR is to dissolve CSA R-9 and shift the park maintenance duties to the County's Landscape and Lighting District (LL-2). However, there are no existing LL-2 funds for this area. CSA R-9 currently has no assets, liabilities, outstanding debts, judgments, contracts, or claims; nor does CSA R-9 receive a tax increment. In conjunction with the dissolution, the County will be named the successor agency to wind up the affairs of CSA R-9.

Supervisor John Gioia recently informed LAFCO that his office is assembling a stakeholder group in El Sobrante to explore placing a measure on the ballot in R-9 (unincorporated El Sobrante) for park funding. Supervisor Gioia requests that LAFCO defer action to dissolve R-9 while the stakeholder group meets. In response to Supervisor Gioia's request, LAFCO staff recommends deferring initiation of dissolution of R-9, and that an update on the potential measure and related efforts be provided to LAFCO within the next 6-9 months.

**CSA R-10** was formed in 1987 to provide recreation services through the Lefty Gomez Community Center facility and its baseball fields located in unincorporated Rodeo and areas northeast of the City of Hercules. Since formation, there have been no boundary changes to R-10. The R-10 service area is approximately  $7.37\pm$  square miles with an estimated population of 8,700 (2020). Rodeo is a disadvantaged community.

Regarding facilities and capacity, at a net cost to the district each year, R-10 maintains the Lefty Gomez Community Center building. County staff reported that the facilities are in poor condition and in need of significant investment. Considerable infrastructure needs exist, however, there is currently no available funding. Further, the community center is not adequately sized to meet community needs.

As for funding and financial ability of R-10 to provide services, R-10 relies on Community Center rentals to generate revenue and has no other secure source of funding. The recent loss of a lease with the County Office of Education and insufficient revenues to meet current obligations have resulted in deferred maintenance and ongoing financial burden. The COVID pandemic has severely impacted R-10 revenues.

Previously, R-10 had a citizen advisory committee; however, each of the five seats is vacant, and the committee has effectively dissolved.

The recommendation included in the MSR is to dissolve R-10. In the long-term, because the Lefty Gomez Community Center and adjacent ballfields are located on a parcel owned by the John Swett

Unified School District, the parcels may be returned to the School District. In conjunction with the dissolution, the County will be named the successor agency to wind up the affairs of CSA R-10.



**ALTERNATIVES FOR COMMISSION ACTION:** After consideration of this report and any additional information, the Commission is asked to take one of the following actions:

- Option 1**      Defer adopting a resolution initiating dissolution of CSA R-9 and request an update within 6-9 months regarding the status of CSA R-9 including future funding options; 2) adopt a resolution initiating dissolution of CSA R-10; and direct staff to proceed with dissolution proceedings to be considered by the Commission at a future meeting.
- Option 2**      Adopt a resolution initiating dissolution of CSA R-9 (Attachment 1); and adopt a resolution initiating dissolution of CSA R-10 (Attachment 2); and direct staff to proceed with dissolution proceedings to be considered by the Commission at a future meeting.
- Option 3**      Do not adopt a resolution initiating dissolution of CSA R-9 or R-10.
- Option 4**      If the Commission needs more information, CONTINUE this matter to a future meeting.

**RECOMMENDED ACTION: Option 1.** 1) Defer adopting a resolution initiating dissolution of CSA R-9 and request an update within 6-9 months regarding the status of CSA R-9 including future funding options; 2) adopt a resolution initiating dissolution of CSA R-10.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachments:

- 1 – Draft Resolution Initiating Dissolution of CSA R-9
- 2 – Draft Resolution Initiating Dissolution of CSA R-10

Exhibits:

A – Map of CSA R-9 and Map of CSA R-10

c:      Contra Costa County Assessor's Office  
         Contra Costa County Auditor-Controller's Office  
         Contra Costa County Public Works Department

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION  
COMMISSION TO INITIATE PROCEEDINGS FOR DISSOLUTION OF  
COUNTY SERVICE AREA (CSA) R-9**

**WHEREAS**, the Commission desires to initiate a proposal pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (CKH Act), commencing with section 56000 of the California Government Code, to dissolve County Service Area (CSA) R-9 and appoint Contra Costa County as successor agency to wind up the affairs of CSA R-9 pursuant to Government Code §57451(b); and

**WHEREAS**, in accordance with Government Code §56375(a)(3), LAFCO may initiate a dissolution if it is consistent with a recommendation or conclusion of a study prepared pursuant to Government Code §56378, 56425 or 56430, and LAFCO makes the determinations specified in §56881(b); and

**WHEREAS**, on June 9, 2021, the Commission adopted determinations contained in the *2<sup>nd</sup> Round Parks & Recreation Services Municipal Services Review* and adopted a zero sphere of influence (SOI) signaling future dissolution of CSA R-9; and

**WHEREAS**, dissolution of CSA R-9 is consistent with the findings and recommendations contained in the *2<sup>nd</sup> Round Parks & Recreation Services Municipal Services Review*; and

**WHEREAS**, this proposed dissolution is being initiated because the district lacks a secure source of revenue and prior attempts to pass an assessment have failed; planned expenditures are expected to exceed revenues; and facility maintenance and other expenses are at risk; and

**WHEREAS**, pursuant to Government Code §57451(b), for the purpose of winding up the affairs of a dissolved district, if the territory of a dissolved district is located entirely within the unincorporated territory of a single county, the county is the successor; and

**WHEREAS**, pursuant to Government Code §56886, terms and conditions relating to the proposed dissolution and appointment of Contra Costa County as the successor agency to wind up the affairs of the R-9 will be developed as part of LAFCO's proposal; and

**WHEREAS** a map of the affected territory is set forth in Exhibit A, attached hereto and by reference incorporated herein; and

**WHEREAS**, the Commission determined, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the proposed dissolution is exempt under §15320 of the CEQA Guidelines.

**NOW, THEREFORE**, this resolution is hereby adopted by Contra Costa LAFCO to: (1) initiate proceedings for dissolution of CSA R-9; (2) appoint Contra Costa County as

successor agency to wind up the affairs of R-9 in the manner provided by the CKH Act; and (3) designate the LAFCO Executive Officer as the contact person for this proposal.

PASSED AND ADOPTED this 10<sup>th</sup> day of November 2021.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

\_\_\_\_\_  
IGOR SKAREDOFF, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: November 10, 2021

\_\_\_\_\_  
Lou Ann Texeira, Executive Officer

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION  
COMMISSION INITIATING PROCEEDINGS TO DISSOLVE COUNTY  
SERVICE AREA (CSA) R-10 AND APPOINT A SUCCESSOR AGENCY TO  
WIND UP THE AFFAIRS OF CSA R-10**

**WHEREAS**, the Commission desires to initiate a proposal pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (CKH Act), commencing with section 56000 of the California Government Code, to dissolve County Service Area (CSA) R-10 and appoint Contra Costa County as successor agency to wind up the affairs of CSA R-10 pursuant to Government Code §57451(b); and

**WHEREAS**, in accordance with Government Code §56375(a)(3), LAFCO may initiate a dissolution if it is consistent with a recommendation or conclusion of a study prepared pursuant to Government Code §56378, 56425 or 56430, and LAFCO makes the determinations specified in §56881(b); and

**WHEREAS**, on June 9, 2021, the Commission adopted determinations contained in the *2<sup>nd</sup> Round Parks & Recreation Services Municipal Services Review* and adopted a zero sphere of influence (SOI) signaling future dissolution of CSA R-10; and

**WHEREAS**, dissolution of CSA R-10 is consistent with the findings and recommendations contained in the *2<sup>nd</sup> Round Parks & Recreation Services Municipal Services Review*; and

**WHEREAS**, this proposed dissolution is being initiated because the district's facilities are in poor condition, considerable infrastructure needs exist and there is currently no available funding; the district's advisory committee is effectively dissolved; and the COVID pandemic has severely impacted district revenues; and

**WHEREAS**, pursuant to Government Code §57451(b), for the purpose of winding up the affairs of a dissolved district, if the territory of a dissolved district is located entirely within the unincorporated territory of a single county, the county is the successor; and

**WHEREAS**, pursuant to Government Code §56886, terms and conditions relating to the proposed dissolution and appointment of Contra Costa County as the successor agency to wind up the affairs of the R-10 will be developed as part of LAFCO's proposal; and

**WHEREAS** a map of the affected territory is set forth in Exhibit A, attached hereto and by reference incorporated herein; and

**WHEREAS**, the Commission determined, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the proposed dissolution is exempt under §15320 of the CEQA Guidelines.

**NOW, THEREFORE**, this resolution is hereby adopted by Contra Costa LAFCO to: (1) initiate proceedings for dissolution of CSA R-10; (2) appoint Contra Costa County as successor agency to wind up the affairs of R-10 in the manner provided by the CKH Act; and (3) designate the LAFCO Executive Officer as the contact person for this proposal.

PASSED AND ADOPTED this 10<sup>th</sup> day of November 2021.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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IGOR SKAREDOFF, CHAIR, CONTRA COSTA LAFCO

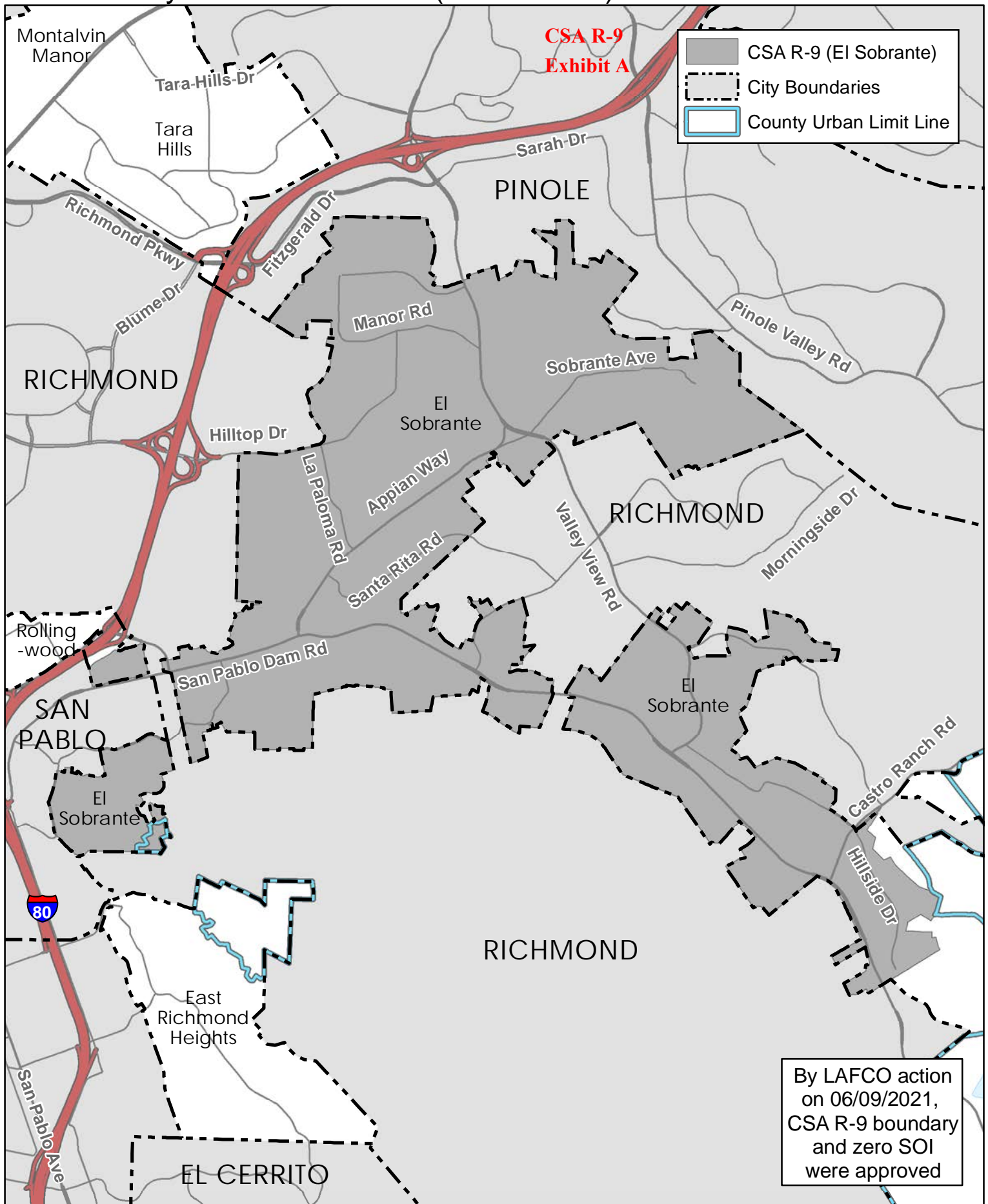
I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: November 10, 2021

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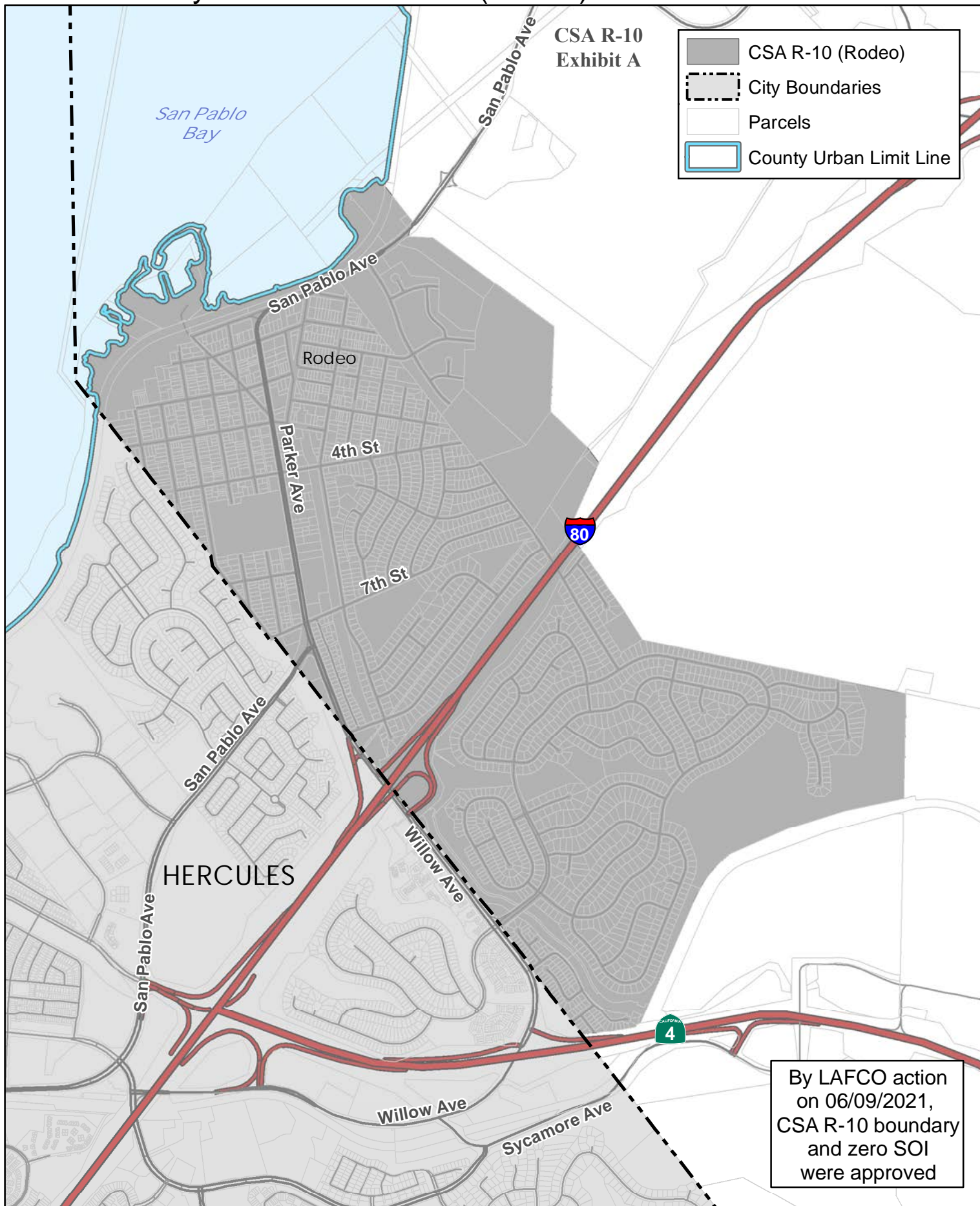
Lou Ann Texeira, Executive Officer

# County Service Area R-9 (El Sobrante) and Coterminus SOI





# County Service Area R-10 (Rodeo) and Cotermminus SOI







CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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November 10, 2021 (Agenda)

Contra Costa Local Agency Formation Commission  
40 Muir Road, 1st Floor  
Martinez, CA 94553

**November 10, 2021**  
**Agenda Item 8**

**Request to Transfer Principal County Responsibility from Alameda LAFCO to Contra Costa LAFCO – Sphere of Influence Amendment and Corresponding Annexation to East Bay Municipal Utility District – 285 Lark Lane – Alamo**

Dear Members of the Commission:

When a change of organization (e.g., annexation) to a multi-county special district is proposed, the Cortese-Knox-Hertzberg Act (CKH) vests exclusive jurisdiction with the commission of the principal county, that is, the commission in the county having the largest portion of assessed value within the subject district.

The CKH (i.e., §§56123, 56124, 56387, 56388) provides a mechanism to transfer jurisdiction of such proposals to a commission other than the commission of the principal county. In order to transfer exclusive jurisdiction over a change of organization, the commission of the principal county must agree to relinquish jurisdiction and designate a specific commission to assume jurisdiction. The commission so designated must agree to assume exclusive jurisdiction.

Alameda and Contra Costa LAFCOs have several special districts which cross county boundary lines. In addition to State laws that govern boundary changes and the transfer of jurisdiction, Alameda and Contra Costa LAFCOs adopted *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs* in 1997. Alameda and Contra Costa LAFCOs have a history of transferring jurisdiction for both boundaries and spheres of influence (SOIs) in accordance with the adopted procedures.

On September 27, 2021, Contra Costa LAFCO received applications to amend the SOI and annex property to the East Bay Municipal Utility District (EBMUD). The parcel is located in Alamo (unincorporated Contra Costa County) and totals 18.34± acres. The landowner/applicant proposes to annex a portion of the parcel (3.14± acres). Municipal water is needed to support a proposed single-family home. Numerous attempts have been made at local well digging with no success.

The adopted Alameda and Contra Costa LAFCO procedures provide for an initial review and consultation by the LAFCO Executive Officers. The Executive Officers have consulted and conclude that transferring jurisdiction for these proposals would greatly simplify processing.

**RECOMMENDATION** – It is recommended that Contra Costa LAFCO agree to assume exclusive jurisdiction for these proposals and authorize LAFCO staff to send a letter (Attachment 2) to Alameda LAFCO requesting a transfer of jurisdiction in conjunction with these proposals.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment 1 - Draft Letter to Alameda LAFCO Requesting Transfer of Jurisdiction

c: Rachel Jones, Executive Officer, Alameda LAFCO  
Jack Flynn, Customer Services Manager, EBMUD  
Taso Tsakos, Landowner  
John Mellar, Aliquot Engineers



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November 10, 2021

Attachment 1

Rachel Jones, Executive Officer  
Alameda LAFCO  
224 West Winton, Suite 110  
Hayward, California 94544

Dear Ms. Jones:

Contra Costa LAFCO recently received applications to amend the sphere of influence (SOI) for the East Bay Municipal Utility District (EBMUD) and a corresponding annexation application. The subject parcel (Assessor Parcel Number 198-230-017) is located at 285 Lark Lane in unincorporated Alamo. The parcel totals 18.34± acres. Municipal water is needed to support a proposed single-family home. Numerous attempts have been made at local well digging with no success.

Since Alameda is the principal county for EBMUD, this is a formal request, pursuant to Government Code §§56387 and 56388 and our *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs*, that Alameda LAFCO grant exclusive jurisdiction to Contra Costa LAFCO for the proposed SOI amendment and corresponding boundary change. This request for transfer of jurisdiction was approved by Contra Costa LAFCO on November 10, 2021 at which time the Commission agreed to assume exclusive jurisdiction for the proposed SOI amendment and boundary change subject to Alameda LAFCO's approval of a transfer of jurisdiction.

We previously sent the landowner's payment to Alameda LAFCO of \$300 for the transfer of jurisdiction. We respectfully request that this matter be placed on your next available LAFCO agenda for consideration. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

c: Jack Flynn, Customer Services Manager, EBMUD  
Taso Tsakos, Landowner



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November 10, 2021

Contra Costa Local Agency Formation Commission  
40 Muir Road, 1<sup>st</sup> Floor  
Martinez, CA 94553

**November 10, 2021**  
**Agenda Item 9**

**First Quarter Budget Report - Fiscal Year 2021-22**

Dear Members of the Commission:

This is the first quarter budget report for FY 2021-22, which compares adopted and actual expenses and revenues for the period July 1, 2021 through September 30, 2021.

The LAFCO operating budget includes several components: salaries/benefits, services/supplies, a contingency/reserve fund, Other Post-Employment Benefits (OPEB) Trust, and retirement pre-funding account. The budget is based on the “bottom line,” which allows for variation within line-item accounts if the overall balance remains positive. Funds may not be drawn from the contingency/reserve without Commission approval.

The LAFCO budget is funded primarily by the County, cities, and independent special districts, with each group paying one-third of the LAFCO expenses. The County pays one-third and the city and district shares are prorated based on general revenues reported to the State Controller’s Office. LAFCO also receives revenue through application fees and interest earnings.

**DISCUSSION**

On June 9, 2021, LAFCO adopted its final FY 2021-22 budget with total appropriations of \$874,131, which includes an \$80,000 contingency/reserve fund, a contribution of \$25,000 to fund the OPEB liability, and a contribution of \$30,000 to pre-fund LAFCO’s retirement account with the Contra Costa County Employees’ Retirement Association (CCCERA).

With 25% of the fiscal year elapsed, the Commission’s first quarter total expenditures are \$175,423 or 20% of total appropriations. The Commission budgeted \$380,045 in *salaries/employee benefits* (S&EB) for FY 2021-22; at the end of the first quarter, actual S&EB expenses total \$90,224 or 24% of the budgeted amount. The Commission budgeted \$359,086 in *services/supplies*; and at the end of the first quarter, actual expenses total \$38,199 or 11%. The Commission also budgeted \$30,000 for the CCCERA pension obligation payment. It was determined that a true up surplus of

approximately \$50,000 remained at the close of FY 2020-21. A portion of these funds was used to off-set the FY 2021-22 account thus reducing LAFCO's contribution from \$30,000 to \$22,000.

The primary sources of revenue are local agency contributions, application fees, and available fund balance. Total revenues received during the first quarter are \$871,187 (including fund balance) or approximately 99.7% of projected revenues. As of this writing, all local agencies have remitted their annual payments to LAFCO. The Auditor's Office and LAFCO staff agreed to waive apportionment payments which are less than \$6.00 and have waived payments for RD 2090, RD 2117, and RD 2122. Further, these agencies reported no revenue to the State Controller's Office.

As for application fees, first quarter FY 2021-22 application activity is greater than FY 2020-21 activity. During the first quarter of FY 2021-22, LAFCO received four new applications, whereas, during the first quarter of FY 2020-21 LAFCO received one new application.

Other revenue includes investment earnings through the OPEB trust account, which remains in that account, and fund balance. LAFCO budgets a portion of its fund balance annually to offset agency contributions. The FY 2021-22 budget includes \$175,000 in budgeted fund balance. See table below for a summary of first quarter expenditures and revenues.

<b>Account</b>	<b>FY 2021-22 Final Budget</b>	<b>First Quarter Actuals</b>
Salaries & Benefits	\$ 380,045	\$ 90,224
Services & Supplies	359,086	38,199
Contingency/Reserve	80,000	0
OPEB Trust	25,000	25,000
CCCERA Pre-Fund	30,000	22,000
<b>Total Appropriations</b>	<b>\$ 874,131</b>	<b>\$ 175,423</b>
Agency Contributions	\$ 674,131	\$ 674,125
Application/Other Revenue	25,000	22,062
Interest Earnings	-	-
Fund Balance	175,000	175,000
<b>Total Revenues</b>	<b>\$ 874,131</b>	<b>\$ 871,187</b>

No budget adjustments are recommended at this time. LAFCO staff will continue to closely monitor the budget, and keep the Commission apprised.

### **RECOMMENDATION**

It is recommended that the Commission receive the FY 2021-22 first quarter budget report.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER



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November 10, 2021

Contra Costa Local Agency Formation Commission  
40 Muir Road, First Floor  
Martinez, CA 94553

**November 10, 2021  
Agenda Item 10**

**Legislative Update**

Dear Members of the Commission:

The first year of the 2021-22 legislative session has ended. The Legislature reconvenes the 2021-22 Legislative Session in January 2022.

The deadline for the Governor to sign/veto bills this year was October 10, 2021. CALAFCO was tracking eight "Priority 1" bills, two "Priority 2" bills, and 23 "Priority 3" bills.

The "Priority 1" bills included three related to open and public meetings and teleconference/remote participation including **AB 339** (Lee) which was vetoed, **AB 361** (Rivas) which was chaptered, and **AB 703** (Rubio) which failed deadline and may be acted upon in 2022. The annual CALAFCO omnibus bill **AB 1581** (Committee on Local Government) was signed by the Governor on June 28<sup>th</sup> as were the three validations bills (**SB 810**, **SB 811**, **SB 812**). **AB 1195** (Garcia) related to affordable drinking water failed deadline and may be acted on in 2022. CALAFCO issued a letter of concern regarding **AB 1195**. For details regarding other CALAFCO tracked bills see attached.

On October 22<sup>nd</sup> the Legislative Committee met and approved amendments to the CALAFCO Legislative Guidelines, Legislative Policies, omnibus bill proposals, and CALAFCO sponsored bills all subject to approval by the CALAFCO Board of Directors on November 12, 2021.

*Informational only - no vote required*

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment 1 – CALAFCO Legislative Report

# CALAFCO Daily Legislative Report as of Tuesday, November 02, 2021

Attachment 1

1

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

**Current Text:** Vetoed: 10/7/2021 [html](#) [pdf](#)

**Introduced:** 1/28/2021

**Last Amended:** 9/3/2021

**Status:** 10/7/2021-Vetoed by the Governor

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

### Calendar:

1/3/2022 #22 ASSEMBLY GOVERNOR'S VETOES

### 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.

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.

The amends of 8/25/21 are related to chaptering with AB 361.

UPDATE: Amendments from 9/3 are minor and technical in nature.

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

**Current Text:** Chaptered: 9/16/2021 [html](#) [pdf](#)

**Introduced:** 2/1/2021

**Last Amended:** 9/3/2021

**Status:** 9/16/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 165, Statutes of 2021.

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

**Summary:**

Would, until January 1, 2024, 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 telecon.

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).

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 telecon methods to meet and specifies requirements for those meetings.

UPDATE: The amendment of 8/31/21 adds an urgency clause which means there will be little to no break in the Governor's Executive Order for meeting remotely. The amendments of 9/3/21 add 89305.6 to the Education Code and 11133 to the Government Code to cover Boards of Education and state 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)

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

**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:** 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was N.R. & W. on 6/9/2021)(May be acted upon Jan 2022)

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

**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:**

[CALAFCO Letter of Concern - April 2021](#)

[AB 1195 Fact Sheet](#)

**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.

As amended on 5-24-21, the bill changes the water rights provision now requiring approval by the water Board; uses the definitions of "at risk system" and "at risk domestic well" found in SB 403 (Gonzalez) as well as the 3,300 connect cap; requires the commissioner appointed by the board to be from the local area; requires the commissioner to do certain things prior to completing the regional plan; and requires the commissioner to apply to LA LAFCo for extension of service, consolidation or dissolution as appropriate. The bill also creates a pilot program for LA LAFCo giving them the authority to take action rather than the water board, providing it is within 120 days of receipt of a completed application. If the LAFCo fails to take action within that time, the matter goes to the water board for their action.

The pilot program also gives LA LAFCo the authority to approve, approve with conditions or deny the application; further giving LAFCo authority to consider consolidation or extension of service with a local publicly owned utility that provides retail water, a private water company or mutual; the bill also waives protest proceedings, gives the LAFCo authority to address governance structure and CEQA is waived, provides full LAFCo indemnification and funding.

There are still issues with the proposed technical advisory board section of the bill, and questions about timing of some of the processes. CALAFCO continues to work with the author and speakers' offices as well as other stakeholders on ongoing amendments.

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.

THIS IS NOW A 2-YEAR BILL.

**Current Text:** Chaptered: 6/29/2021 [html](#) [pdf](#)

**Introduced:** 3/9/2021

**Last Amended:** 4/19/2021

**Status:** 6/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 31, Statutes of 2021.

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

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires, when a proposed change of organization or reorganization applies to 2 or more affected counties, that exclusive jurisdiction vest in the commission of the principal county, unless certain things occur. This bill would add the determination of a sphere of influence to the types of proposed changes for which exclusive jurisdiction may or may not vest in a principal county.

**Attachments:**

[LAFCo Template Request Gov Signature](#)

[CALAFCO Request Governor Signature June 2021](#)

[LAFCo Support letter template](#)

[CALAFCO Support letter](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

**CALAFCO Comments:** This is the annual ALGC Omnibus bill which CALAFCO sponsors. Sections amended are: 56133(a) and (f); 56325.1 (renumbered to 56331.4); 56427; and 56879(a).

As amended on 4/19, additional sections amended include 56066, 56123, 56124, 56375. Further the bill repeals sections 56375.2, 56387, 56388, 56747, 56760, 57001.1, 57075.5, 57202.1 and 57383.

**SB 810 (Committee on Governance and Finance) Validations.**

**Current Text:** Chaptered: 6/29/2021 [html](#) [pdf](#)

**Introduced:** 2/23/2021

**Status:** 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 36, Statutes of 2021.

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

**Summary:**

This bill would enact the First Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

**Attachments:**

[CALAFCO Support Letter March 2021](#)

**Position:** Support

**Subject:** Other

**CALAFCO Comments:** These are the annual validating Acts.

**SB 811 (Committee on Governance and Finance) Validations.**

**Current Text:** Chaptered: 6/29/2021 [html](#) [pdf](#)

**Introduced:** 2/23/2021

**Status:** 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 37, Statutes of 2021.

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

**Summary:**

This bill would enact the Second Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts,

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

**Attachments:**

[CALAFCO Support Letter March 2021](#)

**Position:** Support

**Subject:** Other

**CALAFCO Comments:** These are the annual validating Acts.

**[SB 812](#) (Committee on Governance and Finance) Validations.**

**Current Text:** Chaptered: 6/29/2021 [html](#) [pdf](#)

**Introduced:** 2/23/2021

**Status:** 6/28/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 38, Statutes of 2021.

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

**Summary:**

This bill would enact the Third Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:**

[CALAFCO Support Letter March 2021](#)

**Position:** Support

**Subject:** Other

**CALAFCO Comments:** These are the annual validating Acts.

**[AB 1250](#) (Calderon D) Water and sewer system corporations: consolidation of service.**

**Current Text:** Chaptered: 10/8/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Last Amended:** 7/5/2021

**Status:** 10/8/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 713, Statutes of 2021.

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

**Summary:**

The California Safe Drinking Water Act provides for the operation of public water systems, which include small community water systems, and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the Public Utilities Commission through an order authorizing the water or sewer system corporation to consolidate with a small community water system or state small water identified as failing or at risk of failing by the state board.

**Attachments:**

[AB 1250 Fact Sheet 2021](#)

**Position:** Watch

**Subject:** Municipal Services, Water

**CALAFCO Comments:** The intent of the bill is to prescribe response timelines for the PUC in terms of processing consolidations. This bill creates the Consolidation for Safe Drinking Water Act of 2021. The bill allows a water or sewer corp to file an application with the Public Utilities Commission (PUC) to approve to consolidate with a public or state small system. The bill requires the PUC to act on the application within 8 months of receipt. If a consolidation is valued at \$5 million or less, the water or sewer corp can file an advise letter and get the PUC approval via resolution. In this instance, the PUC has 120 days to act on the request. The bill also give the PUC authority to designate a different procedure to request consolidation for systems valued less than \$5M.

The bill requires the PUC to prioritize consolidation requests based on compliance records and requires the entity requesting consolidation to conduct a thorough public process.

The bill is sponsored by the California Water Association and does not have an impact on LAFCOs. Nevertheless, CALAFCO will keep a watch on the bill. A fact sheet is posted in the tracking section of the bill.

The amendments on 5/24/21 establish the Consolidation For Safe Drinking Water Fund, with all moneys available, upon appropriation, going to the PUC in order to process the applications and cover any associated regulatory costs, and requires a water or sewer system corporation to pay a fee of \$10,000 when filing an application pursuant to the above provision and requires the fee to be deposited into the fund.

UPDATE: The 7/5/21 amendments change the type of system focused for consolidation from public to small community. Also adds the ability to consolidate systems to include state small systems, and no longer requires the consolidation to be into a public system. Also extended the PUC timeline to approve or deny an application for consolidation from 8 to 12 months.

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

**Current Text:** Chaptered: 9/23/2021 [html](#) [pdf](#)

**Introduced:** 2/12/2021

**Last Amended:** 7/5/2021

**Status:** 9/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 242, Statutes of 2021.

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

**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 revise those consolidation provisions, including, among other revisions, authorizing 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 Removal of Opposition Letter June 2021](#)

[CALAFCO Oppose Unless Amended Letter April 2021](#)

[SB 403 Fact Sheet 2021](#)

**Position:** Neutral

**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.

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.

Amends from 6/8/21 add a requirement for the Water Board to consult with GSAs. This is the last remaining amendment requested by CALAFCO so we have removed our opposition and gone to Neutral. The other amendment in this version simply reorders a subsection with no substantive impacts.

UPDATE: Amended on 7/5, the bill now requires the water board to consult with the potentially receiving water system and adds language that specifies the input allowed by that system (amendments requested by ACWA and granted during the ALGC hearing).

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#### **AB 11 (Ward D) Climate change: regional climate change authorities.**

**Current Text:** Amended: 1/21/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 1/21/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 1/11/2021)(May be acted upon Jan 2022)

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

**Summary:**

Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.

**Attachments:**

[AB 11 Fact Sheet](#)

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** As amended on 1/21/21, this bill authorizes/requires the Strategic Growth Council (SGC) to establish up to 12 regional climate change authorities by January 1, 2023, to include local agencies and regional stakeholders. The SGC is required to adopt guidelines that: (1) Define the authority; (2) Include guidelines for establishing an authority via a stakeholder-driven process; (3) Consult with OPR (and other state authorities) in development of the guidelines and award annual grants to authorities.

The bill outlines the regional climate change authorities in summary as: coordination, capacity-building, and technical assistance activities within their boundaries, promote regional alignment and assist local agencies in creating and implementing plans developed pursuant to Section 65302 of the Government Code, other federal or state mandates, and programs designed address climate change impacts and risks. The bill also requires the authority to submit annual reports to the SGC, with the scope of the report outlined in the bill.

This is an author-sponsored bill. There is no appropriation to fund the cost of the program. A fact sheet is posted in the tracking section of the bill.



UPDATE 3/17/21: CALAFCO learned from the author's office they do not intend to move the bill forward, but instead work with Assm. Mullin on AB 897 and merge the two bills.

**AB 473 (Chau D) California Public Records Act.**

**Current Text:** Chaptered: 10/7/2021 [html](#) [pdf](#)

**Introduced:** 2/8/2021

**Last Amended:** 8/16/2021

**Status:** 10/7/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 614, Statutes of 2021.

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

**Summary:**

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.

**Position:** Watch

**Subject:** Public Records Act

**CALAFCO Comments:** This bill is a redo of AB 2138 from 2020 that did not move forward. According to the author's office, this bill and AB 474 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

UPDATE: Amendments of 8/16/21 are to insert enactment clause relating to AB 386, AB 562 and AB 823.

**AB 474 (Chau D) California Public Records Act: conforming revisions.**

**Current Text:** Chaptered: 10/7/2021 [html](#) [pdf](#)

**Introduced:** 2/8/2021

**Last Amended:** 8/16/2021

**Status:** 10/7/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 615, Statutes of 2021.

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

**Summary:**

Would enact various conforming and technical changes related to another bill, AB 473, which recodifies and reorganizes the California Public Records Act. This bill would only become operative if AB 473 is enacted and reorganizes and makes other nonsubstantive changes to the California Public Records Act that become operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

**Position:** Watch

**Subject:** Public Records Act

**CALAFCO Comments:** This bill is a redo of AB 2438 from 2020 that did not move forward. According to the author's office, this bill and AB 473 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

Amendments of 5/27 are technical and minor in nature, and make it the conforming act to AB 473.

UPDATE: Amendments from 8/16/21 and 6/21/21 are only minor, technical clean-up amends.

**AB 897 (Mullin D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.**

**Current Text:** Amended: 7/14/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 7/14/2021

**Status:** 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/16/2021)(May be acted upon Jan 2022)

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

**Summary:**

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

**Attachments:**

[CALAFCO Support July 2021](#)  
[AB 897 Fact Sheet](#)

**Position:** Support

**Subject:** Climate Change

**CALAFCO Comments:** As introduced, the bill builds 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.

As amended, the bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. The bill outlines the authority of a regional climate network, and defines eligible entities. Prior versions of the bill kept the definition as rather generic and with each amended version gets more specific. As a result, CALAFCO has requested the author add LAFCOs explicitly to the list of entities eligible to participate in these regional climate networks.

As amended on 4/7, AB 11 (Ward) was joined with this bill - specifically found in 71136 in the Public Resources Code as noted in the amended bill. Other amendments include requiring OPR to, before 7-1-22, establish geographic boundaries for regional climate networks and prescribes requirements in doing so.

This is an author-sponsored bill. The bill necessitates additional resources from the state to carry out the additional work required of OPR (there is no current budget appropriation). A fact sheet is posted in the tracking section of the bill.

As amended 4/19/21: There is no longer a requirement for OPR to include in their guidelines how a regional climate network may develop their plan: it does require ("may" to "shall") a regional climate network to develop a regional climate adaptation plan and submit it to OPR for approval; adds requirements of what OPR shall publish on their website; and makes several other minor technical changes.

As amended 7/1/21, the bill now explicitly names LAFCo as an eligible entity. It also adjusts several timelines for OPR's requirements including establishing boundaries for the regional climate networks, develop guidelines and establish standards for the networks, and to make recommendations to the Legislature related to regional adaptation. Give the addition of LAFCo as an eligible entity, CALAFCO is now in support of the bill.

Amendments of 7/14/21, as requested by the Senate Natural Resources & Water Committee, mostly do the following: (1) Include "resilience" to climate adaptation; (2) Prioritize the most vulnerable communities; (3) Add definitions for "under-resourced" and "vulnerable" communities; (4) Remove the requirement for OPR to establish geographic boundaries for the regional climate networks; (5) Include agencies with hazard mitigation authority and in doing so also include the Office of Emergency Services to work with OPR to establish guidelines and standards required for the climate adaptation and resilience plan; and (6) Add several regional and local planning

documents to be used in the creation of guidelines.

UPDATE: The bill was held in Appropriations as a 2-year bill.

**[AB 903](#) (Frazier D) Los Medanos Community Healthcare District.**

**Current Text:** Amended: 4/19/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 4/19/2021

**Status:** 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 5/19/2021)(May be acted upon Jan 2022)

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

**Summary:**

Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to develop and conduct the Los Medanos Area Health Plan Grant Program focused on comprehensive health-related services in the district's territory. The bill would require the county to complete a property tax transfer process to ensure the transfer of the district's health-related ad valorem property tax revenues to the county for the sole purpose of funding the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as specified, the bill would impose a state-mandated local program.

**Position:** Watch

**CALAFCO Comments:** 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. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

The amendment on 4/5/21 was just to correct a typo in the bill.

As amended on 4/19/21, the bill specifies monies received by the county as part of the property tax transfer shall be used specifically to fund the Los Medanos Area Health Plan Grant Program within the district's territory. It further adds a clause that any new or existing profits shall be used solely for the purpose of the grant program within the district's territory.

UPDATE: The bill did not pass out of Senate Governance & Finance Committee and will not move forward this year. It may be acted on in 2022.

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

**Current Text:** Chaptered: 9/23/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 8/16/2021

**Status:** 9/23/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 268, Statutes of 2021.

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

**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 3 or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, to organize and incorporate, but requires that all the territory in the proposed district be contiguous. Current law requires the board of directors to superintend, control, and make available to all the inhabitants of the district all public recreation lands and facilities, as provided. Current law requires the board of directors to act only by ordinance, resolution, or a motion duly recorded in the minutes of the meeting. This bill would authorize the board of directors of a district, by ordinance, to declare an encroachment onto district lands constitutes a nuisance.

**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.

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.

The amendment of 6/18/21 corrects a code citing.

The amendments of 7/6/21 do several things: (1) change the definition of nuisance to an encroachment onto district land; (2) allows the district to establish nuisance abatement procedures upon adoption of an ordinance; (3) specifies the requirements of the nuisance abatement procedures; and (4) still allows the district to collect abatement costs with a clearly defined process.

UPDATE: The amendments of 8/16/21 are minor in nature and add language requiring hearing notification to and certain responsibilities for the party who is responsible for the nuisance.

**AB 975 (Rivas, Luz D) Political Reform Act of 1974: statement of economic interests and gifts.**

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

**Introduced:** 2/18/2021

**Last Amended:** 5/18/2021

**Status:** 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 6/1/2021)(May be acted upon Jan 2022)

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

**Summary:**

The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. The Fair Political Practices Commission is the filing officer for statewide elected officers and candidates and other specified public officials. If the Commission is the filing officer, the public official generally files with their agency or another person or entity, who then makes a copy and files the original with the Commission. This bill would revise and recast these filing requirements to make various changes, including requiring public officials and candidates for whom the Commission is the filing officer to file their original statements of economic interests electronically with the Commission.

**Position:** Watch

**Subject:** FPPC

**CALAFCO Comments:** As introduced, this bill makes two notable changes to the current requirements of gift notification and reporting: (1) It increases the period for public officials to reimburse, in full or part, the value of attending an invitation-only event, for purposes of the gift rules, from 30 days from receipt to 30 days following the calendar quarter in which the gift was received; and (2) It reduces the gift notification period for lobbyist employers from 30 days after the end of the calendar quarter in which the gift was provided to 15 days after the calendar quarter. Further it requires the FPPC to have an online filing system and to redact contact information of filers before posting.

The amendment on 4/21/21 just corrects wording (technical, non-substantive change).

The amendments on 5/18/21 clarify who is to file a statement of economic interest to include candidates (prior text was office holders).

**AB 1021 (Mayes I) Imperial Irrigation District.**

**Current Text:** Vetoed: 10/5/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 8/19/2021

**Status:** 10/5/2021-Vetoed by Governor.

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

**Calendar:**

1/3/2022 #12 ASSEMBLY GOVERNOR'S VETOES

**Summary:**

Would require the local agency formation commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet websites a joint study of options for providing continued publicly owned and managed electrical service in perpetuity to the Imperial Irrigation District's electrical service area, as defined, customers and options for alternative governance structures that would extend voting rights to registered voters who reside within the Imperial Irrigation District electrical service area to provide for proportional representation on a governing board that will have primary jurisdiction on all electrical service matters, as specified. The bill would require the study to be published no later than July 1, 2022. By imposing new duties on the specified local agency formation commissions, the bill would impose a state-mandated local program.

**Attachments:**

[CALAFCO Oppose Unless Amended 5-26-21](#)

**Position:** Oppose unless amended

**Subject:** Special Districts Governance

**CALAFCO Comments:** As amended on 3/18/21, the bill focuses on the Imperial Irrigation District. The bill requires Imperial and Riverside LAFcos to conduct a special study of voting rights and options for providing electricity in the district area should the district decide it no longer desires to provide that serve, to be completed by December 31, 2022, as an unfunded mandate. The bill also requires membership of the district board to increase from 5 to 8 members, with the additional 3 members residing in Riverside County in the area being serviced by the district and appointed by the County Supervisor of that County district. The three new members will be non-voting members.

CALAFCO met with the author's staff on March 18 to discuss concerns on the bill, with input from Riverside and Imperial LAFcos (who will meet with the author's office as well). Concerns include: (1) The unfunded mandate and timing of the study; (2) As representation in the Riverside County service area is the issue, governance structure should also be a part of the study; (3) Section 21562.6 of the Water Code as added is far too vague. CALAFCO offered specific suggestions for clarification in this section.

This bill is similar to AB 854 (2019), which died in Appropriations. CALAFCO had a Watch position on that bill as the two member LAFcos had opposing positions, and this is a local matter. However, there is concern about requiring a study without funding (the last time the Legislature mandated a special study on a district it required the study be funded by the district).

The bill is author-sponsored and as of now there is no budget appropriation to cover cost.

As amended on 4/19/21, the bill makes substantive changes including: (1) Requires state funding for the study and prescribes an 18-month timeline for completion upon receipt of funds; (2) Adds study content of options for governance structure of the district; (3) Changes the number from 3 to 1 of nonvoting board members appointed to the district Board; and (4) Specifies requirements for the appointment.

The amendments of 5/24/21 remove the funding for the special study, making it an unfunded mandate. The bill also now requires the study to be completed by 7-1-23. As a result of the funding removal and the concerning precedent setting nature of requiring LAFco to conduct a special study without funding, CALAFCO has taken an OPPOSE UNLESS AMENDED position requesting funding be restored.

As amended 7/1/21, the bill: (1) has an urgency clause; (2) requires the study to be completed by 7-1-22 (instead of 7-1-23), and (3) removes voting rights from the study. There is still no funding written into the bill, although budget trailer bill SB 129 contains the appropriation. As the appropriation of \$500,000 goes directly to the County of Riverside, a process by which both LAFcos receive that funding must be established and outlined within the text of the bill. CALAFCO will remain opposed until that is completed.

The amendments of 8/16/21 add specificity to the study requirements; adds an effective date to section 21562.6 (1-1-23); adds the the newly added Board of Director is specific to electrical issues of the district; requires the district's general counsel to determine which issues coming before the board are electrical-related; provides a term end date for the electrical service board member should the district no longer serve 60%+ customers within the electrical service area; and

adds a definition for "electrical issue".

UPDATE: The amendments of 8/19 completely removed everything in the bill except the requirement for Riverside and Imperial LAFCOs to conduct the joint study. The bill still has no funding language in to so we will retain our Oppose Unless Amended position.

**[AB 1053](#) (Gabriel D) City selection committees: County of Los Angeles: quorum: teleconferencing.**

**Current Text:** Amended: 4/20/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 4/20/2021

**Status:** 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/18/2021)(May be acted upon Jan 2021)

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

**Summary:**

Current law creates a city selection committee in each county that consists of 2 or more incorporated cities for the purpose of appointing city representatives to boards, commissions, and agencies. Under current law, a quorum for a city selection committee requires a majority of the number of the incorporated cities within the county entitled to representation on the city selection committee. Current law requires a city selection committee meeting to be postponed or adjourned to a subsequent time and place whenever a quorum is not present at the meeting. This bill, for the city selection committee in the County of Los Angeles, would reduce the quorum requirement to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to items that appeared on the immediately preceding agenda where a quorum was not established.

**Attachments:**

[CALAFCO Removal of Opposition Letter April 2021](#)

[CALAFCO Oppose Unless Amended April 2021](#)

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** As amended on 3/18/21, the bill reduces the quorum requirement for a city selection committee to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to replicate the meeting for which a quorum was not established. The bill also authorizes a city selection committee to conduct their meetings be teleconference and electronic means.

The bill is sponsored by the Las Virgenes-Malibu Council of Governments.

CALAFCO's letter of Oppose Unless Amended is posted in the bill detail area.

UPDATE AS OF 4/21/21 - As amended on 4/20/21, the scope of the bill is significantly narrowed to apply only to the County of Los Angeles' City Selection Committee. This amendment resolves CALAFCO's concerns and we have removed our opposition and will retain a Watch position. CALAFCO's letter of opposition removal is posted in the bill detail area.

UPDATE: The bill failed to move out of committee so it is now a 2-year bill.

**[AB 1246](#) (Nguyen R) Community services districts.**

**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 PRINT on 2/19/2021)(May be acted upon Jan 2021)

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

**Summary:**

Current law, the Community Services District Law, authorizes the formation of community services districts for various specified purposes, including supplying water, treating sewage, disposing of solid waste, and providing fire protection. The law specifies its relation and effect on certain districts organized pursuant to former laws and to actions taken by them, among other things. This bill would make nonsubstantive changes to those provisions.

**Position:** Watch



**CALAFCO Comments:** This is a spot bill.

**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)

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

**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:** Chaptered: 9/16/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 7/5/2021

**Status:** 9/16/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 163, Statutes of 2021.

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

**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 or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. 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. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.

**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.

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).

The amendments on 5/26 prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel zoned pursuant to these provisions from being approved ministerially or by right or from being exempt from CEQA, except as specified, and repeal these provisions on January 1, 2029.

The 6/24/21 amendments prohibit an ordinance adopted pursuant to the provisions in this bill from superseding any local restrictions brought about by a local voter initiative; requires an ordinance to be adopted by 2/3 vote of the governing body if the ordinance supersedes any zoning restriction established by a local voter initiative; and completely removes SECTION 1 (the addition of Sec. 4752 to the Civil Code).

UPDATE: The 7/5/21 amendments remove the requirements added on 6/24 pertaining to zoning restrictions that a local initiative be a voter initiated initiative. Also makes minor changes to the timing of the bus corridor criteria.

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

**Current Text:** Amended: 7/1/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 7/1/2021

**Status:** 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was H. & C.D. on 6/24/2021)(May be acted upon Jan 2022)

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

##### **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:** Chaptered: 10/4/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 6/28/2021

**Status:** 10/4/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 482, Statutes of 2021.

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

##### **Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 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.

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.

UPDATE: Amendments from 6/28/21 are minor in nature and serve as clean-up.

**[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)

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

**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.

**SB 96 (Dahle R) Fallen Leaf Lake Community Services District Fire Department Protection Act of 2021: elections.**

**Current Text:** Introduced: 12/21/2020 [html](#) [pdf](#)

**Introduced:** 12/21/2020

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 1/28/2021)(May be acted upon Jan 2022)

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

**Summary:**

Would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding existing law, would provide that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District, as specified. The bill would require the designations of voters and authority of legal representatives to be filed with the El Dorado County elections official and the secretary of the Fallen Leaf Lake Community Services District and maintained with the list of qualified voters of the district. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Subject:** Special Districts Governance

**CALAFCO Comments:** This bill is the same as SB 1180 from 2020 which did not move through the legislature. It is a local El Dorado County/district bill. This bill does several things. (1) Provides that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services. (2) The bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on their behalf, regardless of the number of parcels in the district owned by the nonresident voter. (3) This bill would prohibit the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection and medical services, including emergency response and services, as well as parks and recreation services and facilities.

CALAFCO is working with the sponsors of the bill and the SGFC on a broader solution to this problem, which is not exclusive to this district.

**SB 261 (Allen D) Regional transportation plans: sustainable communities strategies.**

**Current Text:** Introduced: 1/27/2021 [html](#) [pdf](#)

**Introduced:** 1/27/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/15/2021)(May be acted upon Jan 2022)

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

**Summary:**

current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires that each regional transportation plan include a sustainable communities strategy developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 established by the State Air Resources Board. This bill would require that the sustainable communities strategy be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the board. The bill would make various conforming changes to integrate those additional targets into regional transportation plans.

**Position:** Watch

**Subject:** Sustainable Community Plans

**SB 273 (Hertzberg D) Water quality: municipal wastewater agencies.**

**Current Text:** Chaptered: 9/23/2021 [html](#) [pdf](#)

**Introduced:** 1/29/2021

**Last Amended:** 6/21/2021

**Status:** 9/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 241, Statutes of 2021.

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

**Summary:**

Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, as defined, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The bill would require a municipal wastewater agency that enters into or amends one of these agreements after January 1, 2022, to file a copy of the agreement or amendment with the local agency formation commission in each county where any part of the municipal wastewater agency's territory is located, but would exempt those agreements and amendments from local agency formation commission approval except as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**Attachments:**

[CALAFCO Support June 2021](#)

[SB 273 Fact Sheet](#)

**Position:** Support

**Subject:** Municipal Services

**CALAFCO Comments:** This bill is a redo of SB 1052 from 2020 that was not moved forward because of the pandemic. This bill adds authority to municipal wastewater agencies as outlined in 13911(a) and (b) relating to stormwater runoff and management. The bill authorizes this additional authority while keeping the LAFCo process to activate these latent powers intact.

UPDATE: The amendment of 6/21/21 adds a requirement that upon entering into the agreement, the agency has 30 days to file a copy of that agreement or amended agreement with the LAFCO, as requested by CALAFCO.

The bills is sponsored by the CA Assn of Sanitation Agencies. A fact sheet is posted in the tracking section of the bill.

**SB 274 (Wieckowski D) Local government meetings: agenda and documents.**

**Current Text:** Chaptered: 10/9/2021 [html](#) [pdf](#)

**Introduced:** 1/29/2021

**Last Amended:** 4/5/2021

**Status:** 10/9/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 763, Statutes of 2021.

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

**Summary:**

The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

**Attachments:**

[CALAFCO Support SB 274 \(3-15-21\)](#)

[SB 274 Fact Sheet](#)

**Position:** Support

**Subject:** Public Records Act

**CALAFCO Comments:** This bill is a modified redo of SB 931 from 2020 that did not move forward because of the pandemic. This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it or the link to the website where the documents can be accessed (current law requires the mailing of such documents upon request, this bill adds the option to email if requested). A fact sheet is posted in the tracking section of the bill.

The amendment on 4/5/21 was to correct a typo reflecting the authority to email information.

**[SB 475](#) (Cortese D) Transportation planning: sustainable communities strategies.**

**Current Text:** Amended: 3/10/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 3/10/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/26/2021)(May be acted upon Jan 2022)

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

**Summary:**

Would require the State Air Resources Board, on or before June 30, 2023, and in coordination with the California Transportation Commission and the Department of Housing and Community Development, to issue new guidelines on sustainable communities strategies and require these guidelines to be updated thereafter at least every 4 years. The bill would delete the provisions related to the Regional Targets Advisory Committee and instead require the State Air Resources Board to appoint, on or before January 31, 2022, the State-Regional Collaborative for Climate, Equity, and Resilience, consisting of representatives of various entities. The bill would require the State-Regional Collaborative for Climate, Equity, and Resilience to develop a quantitative tool for metropolitan planning organizations to use to evaluate a transportation plan's consistency with long-range greenhouse gas emission reduction targets and recommend guidelines for metropolitan planning organizations to use when crafting long-range strategies that integrate state goals related to climate resilience and social equity.

**Position:** Watch

**Subject:** Sustainable Community Plans

**[SB 499](#) (Leyva D) General plan: land use element: uses adversely impacting health outcomes.**

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

**Introduced:** 2/17/2021

**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 2/25/2021)(May be acted upon Jan 2022)

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

**Summary:**

Would prohibit the land use element from designating land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes in disadvantaged communities to be located, or to materially expand, within or adjacent to a disadvantaged community or a racially and ethnically concentrated area of poverty. By expanding

the duties of cities and counties in the administration of their land use planning duties, the bill would impose a state-mandated local program.

**Attachments:**

[SB 499 Fact Sheet](#)

**Position:** Watch

**Subject:** Disadvantaged Communities

**CALAFCO Comments:** As introduced, this bill would prohibit the land use element of a general plan from designating or expanding land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes within or adjacent to disadvantaged communities (DACs) or a racially and ethnically concentrated area of poverty.

The sponsor of this bill is the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

**[SB 574](#) (Laird D) Agricultural preserves: Williamson Act.**

**Current Text:** Chaptered: 10/7/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 3/4/2021

**Status:** 10/7/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 644, Statutes of 2021.

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

**Summary:**

Under the California Land Conservation Act of 1965, the board of supervisors or city council may grant tentative approval for a cancellation by petition of a landowner as to all or any part of land subject to a contract, as specified. Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction, and requires the assessor to send the fair market value to the Department of Conservation, hereafter department, at the same time the assessor sends the value to the landowner. Current law provides for a certificate of tentative cancellation upon tentative approval of a petition by a landowner accompanied by a proposal for a specified alternative use of the land, as provided. Current law requires the board of supervisors or city council to provide notice to the department related to cancellation of the contract as well as in other specified instances. This bill would revise and recast these provisions to no longer require the assessor to provide notice to the department and to require the board of supervisors or city council to provide notice to the department if the certificate of tentative cancellation is withdrawn, as specified.

**Position:** Watch

**CALAFCO Comments:** This bill narrows the role of Department of Conservation (DOC) in administering the Williamson Act. It does not change other provisions in the Act except for lessening reporting requirements by local governments to the DOC. The bill repeals the ability of the DOC to agree on a cancellation value for contracted land with a landowner, along with the requirement that the department provide a preliminary valuation to the applicable assessor, and repeals the requirement that the DOC approve cancellation of a farmland security contract. The bill also repeals and narrows reporting requirements by requiring the DOC to post all local government reports on Williamson Act lands/contracts on its website rather than create a report and submit to the Legislature. The bill also repeals certain reporting requirements by local governments (cities and counties) to the DOC regarding Williamson Act contracts.

As amended on 3/4/21, the bill requires cities/counties to file annual maps on Act lands; and removes the requirement for state approval for the amount of security to be paid when paying cancellation fee.

CALAFCO will continue to watch this bill to ensure no detrimental changes are made to the Act through future amendments.

**[SB 813](#) (Committee on Governance and Finance) Local Government Omnibus Act of 2021.**

**Current Text:** Chaptered: 9/23/2021 [html](#) [pdf](#)

**Introduced:** 2/23/2021

**Last Amended:** 6/21/2021

**Status:** 9/23/2021-Chaptered by Secretary of State. Chapter 224, Statutes of 2021.

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



**Summary:**

Current law provides that a person who has made an offer to purchase an interest in an undivided-interest subdivision, as specified, and not exempted, has the right to rescind any contract resulting from the acceptance of that offer during a specified timeframe. Current law defines and describes the terms "subdivided lands" and "subdivision" for these purposes. Current law requires any person who intends to offer subdivided lands for sale or lease, as specified, to file with the Bureau of Real Estate an application for a public report consisting of, among other things, a notice of intention and a completed questionnaire. Current law exempts the proposed sale or lease of those lots or other interests in a subdivision that are limited to industrial or commercial uses by law or by a declaration of covenants, conditions, and restrictions that has been recorded in the official records of the county or counties in which the subdivision is located from certain of those provisions relating to the filing of a report with the Bureau of Real Estate and sales contracts. This bill would instead exempt the proposed sale or lease of those lots or other interests from all provisions as specified.

**Position:** Watch

**CALAFCO Comments:** This is the annual Senate Governance & Finance Committee Omnibus bill.

Total Measures: 33

Total Tracking Forms: 33

11/2/2021 1:59:04 PM





## CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

40 Muir Road, 1st Floor • Martinez, CA 94553

e-mail: LouAnn.Teixeira@lafco.cccounty.us

(925) 313-7133

**Lou Ann Teixeira**  
*Executive Officer*

### MEMBERS

**Candace Andersen**  
*County Member*

**Donald A. Blubaugh**  
*Public Member*

**Tom Butt**  
*City Member*

**Igor Skaredoff**  
*Special District Member*

**Federal Glover**  
*County Member*

**Michael R. McGill**  
*Special District Member*

**Rob Schroder**  
*City Member*

### ALTERNATE MEMBERS

**Diane Burgis**  
*County Member*

**Stanley Caldwell**  
*Special District Member*

**Charles R. Lewis, IV**  
*Public Member*

**Edi Birsan**  
*City Member*

November 10, 2021

Contra Costa Local Agency Formation Commission  
40 Muir Road, 1<sup>st</sup> Floor  
Martinez, CA 94553

**November 10, 2021**  
**Agenda Item 11**

## Current and Potential Future LAFCO Applications

Dear Members of the Commission:

### SUMMARY

The Commission will receive a report identifying active applications on file with Contra Costa LAFCO. This report also identifies several potential future applications. This report is presented for information only.

### DISCUSSION

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) delegates LAFCOs with regulatory and planning duties to coordinate the formation and development of local government agencies and their municipal services. This includes approving and disapproving boundary changes, boundary reorganizations, formations, mergers, consolidations, dissolutions, incorporations, sphere of influence (SOI) amendments, and extension of out of agency services. Applications involving jurisdictional changes filed by landowners or registered voters are placed on the Commission’s agenda as information items before action is considered by LAFCO at a subsequent meeting (Gov. Code §56857).

There are currently two approved proposals awaiting completion, 10 current applications that are either incomplete and/or awaiting a hearing date, and several potential future applications.

### Current Proposals – Approved and Awaiting Completion

#### Dissolution of Los Medanos Community Healthcare District (LAFCO 17-13)

The Commission approved the dissolution in September 2018. The dissolution is currently being litigated at the Court of Appeal.

✚ Chang Property Reorganization (LAFCO 18-06)

This is an application filed by the landowner to annex 66.92± acres to the City of San Ramon, Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) and detach the same area from County Service Area (CSA) P-6. The subject area is located at the intersection of Crow Canyon and Bollinger Canyon Roads in unincorporated San Ramon. The Commission approved the boundary reorganization in August 2017 with conditions. One of the conditions has not yet been met. The applicant has requested and received several extensions of time with the current extension to July 9, 2022.

**Current Applications – Under Review**

✚ LAFCO Tassajara Parks Project – Boundary Reorganization (LAFCO 16-06)

This is an application filed by the landowner to annex 30± acres to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD). The project includes development of 125 single-family homes. The subject area is located east of the City of San Ramon and the Town of Danville. The application is currently incomplete.

✚ LAFCO Tassajara Parks Project – SOI Amendments (LAFCO 16-07)

This is an application filed by the landowner to amend the SOIs for CCCSD and EBMUD by 30± acres in anticipation of corresponding annexations. The application is currently incomplete.

✚ Faria Southwest Hills – Boundary Reorganization (LAFCO 21-04)

This is an application filed by the City of Pittsburg to annex 606± to the City of Pittsburg, CCWD and Delta Diablo. The project includes development of up to 1,500 residential units. The application is currently incomplete.

✚ Pantages – Town of Discovery Bay Community Services District (DBCSD) - SOI Amendment (LAFCO 21-06)

This is an application filed by DBCSD to amend the District's SOI by 133.37± acres in anticipation of a corresponding annexation. The application is currently under review.

✚ Pantages – Annexation to DBCSD (LAFCO 21-07)

This is an application filed by DBCSD to annex 202.47± acres. The project includes development of up to 277 single family homes. The application is currently under review.

✚ EBMUD SOI Amendment – 285 Lark Lane – Alamo (LAFCO 21-08)

This is an application filed by the landowner to amend the District's SOI by 3.14± acres in anticipation of a corresponding annexation. The application is currently under review.

✚ Annexation to EBMUD – 285 Lark Lane – Alamo (LAFCO 21-09)

This is an application filed by the landowner to annex 3.14± acres to EBMUD. The application is currently under review.

✚ Annexation to Mt. View Sanitary District (MVSD) – 2984 & 2994 Upton Road – Martinez (LAFCO 21-12)

This is an application filed by the landowner to annex two parcels (2.59± acres) to MVSD. The application is currently under review.

✚ SOI Amendment – Contra Costa County Fire Protection District (CCCFPD) (LAFCO 21-10)

This is an application filed by CCCFPD to expand its SOI to include the East Contra Costa Fire Protection District (ECCFPD) in anticipation of a future annexation.

✚ Annexation of ECCFPD to CCCFPD and Dissolution of ECCFPD (LAFCO 21-11)

This is an application filed by CCCFPD to annex ECCFPD and subsequently dissolve ECCFPD.

**Potential Future Applications**

On April 14, 2021, LAFCO approved the extension of out of agency water service by the City of Martinez to the Bay's Edge Subdivision 9065 located in unincorporated Martinez (Mt. View). LAFCO's approval was conditioned on commitment from the City to submit to LAFCO an application to annex the subject parcels to the City of Martinez by August 31, 2022, in the event the entirety of Mt. View is not annexed to the City prior to that date.

On June 9, 2021, LAFCO approved the extension of out of agency wastewater service by the City of Concord to the Akins property located in unincorporated Concord (Ayers Ranch). LAFCO's approval was conditioned on a commitment from the landowners to submit to LAFCO an application to annex the subject parcel to the City of Concord by May 31, 2022.

There are currently several potential applications that may be submitted to Contra Costa LAFCO in the future including annexations to Byron Bethany Irrigation District, City of Brentwood, City of Concord, Stege Sanitary District, and West County Wastewater District.

**RECOMMENDATION** – Informational item – no actions required.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment 1 – Current Applications Table

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
CURRENT APPLICATIONS – November 10, 2021**

File No.	APPLICATION NAME/LOCATION	APPLICATION SUMMARY	STATUS
16-06	Tassajara Parks Project: proposed annexations to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville	Application submitted in May 2016 by the landowner to annex 30± acres to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) to support development of 125 residential lots and related improvements. On July 13, 2021, the County Board of Supervisors certified the project EIR, amendment the ULL, executed a land preservation agreement, and acted on various discretionary project approvals.	Application is currently incomplete. Await certified EIR, updated application, and other information. The project is currently being litigated.
16-07	Tassajara Parks Project: proposed sphere of influence (SOI) expansions to CCCSD and EBMUD of 30+ acres located east of the City of San Ramon and the Town of Danville	Application submitted in May 2016 by the landowner to amend the SOIs for CCCSD and EBMUD in anticipation of annexation.	Application is currently incomplete. Await certified EIR, updated application, and other information.
17-13	Dissolution of Los Medanos Community Health Care District (LMCHD)	Application submitted in November 2017 by Contra Costa County to dissolve LMCHD.	Dissolution was approved by LAFCO in September 2018 and is currently being litigated at the Court of Appeal.
21-05	Faria Southwest Hills Reorganization: proposed annexations to City of Pittsburg, CCWD and DD of 606± acres located southwest of the City of Pittsburg	Application submitted in June 2021 by City of Pittsburg to annex 606± acres to the City, Contra Costa Water District (CCWD) and Delta Diablo (DD) to support hillside estate development of up to 1,500 units.	Application is currently incomplete. <i>Notice of Incomplete Application</i> issued on 7/21/21.
21-06	Pantages: proposed SOI amendment to Town of Discovery Bay Community Services District (DBCSD)	Application submitted in September 2021 by DBCSD to amend the District's SOI by 133.37± acres in anticipation of annexation	Currently under review
21-07	Pantages: proposed annexation to DBCSD	Application submitted in September 2021 by DBCSD to annex 202.47± to support development of 277 single family homes	Currently under review

<b>File No.</b>	<b>APPLICATION NAME/LOCATION</b>	<b>APPLICATION SUMMARY</b>	<b>STATUS</b>
21-08	SOI Amendment to EBMUD – 285 Lark Lane – Alamo	Application submitted in September 2021 by the landowner to amend EBMUD's SOI by 3.14± acres in anticipation of annexation	Currently under review
21-09	Annexation to EBMUD – 285 Lark Lane – Alamo	Application submitted in September 2021 by the landowner to annex 3.14± acres to EBMUD	Currently under review
21-10	SOI Amendment to Contra Costa County Fire Protection District (CCCFPD)	Application submitted in October 2021 by CCCFPD to expand the District's SOI to include the East Contra Costa Fire Protection District (ECCFPD)	Currently under review
21-11	Annexation of ECCFPD to CCCFPD and Dissolution of ECCFPD	Application submitted in October 2021 by CCCFPD to annex the ECCFPD and subsequently dissolve ECCFPD	Currently under review
21-12	Annexation to Mt. View Sanitary District (MVSD)	Application submitted in October 2021 by the landowner to annex two parcels to MVSD	Currently under review



**November 10, 2021**  
**Agenda Item 12**

## **AGENDA**

### **RETIREMENT BOARD MEETING**

#### REGULAR MEETING

September 8, 2021, 9:00 a.m.

The Board of Retirement will hold its meeting via teleconferencing as permitted by Executive Order N-29-20. The meeting is accessible telephonically at 669-900-6833, Webinar ID: 815 8550 9705, Passcode: 041848, or via the web at:

<https://us06web.zoom.us/j/81585509705?pwd=QUJoQ3BHK0s0T1lXempXd09ScVRqQT09>

Passcode: 041848

**Persons may request to make public comment by emailing [publiccomment@cccera.org](mailto:publiccomment@cccera.org)** the day before the Board meeting or the day of the Board meeting either before or during the meeting. Public comments are limited to any item that is within the subject matter jurisdiction of the Board of Retirement. Both written and oral comments will be accepted, subject to a three-minute time limit per speaker. Written comments will be read into the record at the meeting. All comments submitted will be included in the record of the meeting.

#### THE RETIREMENT BOARD MAY DISCUSS AND TAKE ACTION ON THE FOLLOWING:

1. Pledge of Allegiance.
2. Roll Call.
3. Accept comments from the public.
4. Recognition of Kelli Ingersoll for 30 years of service; Francisca Citero for 25 years of service; Kristina Dohrn for 5 years of service; and Dorothy Saechao for 5 years of service.
5. Approve minutes from the August 11, 2021 meeting.
6. Routine items for September 8, 2021.
  - a. Approve certifications of membership.
  - b. Approve service and disability allowances.
  - c. Accept disability applications and authorize subpoenas as required.
  - d. Approve death benefits.

The Retirement Board will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Retirement Office at least 24 hours before a meeting.

- e. Accept asset allocation report.
- f. Accept liquidity report.

### **CLOSED SESSION**

- 7. The Board will go into closed session pursuant to Govt. Code Section 54957 to consider recommendations from the medical advisor and/or staff regarding the following disability retirement applications:

<u>Member</u>	<u>Type Sought</u>	<u>Recommendation</u>
a. Kristy Trindade	Service Connected	Service Connected
b. Minh Vu	Service Connected	Service Connected

- 8. The Board will continue in closed session pursuant to Govt. Code Section 54957 to consider the Hearing Officer's recommendation regarding the disability application for Neal Bassett.
- 9. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:
  - a. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al.*, Contra Costa County Superior Court, Case No. MSN12-1870
  - b. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al.*, Contra Costa County Superior Court, Case No. C15-00598
  - c. *Public Employees Union Local No. 1, et al., v. Board of Retirement of CCCERA, et al.*, Contra Costa County Superior Court, Case No. N14-2021

### **OPEN SESSION**

- 10. Consider and take possible action to adopt Resolution 2021-5 authorizing actions in compliance with Assembly Bill 197 and the Alameda decision.
- 11. Presentation of Semi-Annual Disability Retirement Report.
- 12. Consider and take possible action to amend the IRC 415 Tax Compliance Policy.
- 13. Review of the Accessibility of Investment Records Policy.
- 14. Consider and take possible action on SACRS voting proxy form.
- 15. Report from Audit Committee Chair on August 25, 2021 Audit Committee meeting.
- 16. Consider authorizing the attendance of Board:
  - a. CALAPRS Trustees Roundtable, October 29, 2021, Virtual.
  - b. CRCEA Fall Conference, November 7-10, 2021, Long Beach, CA.
  - c. SACRS Fall Conference, November 9-12, 2021, Hollywood, CA.

The Retirement Board will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Retirement Office at least 24 hours before a meeting.



17. Miscellaneous
  - a. Staff Report
  - b. Outside Professionals' Report
  - c. Trustees' comments



## **AGENDA**

### **RETIREMENT BOARD MEETING**

#### **REGULAR MEETING**

September 22, 2021, 9:00 a.m.

The Board of Retirement will hold its meeting via teleconferencing as permitted by Executive Order N-29-20. The meeting is accessible telephonically at 669-900-6833, Webinar ID: 818 4036 5713, Passcode: 321788, or via the web at:

<https://us06web.zoom.us/j/81840365713?pwd=em1UN1N2WHdmTmNOclVyanY3b3dPdZ09>

Passcode: 321788

**Persons may request to make public comment by emailing [publiccomment@cccera.org](mailto:publiccomment@cccera.org)** the day before the Board meeting or the day of the Board meeting either before or during the meeting. Public comments are limited to any item that is within the subject matter jurisdiction of the Board of Retirement. Both written and oral comments will be accepted, subject to a three-minute time limit per speaker. Written comments will be read into the record at the meeting. All comments submitted will be included in the record of the meeting.

#### **THE RETIREMENT BOARD MAY DISCUSS AND TAKE ACTION ON THE FOLLOWING:**

1. Pledge of Allegiance.
2. Roll Call.
3. Accept comments from the public.
4. Approve minutes from the August 25, 2021 meeting.
5. Consider and take possible action to accept the GASB 68 report from Segal Consulting.
6. Consider and take possible action to amend the Interest Crediting and Excess Earnings Policy.
7. Review of report on Growth Sub-portfolio.
8. Presentation from Emerald Investment Advisors.

The Retirement Board will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Retirement Office at least 24 hours before a meeting.

9. Review of Real Estate performance and pacing recommendation.
10. Update on private equity commitments.
11. Consider and take possible action to cancel the Board meeting of October 13, 2021.
12. Miscellaneous
  - a. Staff Report
  - b. Outside Professionals' Report
  - c. Trustees' comments



## **AGENDA**

### **RETIREMENT BOARD MEETING**

#### REGULAR MEETING

October 27, 2021, 9:00 a.m.

The Board of Retirement will hold its meeting via teleconferencing as permitted by Government Code Section 54953(e). The meeting is accessible telephonically at 669-900-6833, Webinar ID: 880 2050 9486, Passcode: 832141, or via the web at:

<https://us06web.zoom.us/j/88020509486?pwd=NlVBUkZkdEZeGjZM0k3ZFpGS1J3QT09>

Passcode: 832141

Persons who wish to address the Board of Retirement during public comment may call in during the meeting by dialing the phone number and passcode above. Access via Zoom is also available at the weblink above. To indicate you wish to speak during public comment, please select \*9 on your phone or “raise your hand” in the Zoom app.

Public comments are limited to any item that is within the subject matter jurisdiction of the Board of Retirement. Comments will be received in real time via telephone or Zoom, subject to a three-minute time limit per speaker.

#### THE RETIREMENT BOARD MAY DISCUSS AND TAKE ACTION ON THE FOLLOWING:

1. Pledge of Allegiance.
2. Roll Call.
3. Accept comments from the public.
4. Recognition of Jessica Irby for 15 years of service and David Recoder for 15 years of service.
5. Approve minutes from the September 8 and September 22, 2021 meetings.

The Retirement Board will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Retirement Office at least 24 hours before a meeting.

6. Routine items for October 27, 2021.
  - a. Approve certifications of membership.
  - b. Approve service and disability allowances.
  - c. Accept disability applications and authorize subpoenas as required.
  - d. Approve death benefits.
  - e. Accept asset allocation report.
  - f. Accept liquidity report.
7. Review of private credit.
  - a. Presentation from staff
  - b. Presentation from StepStone
8. Review of report on Risk Diversifying Sub-portfolio.
9. Presentation from Sit Investment Associates.
10. Update on private equity and real estate commitments.
11. Pension administration system project update.
12. Consider and take possible action to adopt Resolution 2021-6 authorizing the Board to conduct teleconference meetings under Government Code section 54953 (e).
13. Consider and take possible action concerning the SACRS legislative proposals to be voted on at the November 2021 SACRS Conference.
14. Presentation of year-to-date 2021 CCCERA budget vs. actual expenses report.
15. Miscellaneous
  - a. Staff Report
  - b. Outside Professionals' Report
  - c. Trustees' comments



## **AGENDA**

### **RETIREMENT BOARD MEETING**

#### REGULAR MEETING

November 3, 2021, 9:00 a.m.

The Board of Retirement will hold its meeting via teleconferencing as permitted by Government Code Section 54953(e). The meeting is accessible telephonically at 669-900-6833, Webinar ID: 817 7565 3817, Passcode: 534911, or via the web at:

<https://us06web.zoom.us/j/81775653817?pwd=UERxYUY5TGxKcEQrcnphcnF2US9xdz09>

Passcode: 534911

Persons who wish to address the Board of Retirement during public comment may call in during the meeting by dialing the phone number and passcode above. Access via Zoom is also available at the weblink above. To indicate you wish to speak during public comment, please select \*9 on your phone or “raise your hand” in the Zoom app.

Public comments are limited to any item that is within the subject matter jurisdiction of the Board of Retirement. Comments will be received in real time via telephone or Zoom, subject to a three-minute time limit per speaker.

#### THE RETIREMENT BOARD MAY DISCUSS AND TAKE ACTION ON THE FOLLOWING:

1. Pledge of Allegiance.
2. Roll Call.
3. Accept comments from the public.
4. Recognition of Karla Demarty-Ooghe for 5 years of service.
5. Approve the following routine items:
  - a. Certifications of membership.
  - b. Service and disability allowances.
  - c. Death benefits.
  - d. Investment liquidity report.

The Retirement Board will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Retirement Office at least 24 hours before a meeting.

6. Accept the following routine items:
  - a. Disability applications and authorize subpoenas as required.
  - b. Travel report.
  - c. Investment asset allocation report.

#### ***CLOSED SESSION***

7. The Board will go into closed session pursuant to Govt. Code Section 54957 to consider recommendations from the medical advisor and/or staff regarding the following disability retirement applications:

<u>Member</u>	<u>Type Sought</u>	<u>Recommendation</u>
a. Beatriz Aarum-Morris	Service Connected	Service Connected
b. James Huntze	Service Connected	Service Connected
c. Darcy Maupin	Service Connected	Service Connected
d. Megan O'Connor	Service Connected	Service Connected

8. The Board will continue in closed session pursuant to Govt. Code Section 54957 to evaluate the performance of the following public employee:

Title: Chief Executive Officer

#### ***OPEN SESSION***

9. Consider and take possible action to authorize the CEO to extend the agreement with Segal for actuarial services.
10. Investment staffing update.
11. Consider and take possible action on Board meeting schedule for 2022.
12. Miscellaneous
  - a. Staff Report
  - b. Outside Professionals' Report
  - c. Trustees' comments

The Retirement Board will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Retirement Office at least 24 hours before a meeting.
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November 10, 2021  
Agenda Item 14C

**EAST CONTRA COSTA**

# Con Fire agrees to annex Fire Protection District

**By Tony Hicks**

*Bay City News Foundation*

The Contra Costa Fire Protection District will annex the East Contra Costa Fire Protection District, both districts announced Monday.

Each district's board of directors approved the move, which now must be submitted to the Contra Costa Local Agency Formation Commission for formal approval.

The move will bring 128,000 residents of eastern Contra Costa County under the purview of the

larger district. The move is expected to take four to six months, followed by the operational and administrative consolidation of the two districts.

"I am so excited and proud of the teamwork that has brought us to this point," Diane Burgis, the District 3 supervisor on the county Board of Supervisors, said in a statement. "With the Contra Costa County Board of Supervisors acting as the Con Fire board unanimously approving the request to formally apply for annexation of ECCFPD, and the

ECCFPD board voting unanimously to move forward, we are a giant step closer to providing improved fire and rescue services in East Contra Costa County."

The move is expected to help what East Contra Costa Fire Protection District Board President Brian Oftedal said historically has been an underfunded district.

"Annexation will improve response times, open fire stations and provide a paramedic level of service for our communities," Oftedal said in a statement.

# 11th-hour water agency bid for massive Bay Area cattle ranch fell short

\$63.5 million value for huge Bay Area cattle ranch was below asking prices



California Outdoor Properties

The main Livermore-area ranch house and headquarters complex of N3 Cattle Co., a 50,500-acre ranch that occupies parts of Alameda County, Santa Clara County, San Joaquin County and Stanislaus County. The final price for a vast cattle ranch that was the largest land offering ever in California wound up at less than the list price, a moving target that eluded government agency attempts to buy the mammoth property.

By **GEORGE AVALOS** | [gavalos@bayareanewsgroup.com](mailto:gavalos@bayareanewsgroup.com) | Bay Area News Group

PUBLISHED: October 26, 2021 at 11:10 a.m. | UPDATED: October 27, 2021 at 2:05 p.m.



LIVERMORE — The final price for a vast cattle ranch wound up at less than the list price, a moving target that eluded government attempts to buy the mammoth property — including an 11th-hour bid by a local water agency.

The Alameda County Water District, 17 state lawmakers, state officials and land conservancy groups were among the government, public agency and special-interest organizations that were involved in an effort to put the mammoth ranch lands into public ownership such as a water district property or a new state park.

Now, through a \$63.5 million series of purchases on Oct. 22 in four different counties — that's how huge this property is — two private organizations that are both headed by Danville-based business executive and rancher William Brown have become the new owner of the N3 Cattle Co. ranch.

The ranch sprawls over 50,500 acres in Santa Clara County, Alameda County, San Joaquin County and Stanislaus County.

"This was an extraordinary lost opportunity," said John Weed, one of the five members of the board of directors of the Alameda County Water District.

It never became clear whether state or regional government officials managed to fashion a purchase offer that would be near either the original asking price of \$72 million in July 2019 or a reduced price of \$68 million that was disclosed in April 2020.

"I am disappointed to not be able to acquire this great property," said Sen. Steven Glazer (D-Contra Costa), whose district includes sections of Contra Costa County and Alameda County. "This had great potential." Glazer was one of the 17 lawmakers who had pressed the governor to pursue the transformation of the site into a state park.

Despite considerable talk, discussions and maneuvers by state and regional government entities, the Alameda County Water District appears to be the only such government entity to actually place a bid for the 50,500-acre property.

"Alameda County Water District made several attempts to acquire the property, including submitting a backup offer," said Sharene Gonzales, a spokesperson for the Fremont-based water agency.

However, even that gambit came only after it became known in July 2021 that the N3 Cattle Co. ranch was in escrow to be purchased. At that point, the asking price had been cut to \$68 million.



In January 2020, the state government, under a proposal that Gov. Gavin Newsom floated, appeared willing to pony up as much as \$20 million to buy and create a new state park.

Around that same time, the Nature Conservancy and the Trust for Public Lands claimed they had cobbled together \$30 million for the purchase of the property.

“A very attractive package was put together,” Sen. Glazer said. “We made a very serious effort.”

If those funds were pooled, at \$50 million, that was still 21% below the ultimate purchase price and 26% below the last known asking price of \$68 million. The senator, however, didn’t disclose the dollar value of the state package.

Here’s what the Brown-led groups paid in the four counties that contain the cattle ranch lands, according to public documents filed on Oct. 22 in the quartet of jurisdictions:

- Santa Clara County. \$24.8 million, 19,935 acres, approximately \$1,243 an acre.
- Alameda County. \$21.3 million, 16,880 acres, \$1,265 an acre.
- San Joaquin County. \$11.7 million, 9,095 acres, \$1,285 an acre.
- Stanislaus County. \$5.7 million, 4,590 acres, \$1,240 an acre.

The properties are now owned by William Brown Foundation and WEB Ranch — the WEB would correspond to William Edward Brown’s full name.

William Brown Foundation paid \$53.4 million in cash for property purchases in all four counties, the public records show. WEB Ranch paid \$10.1 million for parcels in Santa Clara County and Alameda County.

WEB Ranch also obtained \$8 million in financing for its purchases in Alameda County and Santa Clara County, loan documents filed in the two counties show. American AgCredit, which specializes in financing for farmers and ranchers, provided the loan.

With the property in private ownership, state officials will be left to wonder what sort of a public park the cattle ranch might have become.

And Alameda County Water District officials may also have to ponder the what-ifs of the two-year odyssey of the largest land purchase in California.



“We hopefully will be able to work with Mr. Brown to reduce flood risk and allow a greater water supply,” said Weed, the water district board member.

The state recently accomplished the purchase of the 3,000-acre Tesla Park site near Livermore to ensure that those parcels can become state-controlled open space rather than turn into a site for offroad vehicles, Sen. Glazer noted.

Yet at 4.7 square miles, that East Bay purchase is only a small fraction of the 79 square miles represented by the immense N3 Cattle property.

“We continue to look for ways to protect open space for the benefit of nature and people,” Sen. Glazer said.

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