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*SLO LAFCO - Serving the Area of San Luis Obispo County*

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**TO: MEMBERS, FORMATION COMMISSION**

**FROM: ROB FITZROY, EXECUTIVE OFFICER**

**DATE: MARCH 17, 2022**

**SUBJECT: CALAFCO LEGISLATIVE UPDATE**

**Recommendation.** It is recommended that the Commissioners; 1) receive and file a Legislative Update from staff and, 2) consider approval by roll call vote of a request by the California Association of Local Agency Formation Commission to support proposed Senate Bill (SB) 938, and direct the Executive Officer to submit a letter of support as shown in Attachment D.

**2021 Legislative Summary.** The 2021 Legislative Summary Report is included as Attachment A, which includes a variety of legislative updates for local governments. Legislation specifically related to LAFCOs begins on page 26 of the summary report. The only legislation in 2021 that affected SLO LAFCO is AB 1581 (omnibus bill, approved on June 28, 2021), which included minor technical changes/clarifications to the Cortese, Knox Hertzberg Act.

**2022 Legislative Initiatives - Senate Bill (SB) 938.** For 2022, in addition to annual omnibus updates, SB 938 has been proposed, and if passed, would make substantive amendments to the Cortese, Knox, Hertzberg Act. SB 938 represents a three-year effort led and sponsored by the California Association of Local Agency Formation Commission (CALAFCO), see CALAFCO Fact Sheet in Attachment B. Senator Hertzberg introduced SB 938 on February 8, 2022, (Attachment C) and it has been assigned to the Senate Governance & Finance Committee. The overarching goal of SB 938 is to ensure that LAFCOs have the tools they need to carry out their statutory obligations, and to create greater consistency in the statute.

In response to a recommendation made in the 2017 Little Hoover Commission report (Special Districts: Improving Oversight and Transparency), CALAFCO initiated a working group of stakeholders in early 2019 to discuss the protest process for consolidations and dissolutions of special districts. Currently, the Cortese, Knox, Hertzberg Act contains inconsistent protest thresholds, which are, in part, the thresholds that must be met if the public wishes to protest an action of LAFCO. The

key issue here is inconsistency with thresholds, LAFCO-initiated actions have a protest threshold of 10 percent, and all other initiated actions have a threshold of 25 percent.

In brief, SB 938 will accomplish the following:

- Create consistency within protest thresholds and specific circumstances under which a LAFCO may initiate dissolution of a district with a 25 percent protest threshold, with determinations documented in a Municipal Service Review and presented at a 21-day noticed public hearing
- The redrafting of existing protest code sections into one main section to simplify the reading of the section, and to add minor, non-substantive clarifications
- Allow for a minimum 12-month remediation period for the district with a progress report provided by the district to the LAFCO halfway through the remediation period

CALAFCO has requested that the Commission consider supporting SB 938. While Commission-initiated dissolutions are very rare, the lower threshold (10 percent vs. 25 percent) deters LAFCO's from acting and being able to fulfill their regulatory responsibilities. This was a contributing factor to delays associated with the dissolution process of the Sativa-Los Angeles Water District, of which was failing to meet its regulatory obligations as a water district to provide safe and reliable drinking water. The delay in processing the dissolution ultimately led to the need and approval of special legislation AB 1577 as a remedy to ensure the community served by the water district had safe and reliable water. To avoid such circumstances in the future for LAFCO's, CALAFCO has offered SB 938 as a solution. Should the Commission wish to support the bill, the Executive Officer will submit the draft letter of support template as contained in Attachment D.

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**Attachment A:** Legislative Summary Report

**Attachment B:** SB 938 Fact Sheet

**Attachment C:** Draft Bill – SB 938

**Attachment D:** SB 938 Letter of Support Template

# **Attachment A**

## Legislative Summary Report

# 2•0•2•1 LEGISLATIVE SUMMARY



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**COMMITTEE SECRETARY**  
MARISA LANCHESTER

December 15, 2021

TO ALL INTERESTED PARTIES:

The 2021 legislative year was not as dramatically different from pre-pandemic life as the year prior. However, the California Legislature and the Assembly Local Government Committee were not quite able to “return to normal” as we might have hoped. Committees continued many of the hearing practices that were instituted in 2020, and again saw a reduction in the number of bills we were able to hear compared to pre-COVID years.

A total of 131 bills were referred to the Local Government Committee in 2021, including 90 Assembly Bills and 41 Senate bills. The Committee heard 91 bills over the course of seven hearings. This was a healthy increase over 2020, when the Committee heard only 29 measures in only four hearings. However, it was still down from the 108 measures heard over the course of 10 hearings in 2019.

This summary includes a brief description of all bills the Committee heard, divided into the following categories: Contracting and Procurement; Elections; Energy and Telecommunications; Finance; Governance; Housing and Land Use; Local Agency Formation Commissions; Powers and Duties; Transparency and Accountability; Transportation; Water; and, Wildfires. For quick and easy reference, please see the table of contents in the beginning of this document or the index located at the end.

While the pandemic continued to restrict our opportunities to work on as much legislation as was typical before 2020, the Committee was able to move forward in 2021 to what will hopefully be a return to pre-pandemic levels in the coming year. If you need additional information regarding this summary, please contact the Assembly Local Government Committee at (916) 319-3958.

Sincerely,

A handwritten signature in black ink that reads "Cecilia M. Aguiar-Curry". The signature is written in a cursive style with a large, looping final flourish.

**CALIFORNIA LEGISLATURE**

**Assembly Local Government Committee**

**2021 Legislative Bill Summary**

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## CONTRACTING AND PROCURMENT

### [AB-36 \(Gallagher\) - Design-build contracting: Town of Paradise](#)

Allows the use of design-build for a water conveyance pipeline from the Town of Paradise to the City of Chico, and for the provision of sewer treatment to the Town of Paradise.

**Status:** Chapter 689, Statutes of 2021

### [AB-271 \(Robert Rivas\) - Santa Clara Valley Water District: contracts: best value procurement.](#)

Allows the Santa Clara Valley Water District to award contracts on a best value basis for any construction work to improve the safety of the Leroy Anderson Dam and Reservoir.

**Status:** Chapter 48, Statutes of 2021

### [AB-394 \(Arambula\) - Fresno Metropolitan Flood Control District: contracts.](#)

Would have increased the bid threshold from \$10,000 to \$25,000 for contracts entered into by the Fresno Metropolitan Flood Control District for materials or supplies.

**Status:** Assembly-In Committee Process - Local Government

### [AB-577 \(Gallagher\) - County drainage districts: levee districts: reclamation districts.](#)

Would have established or increased bid thresholds for construction contracts for county drainage districts, levee districts, and reclamation districts.

**Status:** Assembly-In Committee Process - Local Government

### [AB-712 \(Calderon\) - Local Agency Public Construction Act: change orders: County of Los Angeles.](#)

Temporarily increases the limits that apply to change orders that can be approved pursuant to a delegated authority for specified contracts entered into by Los Angeles County.

**Status:** Chapter 95, Statutes of 2021

### [AB-811 \(Luz Rivas\) - Los Angeles County Metropolitan Transportation Authority: contracting.](#)

Eliminates a required finding and two-thirds vote that the Los Angeles County Metropolitan Transportation Authority must make before entering into specified contracts.

**Status:** Chapter 414, Statutes of 2021

**[AB-1592 \(Committee on Local Government\) - Fresno Metropolitan Flood Control District: contracts.](#)**

Increases Fresno Metropolitan Flood Control District's contract bid threshold for the purchase of materials or supplies.

**Status:** Chapter 32, Statutes of 2021

**[SB-333 \(Eggman\) - San Joaquin Regional Transit District: procurement.](#)**

Increases the bid threshold for the San Joaquin Regional Transit District's (RTD) purchase of supplies, equipment, and materials, and allows RTD to use best value procurement for these contracts.

**Status:** Chapter 217, Statutes of 2021

## ELECTIONS

**[AB-428 \(Mayes\) - Local government: board of supervisors.](#)**

Establishes a minimum of two terms for the term limits allowed for a member of a county board of supervisors, and specifies that a county board of supervisors is included in the definition of county officers for whom the board prescribes compensation.

**Status:** Chapter 462, Statutes of 2021

**[AB-1307 \(Cervantes\) - County of Riverside Citizens Redistricting Commission.](#)**

Would have created a Citizens Redistricting Commission for the County of Riverside.

**Status:** Assembly-In Committee Process - Elections

**[AB-1546 \(Chau\) - City of Alhambra: charter amendment: Alhambra Unified School District: California Voting Rights Act.](#)**

Allows the City of Alhambra to submit a proposal at a special election to remove from the City's charter all references to the Alhambra Unified School District.

**Status:** Chapter 145, Statutes of 2021

## ENERGY AND TELECOMMUNICATIONS

**[AB-14 \(Aguiar-Curry\) - Communications: broadband services: California Advanced Services Fund.](#)**

Extends the sunset for the California Advanced Services Fund surcharge, allows the California Public Utilities Commission (CPUC) to limit cost-shifts for the surcharge, and authorizes the CPUC to collect specified information about affordable internet plans from internet service providers.

**Status:** Chapter 658, Statutes of 2021

**[AB-537 \(Quirk\) - Communications: wireless telecommunications and broadband facilities.](#)**

Makes several changes to existing law that requires an application for a wireless telecommunications facility to be deemed approved.

**Status:** Chapter 467, Statutes of 2021

**[AB-1124 \(Friedman\) - Solar energy systems.](#)**

Revises the definition of "solar energy system" as that term is used for the purpose of local permitting of such systems, including the allowable fees a local agency may charge, and clarifies the permit fees local agencies may charge for commercial and residential solar energy systems.

**Status:** Chapter 235, Statutes of 2021

**[AB-1166 \(Grayson\) - Communications: wireless telecommunications facilities.](#)**

Would have made several changes to existing law that requires an application for a wireless telecommunications facility to be deemed approved.

**Status:** Assembly-In Committee Process - Local Government

**[SB-378 \(Gonzalez\) - Local government: broadband infrastructure development project permit processing: microtrenching permit processing ordinance.](#)**

Enacts the Broadband Deployment Acceleration Best Practices Act of 2021 and requires local governments to allow microtrenching for the installation of underground fiber optic equipment.

**Status:** Chapter 677, Statutes of 2021

**[SB-556 \(Dodd\) - Street light poles, traffic signal poles: small wireless facilities attachments.](#)**

Would have required street light poles and traffic signal poles owned by a local government or local publicly owned electric utility to be made available for the placement of small wireless facilities, outlined the rates and fees that may be imposed for such use of these poles, and established the processes for reviewing and responding to requests for placing these facilities on these poles.

**Status:** Vetoed

## FINANCE

### **AB-119 (Salas) - County auditor: direct levies.**

Would have required county auditors, or another county officer designated by the county, to make publicly available on their internet websites information about direct levies, as defined, including the range of combined direct levies assessed on real property, as specified.

**Status:** Assembly-In Committee Process - Local Government

### **AB-336 (Villapudua) - Enhanced infrastructure financing districts: public financing authority: members: joint powers authorities.**

Specifies who may serve as a member of the governing body of an enhanced infrastructure financing district's public financing authority.

**Status:** Chapter 22, Statutes of 2021

### **AB-460 (Mayes) - Fire protection: residential fire sprinklers: fees.**

Would have, among other things, prohibited water-related fees imposed on the owner of residential property from being affected by the installation of a residential fire sprinkler system on that residential property, including those residential fire sprinkler systems mandated by a local jurisdiction or a fire protection district, and would have provided that homes with residential fire sprinklers installed before January 1, 2022, may have their water meter rates reassessed to comply with this prohibition.

**Status:** Assembly-In Committee Process - Local Government

### **AB-464 (Mullin) - Enhanced Infrastructure Financing Districts: allowable facilities and projects.**

Expands the types of facilities and projects Enhanced Infrastructure Financing Districts may fund.

**Status:** Chapter 25, Statutes of 2021

### **AB-687 (Seyarto) - Joint powers authorities: Riverside County Housing Finance Trust.**

Allows Riverside County and specified cities within western Riverside County to create the Western Riverside County Housing Finance Trust.

**Status:** Chapter 120, Statutes of 2021

### **AB-726 (Eduardo Garcia) - Capital investment incentive program: qualified manufacturing facility.**

Specifies that a business engaged in the manufacturing of fuels, electrical parts, or components used in the field of clean transportation or the production of alternative fuel vehicles or electric vehicles is a qualified manufacturing facility for the purposes of the Capital Investment Incentive program.

**Status:** Chapter 121, Statutes of 2021

**[AB-747 \(Mathis\) - Water treatment facility: State Water Resources Control Board: grant.](#)**

Would have appropriated \$20,000,000 from the General Fund to the State Water Resources Control Board for the purpose of improving water treatment, and would have required the Board to grant \$20,000,000 to a specified joint powers authority for a water treatment facility to be operated by the joint powers authority.

**Status:** Assembly-In Committee Process - Environmental Safety and Toxic Materials

**[AB-758 \(Nazarian\) - Marks-Roos Local Bond Pooling Act of 1985: electric utilities: rate reduction bonds.](#)**

Expands the authorization for specified joint powers authorities to issue rate reduction bonds for local publicly owned water utilities to also include publicly-owned electric utilities, and makes other changes to that authorization.

**Status:** Chapter 233, Statutes of 2021

**[AB-922 \(Eduardo Garcia\) - Redevelopment: housing successor: Low and Moderate Income Housing Asset Fund.](#)**

Would have expanded the definition of “excess surplus” to also include, for an entity operating as a housing successor agency that owns and operates affordable housing that was transferred to the housing successor agency as a housing asset of the former redevelopment agency, an unencumbered amount in the housing successor’s Low and Moderate Income Housing Asset Fund that exceeds the greater of \$1,000,000 or the aggregate amount deposited into the account during the housing successor’s preceding 8 fiscal years, whichever is greater.

**Status:** Assembly-In Committee Process - Housing and Community Development

**[AB-1013 \(Lackey\) - State mandates: claims.](#)**

Would have changed the minimum claim amount for state mandate reimbursement to \$900.

**Status:** Assembly-In Committee Process - Local Government

**[AB-1085 \(Bigelow\) - Property tax: revenue allocations: County of Madera.](#)**

Would have required the Auditor of the County of Madera to reallocate \$4,627,723 from the County’s Educational Revenue Augmentation Fund.

**Status:** Senate-In Committee Process - Appropriations

**[AB-1324 \(Robert Rivas\) - Transit-Oriented Affordable Housing Funding Program Act.](#)**

Would have established the Transit-Oriented Affordable Housing Funding Program, to be administered by the Treasurer’s office.

**Status:** Assembly-In Committee Process - Housing and Community Development

**[AB-1543 \(Bloom\) - Affordable Housing and Community Development Funding Act.](#)**

Would have modified the requirement to distribute remaining moneys in the Redevelopment Property Tax Trust Fund by requiring, for the period commencing on January 2, 2025, until the successor is dissolved, that 20% of the amount that would otherwise be allocated to local agencies and school entities that exceeds the amount transferred between January 1, 2024, and January 1, 2025, inclusive, be deposited in the Low and Moderate Income Housing Fund if specified conditions are met.

**Status:** Assembly-In Committee Process - Housing and Community Development

**[ACA-1 \(Aguir-Curry\) - Local government financing: affordable housing and public infrastructure: voter approval.](#)**

Would have proposed amendments to the California Constitution to allow a city, county, or special district, with 55% voter approval, to incur bonded indebtedness or impose specified special taxes to fund projects for affordable housing, permanent supportive housing, or public infrastructure.

**Status:** Assembly-In Committee Process - Local Government

**[SB-323 \(Caballero\) - Local government: water or sewer service: legal actions.](#)**

Establishes a 120 day statute of limitations on judicial challenges to water and sewer rates.

**Status:** Chapter 216, Statutes of 2021

**[SB-431 \(Rubio\) - Street lighting systems: City of West Covina.](#)**

Authorizes the Landscaping and Lighting District of the City of West Covina to perform maintenance and make improvements pursuant to the Landscaping and Lighting Act of 1972.

**Status:** Chapter 35, Statutes of 2021

**[SB-438 \(Laird\) - Redevelopment: enforceable obligations: City of Atascadero.](#)**

Would have made specified loan agreements between the City of Atascadero and its former redevelopment agency enforceable obligations.

**Status:** Assembly-In Committee Process - Appropriations

**[SB-476 \(Min\) - California Financing Law: program administrators.](#)**

Would have prohibited a Property Assessed Clean Energy (PACE) program administrator from executing an assessment contract unless the associated property has undergone an energy audit, as specified, and prohibited a PACE program

administrator from disbursing funds to a PACE solicitor or PACE solicitor agent without specified proof of project completion.

**Status:** Assembly-Failed Passage in Committee - Local Government

**[SB-780 \(Cortese\) - Local finance: public investment authorities.](#)**

Makes numerous changes to enhanced infrastructure financing districts and community revitalization infrastructure authorities.

**Status:** Chapter 391, Statutes of 2021

**[SB-810 \(Committee on Governance and Finance\) - Validations.](#)**

Validates the organization, boundaries, acts, proceedings, and bonds of the state government, counties, cities, special districts and school districts, among other public bodies.

**Status:** Chapter 36, Statutes of 2021

**[SB-811 \(Committee on Governance and Finance\) - Validations.](#)**

Validates the organization, boundaries, acts, proceedings, and bonds of the state government, counties, cities, special districts and school districts, among other public bodies.

**Status:** Chapter 37, Statutes of 2021

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

Validates the organization, boundaries, acts, proceedings, and bonds of the state government, counties, cities, special districts and school districts, among other public bodies.

**Status:** Chapter 38, Statutes of 2021

## GOVERNANCE

**[AB-336 \(Villapudua\) - Enhanced infrastructure financing districts: public financing authority: members: joint powers authorities.](#)**

Specifies who may serve as a member of the governing body of an enhanced infrastructure financing district's public financing authority.

**Status:** Chapter 22, Statutes of 2021

**[AB-428 \(Mayes\) - Local government: board of supervisors.](#)**

Establishes a minimum of two terms for the term limits allowed for a member of a county board of supervisors, and specifies that a county board of supervisors is included in the definition of county officers for whom the board prescribes compensation.

**Status:** Chapter 462, Statutes of 2021

**AB-903 (Frazier) - Los Medanos Community Healthcare District.**

Would have dissolved the Los Medanos Community Healthcare District and designated the County of Contra Costa as the successor agency to the district.

**Status:** Senate-In Committee Process - Governance and Finance

**AB-924 (Wicks) - Alameda Health System: hospital authority.**

Would have prohibited the existence of up to 3 county employees who were appointed by the board of supervisors simultaneously serving on the governing board of the Alameda Health System from being a basis to determine that the System is not an independent entity or that the System has not obtained the administration, management, and control of the medical center.

**Status:** Assembly-In Committee Process - Local Government

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

Would have required the local agency formation commissions in Imperial and Riverside Counties to conduct a study of governance options for the Imperial Irrigation District electrical service area.

**Status:** Vetoed

**AB-1091 (Berman) - Santa Clara Valley Transportation Authority: board of directors.**

Would have made changes to the Board of the Santa Clara Valley Transportation Authority.

**Status:** Assembly - Floor - Inactive File

**AB-1196 (Cooley) - Sacramento Regional Transit District: board of directors: voting procedures.**

Changes the voting structure of the Sacramento Regional Transit District Board.

**Status:** Chapter 272, Statutes of 2021

**SB-268 (Archuleta) - Parks and recreation: Lower Los Angeles River Recreation and Park District: Lower San Gabriel River Recreation and Park District: establishment: board of directors.**

Makes changes to the board of directors for the Lower Los Angeles River Recreation and Park District and the Lower San Gabriel River Recreation and Park District, and makes additional changes to district formation.

**Status:** Chapter 761, Statutes of 2021

**SB-458 (McGuire) - Military base reuse authority: board of directors.**

Would have specified that a majority of the voting members of a Military Base Reuse Authority board constitute a quorum and may act for the authority.

**Status:** Assembly-In Committee Process - Rules

**SB-786 (Becker) - Santa Clara Valley Water District.**

Would have made various changes to the Santa Clara Valley Water District Act.

**Status:** Assembly-In Committee Process - Local Government

**HOUSING AND LAND USE****AB-59 (Gabriel) - Mitigation Fee Act: fees: notice and timelines.**

Would have made several changes to the Mitigation Fee Act. Specifically, this bill would have increased the number of days local agencies must provide a notice of hearing prior to increasing specified fees from 14 days to 45 days. Additionally, this bill would have limited the evidence a local agency could use to defend a fee in a court action.

**Status:** Assembly-In Committee Process - Local Government

**AB-115 (Bloom) - Planning and zoning: commercial zoning: housing development.**

Would have made certain affordable housing development projects an authorized use on commercially-zoned land.

**Status:** Assembly-In Committee Process - Local Government

**AB-215 (Chiu) - Housing element: regional housing need: relative progress determination.**

Increases the enforcement authority of the state Department of Housing and Community Development in relation to violations of state housing law.

**Status:** Chapter 342, Statutes of 2021

**AB-345 (Quirk-Silva) - Accessory dwelling units: separate conveyance.**

Requires cities and counties to allow a qualified nonprofit corporation to sell an accessory dwelling unit separately from the primary dwelling unit on the property, and revises the conditions for a tenancy in common agreement entered into pursuant to such a sale.

**Status:** Chapter 343, Statutes of 2021

**AB-571 (Mayes) - Planning and zoning: density bonuses: affordable housing.**

Prohibits a local government from charging affordable housing impact fees on certain types of affordable units.

**Status:** Chapter 346, Statutes of 2021

**AB-602 (Grayson) - Development fees: impact fee nexus study.**

Adds new requirements to impact fee nexus studies. Requires cities and counties to request certain information from development proponents and requires the Department of Housing and Community Development to develop a nexus study template.

**Status:** Chapter 347, Statutes of 2021

**AB-605 (Villapudua) - Department of Housing and Community Development: program administration: bonus points: housing element.**

Would have created a bonus point system for competitive grants and loans administered by the Department of Housing and Community Development for applicants that meet specified criteria.

**Status:** Assembly-In Committee Process - Housing and Community Development

**AB-617 (Davies) - Planning and zoning: regional housing needs: exchange of allocation.**

Would have allowed a city or county to transfer all or a portion of its regional housing need allocation to another city or county.

**Status:** Assembly-In Committee Process - Housing and Community Development

**AB-634 (Carrillo) - Density Bonus Law.**

Allows a local government to require an affordability period longer than 55 years for units that qualify a developer for a density bonus, if the local government has an inclusionary housing ordinance that requires a percentage of residential units affordable to lower income households for longer than 55 years. Excludes developments funded using Low Income Housing Tax Credits.

**Status:** Chapter 348, Statutes of 2021

**AB-672 (Cristina Garcia) - Publicly owned golf courses: conversion: affordable housing.**

Would have created a grant program administered by the Department of Housing and Community Development to award grants to cities and counties that convert public golf courses into housing.

**Status:** Assembly-In Committee Process - Housing and Community Development

**AB-678 (Grayson) - Housing development projects: fees and exactions cap.**

Would have capped fees and exactions a city or county can impose on new housing developments as specified.

**Status:** Assembly-In Committee Process - Local Government

**AB-682 (Bloom) - Planning and zoning: cohousing buildings.**

Would have required local agencies with a population of more than 400,000 to approve cohousing buildings in areas zoned for multifamily development.

**Status:** Assembly-In Committee Process - Housing and Community Development

**[AB-687 \(Seyarto\) - Joint powers authorities: Riverside County Housing Finance Trust.](#)**

Allows Riverside County and specified cities within western Riverside County to create the Western Riverside County Housing Finance Trust.

**Status:** Chapter 120, Statutes of 2021

**[AB-780 \(Ting\) - Local zoning ordinances: school district employee housing.](#)**

Would have authorized the governing board of a school district to render a city or county zoning ordinance inapplicable if the school district proposed to use the property to offer school district employee housing.

**Status:** Assembly-In Committee Process - Local Government

**[AB-787 \(Gabriel\) - Planning and zoning: housing element: converted affordable housing units.](#)**

Authorizes cities and counties to receive credit towards their regional housing need for the conversion of above moderate-income units to moderate-income units.

**Status:** Chapter 350, Statutes of 2021

**[AB-800 \(Gabriel\) - Wildfires: local general plans: safety elements: fire hazard severity zones.](#)**

Would have required the Director of Forestry and Fire Protection to identify areas of the state as moderate and high fire hazard severity zones and made conforming changes to law governing the review of general plan safety elements and the adoption of tentative or parcel maps in fire hazard zones.

**Status:** Assembly-In Committee Process - Natural Resources

**[AB-803 \(Boerner Horvath\) - Starter Home Revitalization Act of 2021.](#)**

Requires cities and counties to allow denser single-family housing development on certain parcels zoned for multifamily housing, as specified.

**Status:** Chapter 154, Statutes of 2021

**[AB-832 \(Bloom\) - City of Los Angeles: transfer of former redevelopment agency land use plans and functions.](#)**

Would have made zoning and land use designations adopted in various underlying governing documents by the City of Los Angeles apply when in conflict with any provision of a redevelopment plan. (Subsequently amended to address a subject matter outside of Local Government Committee jurisdiction.)

**Status:** Chapter 27, Statutes of 2021

**AB-916 (Salas) - Zoning: accessory dwelling units: bedroom addition.**

Would have increased the maximum height allowed for accessory dwelling units from 16 feet to 18 feet, and prohibited local agencies from holding public hearings as a condition of adding space for additional bedrooms in an existing dwelling.

**Status:** Assembly-In Committee Process - Housing and Community Development

**AB-922 (Eduardo Garcia) - Redevelopment: housing successor: Low and Moderate Income Housing Asset Fund.**

Would have expanded the definition of “excess surplus” to also include, for an entity operating as a housing successor agency that owns and operates affordable housing that was transferred to the housing successor agency as a housing asset of the former redevelopment agency, an unencumbered amount in the housing successor’s Low and Moderate Income Housing Asset Fund that exceeds the greater of \$1,000,000 or the aggregate amount deposited into the account during the housing successor’s preceding 8 fiscal years, whichever is greater.

**Status:** Assembly-In Committee Process - Housing and Community Development

**AB-964 (Boerner Horvath) - Rental units: hosting platforms: coastal resources.**

Would have prohibited a city or county ordinance, policy, or program that regulates or licenses the rental of residential units for tourist or transient-use occupancy within the coastal zone through a hosting platform from being considered "development" as defined in the California Coastal Act (Coastal Act); would have exempted a city or county from complying with the Coastal Act when enacting or enforcing such an ordinance, policy, or program; and, would have provided that a local coastal program is not required to include such an ordinance, policy, or program.

**Status:** Assembly-In Committee Process - Natural Resources

**AB-970 (McCarty) - Planning and zoning: electric vehicle charging stations: permit application: approval.**

Establishes specific time frames in which local agencies must approve permits for electric vehicle charging stations.

**Status:** Chapter 710, Statutes of 2021

**AB-989 (Gabriel) - Housing: local development decisions: appeals.**

Would have established an Office of Housing Appeals within the Department of Housing and Community Development.

**Status:** Senate Floor

**[AB-1016 \(Robert Rivas\) - Local planning: streamlined housing development: nonprofit corporations.](#)**

Would have created a streamlined development approval process for non-profit housing developments involving less than 25 units.

**Status:** Assembly-In Committee Process - Housing and Community Development

**[AB-1029 \(Mullin\) - Housing elements: prohousing local policies.](#)**

Adds preservation of affordable housing units as a pro-housing local policy that the Department of Housing and Community Development may consider in developing a pro-housing designation.

**Status:** Chapter 353, Statutes of 2021

**[AB-1075 \(Wicks\) - Planning and zoning: residential developments.](#)**

Would have required local agencies to deem residential developments that meet specified criteria compliant with local zoning.

**Status:** Assembly-In Committee Process - Housing and Community Development

**[AB-1124 \(Friedman\) - Solar energy systems.](#)**

Revises the definition of "solar energy system" as that term is used for the purpose of local permitting of such systems, including the allowable fees a local agency may charge, and clarifies the permit fees local agencies may charge for commercial and residential solar energy systems.

**Status:** Chapter 235, Statutes of 2021

**[AB-1174 \(Grayson\) - Planning and zoning: housing: development application modifications, approvals, and subsequent permits.](#)**

Makes changes to the streamlined, ministerial housing development approval process created by SB 35 (Wiener, Chapter 366, Statutes of 2017).

**Status:** Chapter 160, Statutes of 2021

**[AB-1180 \(Mathis\) - Local governments: surplus land: tribes.](#)**

Expands the definition of "exempt surplus land" to include surplus land that a local agency transfers to a federally recognized California Indian Tribe.

**Status:** Chapter 62, Statutes of 2021

**[AB-1271 \(Ting\) - Surplus land.](#)**

Would have expanded the types of land exempt from the Surplus Lands Act (SLA), imposed new procedural requirements on local agencies disposing of surplus land, and made various technical changes to the SLA.

**Status:** Assembly-In Committee Process - Housing and Community Development

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

Would have prohibited the legislative body of a city or county from entering into a residential development agreement for property located within a very high fire risk area.

**Status:** Assembly-In Committee Process - Local Government

**[AB-1304 \(Santiago\) - Affirmatively further fair housing: housing element: inventory of land.](#)**

Expands the ways in which local agencies must affirmatively further fair housing in their housing elements.

**Status:** Chapter 357, Statutes of 2021

**[AB-1322 \(Bonta\) - Land use: local measures: conflicts.](#)**

Would create a process for the governing body of a city or county to seek judicial validation that a local measure approved by the voters is in conflict with state housing law

**Status:** Senate-In Committee Process - Environmental Quality

**[AB-1324 \(Robert Rivas\) - Transit-Oriented Affordable Housing Funding Program Act.](#)**

Would have established the Transit-Oriented Affordable Housing Funding Program, to be administered by the Treasurer's office.

**Status:** Assembly-In Committee Process - Housing and Community Development

**[AB-1370 \(Quirk-Silva\) - Housing element: annual report: housing units.](#)**

Would have required local agencies to report the number of housing units and the number of accessory dwelling units that were approved pursuant to a streamlined development process to the Department of Housing and Community Development.

**Status:** Assembly-In Committee Process - Housing and Community Development

**[AB-1398 \(Bloom\) - Planning and zoning: housing element: rezoning of sites: prohousing local policies.](#)**

Requires expedited rezoning for local jurisdictions that fail to adopt a legally compliant housing element within 120 days of the statutory deadline.

**Status:** Chapter 358, Statutes of 2021

**[AB-1401 \(Friedman\) - Residential and commercial development: parking requirements.](#)**

Would have prohibited local governments from enforcing minimum automobile parking requirements for developments located close to public transit.

**Status:** Senate-In Committee Process - Appropriations

**AB-1409 (Levine) - Planning and zoning: general plan: safety element.**

Requires the safety element to be reviewed and updated as necessary to identify evacuation locations.

**Status:** Chapter 481, Statutes of 2021

**AB-1445 (Levine) - Planning and zoning: regional housing need allocation: climate change impacts.**

Would have required local agencies to consider emergency evacuation route capacity, wildfire risk, sea level rise, and other impacts caused by climate change in the development of their housing element.

**Status:** Assembly-In Committee Process - Housing and Community Development

**AB-1476 (Gray) - Park property: City of Modesto: Beard Brook Park.**

Allows the City of Modesto to dispose of specified park property, subject to certain conditions.

**Status:** Chapter 718, Statutes of 2021

**AB-1501 (Santiago) - Planning and zoning: housing development: very low and lower income households.**

Would have required the Department of Housing and Community Development to rezone land in specified jurisdictions that fail to rezone their land after adopting their housing element.

**Status:** Assembly – In Committee Process – Housing and Community Development

**AB-1543 (Bloom) - Affordable Housing and Community Development Funding Act.**

Would have modified the requirement to distribute remaining moneys in the Redevelopment Property Tax Trust Fund by requiring, for the period commencing on January 2, 2025, until the successor is dissolved, that 20% of the amount that would otherwise be allocated to local agencies and school entities that exceeds the amount transferred between January 1, 2024, and January 1, 2025, inclusive, be deposited in the Low and Moderate Income Housing Fund if specified conditions are met.

**Status:** Assembly-In Committee Process - Housing and Community Development

**AB-1547 (Reyes) - Air pollution: warehouse facilities.**

Would have required local agencies to impose specified environmental conditions on any warehouse development prior to approving the project.

**Status:** Assembly – In Committee Process – Natural Resources

**AB-1551 (Santiago) - Planning and zoning: housing: adaptive reuse of commercial space.**

Would have prohibited a city that has not met its share of the regional housing need from restricting the adaptive reuse of commercial space for residential use, as specified.

**Status:** Assembly-In Committee Process - Housing and Community Development

**SB-8 (Skinner) - Housing Crisis Act of 2019.**

Extends the sunset on the Housing Crisis Act of 2019 by five years, clarifies demolition and replacement provisions, and makes other changes.

**Status:** Chapter 161, Statutes of 2021

**SB-9 (Atkins) - Housing development: approvals.**

Requires ministerial approval of housing developments with two units (duplexes) and subdivision maps that meet certain conditions, and increases the length of time that local agencies can extend the validity of existing subdivision maps.

**Status:** Chapter 162, Statutes of 2021

**SB-10 (Wiener) - Planning and zoning: housing development: density.**

Authorizes a city or county to pass an ordinance that is not subject to the California Environmental Quality Act to zone any parcel for up to ten units of residential density if the parcel is located in a transit-rich area or an urban infill site.

**Status:** Chapter 163, Statutes of 2021

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

Would have imposed additional fire hazard planning responsibilities on local governments, required counties and cities to make specified findings before taking certain development actions in very high fire risk areas, required related fire planning and review by multiple state agencies, and created a grant program for smaller counties and cities to implement the bill's requirements.

**Status:** Assembly-In Committee Process - Housing and Community Development

**SB-60 (Glazer) - Residential short-term rental ordinances: health or safety infractions: maximum fines.**

Establishes enhanced fines for violations of short-term rental ordinances.

**Status:** Chapter 307, Statutes of 2021

**SB-290 (Skinner) - Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.**

Makes various changes to Density Bonus Law including providing additional benefits to housing developments that include low-income rental and for-sale housing units, and moderate-income for-sale housing units.

**Status:** Chapter 340, Statutes of 2021

**[SB-319 \(Melendez\) - Land use: development fees: audit.](#)**

Expands the scope of audits local agencies must prepare if they fail to comply with reporting provisions of the Mitigation Fee Act.

**Status:** Chapter 385, Statutes of 2021

**[SB-414 \(Jones\) - Land.](#)**

Revises the definition of cadastral surveying; updates how data may be provided for purposes of surveys; makes technical changes to provisions of the Land Surveying Act; and, extends the amount of time allotted to set a hearing to appeal a decision made under the Subdivision Map Act, as specified.

**Status:** Chapter 106, Statutes of 2021

**[SB-466 \(Wieckowski\) - Community development.](#)**

Would have allowed the City of Santa Clara to sell or lease specified property for the purpose of economic development.

**Status:** Assembly-In Committee Process - Local Government

**[SB-477 \(Wiener\) - General plan: annual report.](#)**

Would have added several components to the annual progress report on housing development and land use that cities and counties are required to submit to the Department of Housing and Community Development related to their general plan.

**Status:** Vetoed

**[SB-478 \(Wiener\) - Planning and Zoning Law: housing development projects.](#)**

Establishes minimum floor-to-area ratio standards on housing development projects of three to ten units.

**Status:** Chapter 363, Statutes of 2021

**[SB-556 \(Dodd\) - Street light poles, traffic signal poles: small wireless facilities attachments.](#)**

Would have required street light poles and traffic signal poles owned by a local government or local publicly owned electric utility to be made available for the placement of small wireless facilities, outlined the rates and fees that may be imposed for such use of these poles, and established the processes for reviewing and responding to requests for placing these facilities on these poles.

**Status:** Vetoed

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

Narrows the role of the Department of Conservation in administering the Williamson Act.

**Status:** Chapter 644, Statutes of 2021

**[SB-719 \(Min\) - Surplus land: exempt surplus land: eligible military base land.](#)**

Would have exempt eligible military base land, as defined, from the provisions of the Surplus Land Act.

**Status:** Assembly-In Committee Process - Local Government

**[SB-728 \(Hertzberg\) - Density Bonus Law: purchase of density bonus units by nonprofit housing organizations.](#)**

Allows a qualified nonprofit housing organization to purchase a for-sale unit under density bonus law.

**Status:** Chapter 365, Statutes of 2021

**[SB-734 \(Hueso\) - Redevelopment agencies: passthrough agreements: modification.](#)**

Allows local agencies to modify specified redevelopment passthrough agreements.

**Status:** Chapter 221, Statutes of 2021

**[SB-778 \(Becker\) - Buy Clean California Act: Environmental Product Declarations: concrete.](#)**

This bill would have required ministerial approval of accessory dwelling units (ADUs) in vacant space of mixed-use buildings, as specified. (Subsequently amended to address a subject matter outside of Local Government Committee jurisdiction).

**Status:** Assembly-In Committee Process - Accountability and Administrative Review

**[SB-791 \(Cortese\) - California Surplus Land Unit.](#)**

Establishes the California Surplus Land Unit within the Department of Housing and Community Development with the primary purpose of facilitating the development and construction of residential housing on local surplus land. (Subsequently amended to address a subject matter outside of Local Government Committee jurisdiction).

**Status:** Chapter 366, Statutes of 2021

## **LOCAL AGENCY FORMATION COMMISSIONS**

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

Would have dissolved the Los Medanos Community Healthcare District and designated the County of Contra Costa as the successor agency to the district.

**Status:** Senate-In Committee Process - Governance and Finance

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

Would have required the local agency formation commissions in Imperial and Riverside Counties to conduct a study of governance options for the Imperial Irrigation District electrical service area.

**Status:** Vetoed

**AB-1581 (Committee on Local Government) - Local government: omnibus.**

Makes several technical, non-controversial changes to the local agency formation commission statutes which govern local government organization and reorganization.

**Status:** Chapter 31, Statutes of 2021

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

Reestablishes a pilot program for the Napa and San Bernardino Local Agency Formation Commissions, and authorizes the Napa Local Agency Formation Commission to approve specified service extensions.

**Status:** Chapter 482, Statutes of 2021

**POWERS AND DUTIES****AB-414 (Maienschein) - Local government: county regional justice facilities.**

Repeals several obsolete statutes related to court reunification.

**Status:** Chapter 117, Statutes of 2021

**AB-954 (Petrie-Norris) - City of Laguna Woods: leases: fire protection and public safety.**

Would have authorized the City of Laguna Woods to lease specified park property to a public agency or joint powers authority for purposes related to fire protection or public safety.

**Status:** Assembly-In Committee Process - Local Government

**AB-959 (Mullin) - Park districts: regulations: nuisances: abatement.**

Authorizes specified regional park and open-space districts to adopt regulations relating to nuisances and establishes a procedure for the abatement of the nuisance.

**Status:** Chapter 268, Statutes of 2021

**AB-1017 (Quirk-Silva) - Public restrooms: Right to Restrooms Act of 2021.**

Would have required each city, county and special district to inventory all public restrooms it owns and maintains, make the inventory available on its website and to agencies and service providers that work directly with homeless populations within the

local government's jurisdiction, and report the information to the Department of Public Health.

**Status:** Senate-In Committee Process - Appropriations

**[SB-79 \(Nielsen\) - County road commissioner: Counties of Colusa and Glenn.](#)**

Authorizes the Board of Supervisors of the County of Colusa and the Board of Supervisors of the County of Glenn to transfer the duties of the County Road Commissioner to the County Director of the Department of Public Works.

**Status:** Chapter 33, Statutes of 2021

**[SB-427 \(Eggman\) - Water theft: enhanced penalties.](#)**

Allows water agencies and districts to adopt an ordinance with enhanced penalties for water theft.

**Status:** Chapter 137, Statutes of 2021

**[SB-712 \(Hueso\) - Local government: California tribes: federal fee-to-trust applications to regain ancestral lands.](#)**

Prohibits a local government from adopting or enforcing a resolution or ordinance that would prevent the local government from conducting a fair evaluation of a fee-to-trust application, and requires a local government to take specified actions when it opposes a fee-to-trust application.

**Status:** Chapter 291, Statutes of 2021

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

Enacts the Local Government Omnibus Act of 2021, which proposes a number of non-controversial changes to existing laws governing the powers and duties of local agencies.

**Status:** Chapter 224, Statutes of 2021

## TRANSPARENCY AND ACCOUNTABILITY

**[AB-119 \(Salas\) - County auditor: direct levies.](#)**

Would have required county auditors, or another county officer designated by the county, to make publicly available on their internet websites information about direct levies, as defined, including the range of combined direct levies assessed on real property, as specified.

**Status:** Assembly-In Committee Process - Local Government

**AB-339 (Lee) - Local government: open and public meetings.**

Would have required, until December 31, 2023, certain city council or county board of supervisors meetings to allow the public to attend and comment via telephone or internet.

**Status:** Vetoed

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

Allows, until January 1, 2024, local agencies to use teleconferencing without complying with specified Ralph. M Brown Act restrictions in certain state emergencies, and provides similar authorizations, until January 31, 2022, for state agencies subject to the Bagley-Keene Open Meetings Act and legislative bodies subject to the Gloria Romero Open Meetings Act of 2000.

**Status:** Chapter 165, Statutes of 2021

**AB-481 (Chiu) - Law enforcement agencies: military equipment: funding, acquisition, and use.**

Establishes requirements that must be met before a law enforcement agency may take a number of specified actions related to the acquisition and use of military equipment.

**Status:** Chapter 406, Statutes of 2021

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

Would have eliminated provisions in the Ralph M. Brown Act for teleconferenced meetings that require each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference location to be accessible to the public.

**Status:** Assembly-In Committee Process - Local Government

**AB-799 (Mathis) - Counties: board of supervisors.**

Would have required a board of supervisors to publish a fair statement of all its proceedings within 7 days after each session, instead of 10 days pursuant to existing law.

**Status:** Assembly-In Committee Process - Local Government

**AB-1053 (Gabriel) - City selection committees: County of Los Angeles: quorum: teleconferencing.**

Would have reduced the quorum requirement for specified meetings of the Los Angeles County city selection committee, and would have allowed the committee to conduct any meeting using teleconferencing and electronic means.

**Status:** Assembly-In Committee Process - Local Government

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

Requires local agencies to provide local agency meeting materials by email to persons who request it, if technologically feasible.

**Status:** Chapter 763, Statutes of 2021

**SB-480 (Stern) - Metropolitan Water District of Southern California: rules: inappropriate conduct.**

Would have required the Metropolitan Water District of Southern California to adopt rules relating to inappropriate conduct by board members, officers, and employees.

**Status:** Assembly-In Floor Process

## TRANSPORTATION

**AB-302 (Ward) - San Diego Metropolitan Transit Development Board: regulation of for-hire vehicle and passenger jitney services.**

Expands the ability of the San Diego Metropolitan Transit System to enter into contracts to license or regulate certain services.

**Status:** Chapter 89, Statutes of 2021

**AB-476 (Mullin) - Department of Transportation: state highways: part-time transit lane pilot program.**

Would have authorized the Department of Transportation to establish a pilot program to authorize a transit operator or operators to operate transit buses on shoulders of state highways.

**Status:** Assembly-In Committee Process - Transportation

**AB-773 (Nazarian) - Street closures and designations.**

Authorizes local authorities to implement a slow streets program to close or limit access to vehicular traffic on certain neighborhood local streets.

**Status:** Chapter 587, Statutes of 2021

**AB-784 (Quirk) - Alameda-Contra Costa Transit District.**

Makes numerous changes to the provisions governing the Alameda-Contra Costa Transit District.

**Status:** Chapter 200, Statutes of 2021

**AB-970 (McCarty) - Planning and zoning: electric vehicle charging stations: permit application: approval.**

Establishes specific time frames in which local agencies must approve permits for electric vehicle charging stations.

**Status:** Chapter 710, Statutes of 2021

**[AB-1091 \(Berman\) - Santa Clara Valley Transportation Authority: board of directors.](#)**

Would have made changes to the Board of the Santa Clara Valley Transportation Authority.

**Status:** Assembly - Floor - Inactive File

**[AB-1196 \(Cooley\) - Sacramento Regional Transit District: board of directors: voting procedures.](#)**

Changes the voting structure of the Sacramento Regional Transit District Board.

**Status:** Chapter 272, Statutes of 2021

## WATER

**[AB-747 \(Mathis\) - Water treatment facility: State Water Resources Control Board: grant.](#)**

Would have appropriated \$20,000,000 from the General Fund to the State Water Resources Control Board for the purpose of improving water treatment, and would have required the Board to grant \$20,000,000 to a specified joint powers authority for a water treatment facility to be operated by the joint powers authority.

**Status:** Assembly-In Committee Process - Environmental Safety and Toxic Materials

**[AB-850 \(Gallagher\) - City property: sale of water utility property.](#)**

Extends the deadline for the cities of El Monte, Montebello, and Willows to utilize alternative procedures to sell their public water utilities for consolidation by two years, from 2022 to 2024.

**Status:** Chapter 705, Statutes of 2021

**[AB-1195 \(Cristina Garcia\) - Drinking water.](#)**

Would have created the Southern Los Angeles County Human Right to Water Collaboration Act, and required the State Water Resources Control Board to appoint a Commissioner to implement specified programs in southern Los Angeles County.

**Status:** Senate-In Committee Process - Environmental Quality

**[SB-273 \(Hertzberg\) - Water quality: municipal wastewater agencies.](#)**

Authorizes a municipal wastewater agency to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff.

**Status:** Chapter 241, Statutes of 2021

**SB-323 (Caballero) - Local government: water or sewer service: legal actions.**

Establishes a 120 day statute of limitations on judicial challenges to water and sewer rates.

**Status:** Chapter 216, Statutes of 2021

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

Allows the State Water Resources Control Board to order consolidations of at-risk systems and at-risk domestic wells.

**Status:** Chapter 242, Statutes of 2021

**SB-552 (Hertzberg) - Drought planning: small water suppliers: nontransient noncommunity water systems.**

Requires the State Water Resources Control Board, the Department of Water Resources, counties, and small water suppliers to implement various recommendations from the County Drought Advisory Group to increase the drought resiliency of small water suppliers and rural communities.

**Status:** Chapter 245, Statutes of 2021

**SB-786 (Becker) - Santa Clara Valley Water District.**

Would have made various changes to the Santa Clara Valley Water District Act.

**Status:** Assembly-In Committee Process - Local Government

## **WILDFIRES**

**AB-9 (Wood) - Fire safety: wildfires: fire adapted communities.**

Establishes the Regional Forest and Fire Capacity Program in the Department of Conservation, creates a deputy director of Community Wildfire Preparedness and Mitigation within the Office of the State Fire Marshal, and transfers and delegates certain duties related to fire safety and wildfire prevention from the Department of Forestry and Fire Protection and the Director of CAL FIRE to the State Fire Marshal.

**Status:** Chapter 225, Statutes of 2021

**AB-800 (Gabriel) - Wildfires: local general plans: safety elements: fire hazard severity zones.**

Would have required the Director of Forestry and Fire Protection to identify areas of the state as moderate and high fire hazard severity zones and made conforming changes to law governing the review of general plan safety elements and the adoption of tentative or parcel maps in fire hazard zones.

**Status:** Assembly-In Committee Process - Natural Resources

**AB-1295 (Muratsuchi) - Residential development agreements: very high fire risk areas.**

Would have prohibited the legislative body of a city or county from entering into a residential development agreement for property located within a very high fire risk area.

**Status:** Assembly-In Committee Process - Local Government

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

Would have imposed additional fire hazard planning responsibilities on local governments, required counties and cities to make specified findings before taking certain development actions in very high fire risk areas, required related fire planning and review by multiple state agencies, and created a grant program for smaller counties and cities to implement the bill's requirements.

**Status:** Assembly-In Committee Process - Housing and Community Development

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# **Attachment B**

SB 938 Fact Sheet

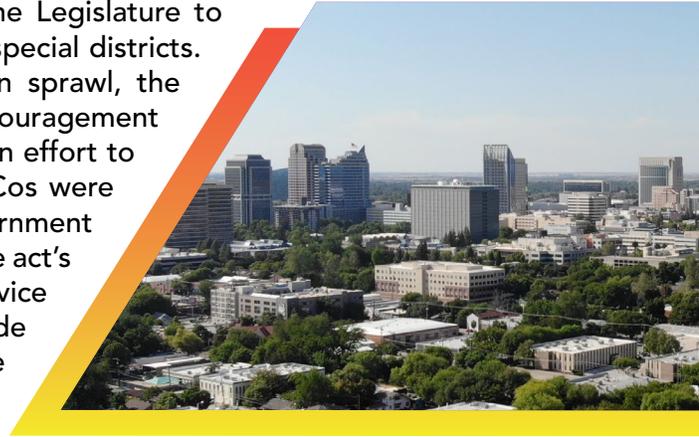


# The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: Protest Proceedings

**FACT SHEET:  
SB 938 (HERTZBERG)**

## **BACKGROUND**

LAFCoS are independent regulatory commissions created by the Legislature to control the boundaries of cities, county service areas, and most special districts. The purpose of LAFCoS includes the discouragement of urban sprawl, the preservation of agricultural and open space lands, and the encouragement of the orderly formation and development of local agencies. In an effort to better meet these obligations, the duties and authority of LAFCoS were significantly modified by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (AB 2838, Hertzberg). Chief among the act's provisions is the authority for LAFCoS to conduct Municipal Service Reviews, which, among other things, provide information to guide districts in performance improvement. These reviews can serve as a catalyst for LAFCoS to initiate district consolidations or dissolutions.



In response to a recommendation made in the 2017 Little Hoover Commission report (Special Districts: Improving Oversight and Transparency), the California Association of Local Agency Formation Commissions (CALAFCO) initiated a working group of stakeholders in early 2019 to discuss the protest process for consolidations and dissolutions of special districts.

The statutes related to protest provisions and the disparate protest thresholds established for LAFCo-initiated actions (10 percent) and all other initiated actions (25 percent) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFCo. Further, they serve as a deterrent for LAFCo to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements.

## **The working group agreed on three main deliverables:**



**First was to review the protest provisions** within the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act) for relevance and to delete any obsolete provisions, which was accomplished through AB 1581 (2021).



**The second deliverable was to redraft existing scattered protest code sections** within The Act into a single code section to simplify the reading of the code section.



**The final—and most challenging—deliverable was to examine the differing protest thresholds** relating to LAFCo-initiated actions and all other initiated actions.



**AFTER CONSIDERABLE NEGOTIATION, THE WORKING GROUP GAVE CONSENSUS ON THE FOLLOWING CHANGES TO CKH:**



The redrafting of existing protest code sections into one main section to simplify the reading of the section, and to add minor, non-substantive clarifications;



Create specific circumstances under which a LAFCo may initiate dissolution of a district with a 25% protest threshold, with determinations documented in a Municipal Service Review and presented at a 21-day noticed public hearing;



Allow for a minimum 12-month remediation period for the district with a progress report provided by the district to the LAFCo halfway through the remediation period; and



A second 21-day noticed public hearing to determine if the identified issues have been mitigated, which would result in the LAFCo either terminating the dissolution or moving forward with the dissolution using 25% protest threshold under the standard protest hearing process already in statute, with a public notice period of 60 days.



The overarching goal of these changes is to ensure that LAFCos have the tools they need to carry out their statutory obligations to ensure orderly and functioning local government services and to create greater consistency in the statute.

**SUMMARY**

SB 938 represents a collaborative three-year effort to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a LAFCo may initiate dissolution of a district at the 25 percent protest threshold.

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# Attachment C

Draft Bill – SB 938

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**Introduced by Senator Hertzberg**  
(Coauthor: Assembly Member Mayes)

February 8, 2022

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An act to amend Sections 56824.14, 57075, 57077.1, 57077.2, 57077.3, 57077.4, and 57090 of, to add Sections 57077.5 and 57077.6 to, to add Chapter 4.5 (commencing with Section 57091) to Part 4 of Division 3 of Title 5 of, and to repeal Sections 57076, 57107, and 57113 of, the Government Code, and to amend Section 116687 of the Health and Safety Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 938, as introduced, Hertzberg. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under existing law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization.

With a specified exception, existing law provides for protest proceedings for a change of organization or reorganization following adoption of a resolution making certain determinations by the commission, as provided. Existing law sets forth required procedures for the commission following a protest hearing depending on the nature of the conducting authority, as defined, the type of change of organization or reorganization, and the results of the protest proceeding.

The bill would reorganize and consolidate the above-described procedures. The bill would make conforming changes and remove obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 56824.14 of the Government Code is  
2 amended to read:

3 56824.14. (a) The commission shall review and approve with  
4 or without amendments, wholly, partially, or conditionally, or  
5 disapprove proposals for the establishment of new or different  
6 functions or class of services, or the divestiture of the power to  
7 provide particular functions or class of services, within all or part  
8 of the jurisdictional boundaries of a special district, after a public  
9 hearing called and held for that purpose. The commission shall  
10 not approve a proposal for the establishment of new or different  
11 functions or class of services within the jurisdictional boundaries  
12 of a special district unless the commission determines that the  
13 special district will have sufficient revenues to carry out the  
14 proposed new or different functions or class of services except as  
15 specified in paragraph (1).

16 (1) The commission may approve a proposal for the  
17 establishment of new or different functions or class of services  
18 within the jurisdictional boundaries of a special district where the  
19 commission has determined that the special district will not have  
20 sufficient revenue to provide the proposed new or different  
21 functions or class of services, if the commission conditions its  
22 approval on the concurrent approval of sufficient revenue sources  
23 pursuant to Section 56886. In approving a proposal, the  
24 commission shall provide that if the revenue sources pursuant to  
25 Section 56886 are not approved, the authority of the special district  
26 to provide new or different functions or class of services shall not  
27 be established.

28 (2) Unless otherwise required by the principal act of the subject  
29 special district, or unless otherwise required by Section ~~57075~~ or  
30 ~~57076~~, 57075, the approval by the commission for establishment  
31 of new or different functions or class of services, or the divestiture

1 of the power to provide particular functions or class of services,  
2 shall not be subject to an election.

3 (b) At least 21 days prior to the date of that hearing, the  
4 executive officer shall give mailed notice of the hearing to each  
5 affected local agency or affected county, and to any interested  
6 party who has filed a written request for notice with the executive  
7 officer. In addition, at least 21 days prior to the date of that hearing,  
8 the executive officer shall cause notice of the hearing to be  
9 published in accordance with Section 56153 in a newspaper of  
10 general circulation that is circulated within the territory affected  
11 by the proposal proposed to be adopted.

12 (c) The commission may continue from time to time any hearing  
13 called pursuant to this section. The commission shall hear and  
14 consider oral or written testimony presented by any affected local  
15 agency, affected county, or any interested person who appears at  
16 any hearing called and held pursuant to this section.

17 SEC. 2. Section 57075 of the Government Code is amended  
18 to read:

19 ~~57075. In the case of registered voter districts or cities, where~~  
20 *Where* a change of organization or reorganization consists solely  
21 of annexations, detachments, the exercise of new or different  
22 functions or class of services or the divestiture of the power to  
23 provide particular functions or class of services within all or part  
24 of the jurisdictional boundaries of a special district, or any  
25 combination of those proposals, the commission, not more than  
26 30 days after the conclusion of the hearing, shall make a finding  
27 regarding the value of written protests filed and not withdrawn,  
28 ~~and take one of the following actions, except as provided in~~  
29 ~~subdivision (b) of Section 57002:~~ *take the action set forth in either*  
30 *subdivision (a) of Section 57091, in the case of registered voter*  
31 *districts or cities, or subdivision (b) of Section 57091, in the case*  
32 *of landowner-voter districts.*

33 ~~(a) In the case of inhabited territory, take one of the following~~  
34 ~~actions:~~

35 ~~(1) Terminate proceedings if a majority protest exists in~~  
36 ~~accordance with Section 57078.~~

37 ~~(2) Order the change of organization or reorganization subject~~  
38 ~~to confirmation by the registered voters residing within the affected~~  
39 ~~territory if written protests have been filed and not withdrawn by~~  
40 ~~either of the following:~~

- 1 (A) At least 25 percent, but less than 50 percent, of the registered
- 2 voters residing in the affected territory.
- 3 (B) At least 25 percent of the number of owners of land who
- 4 also own at least 25 percent of the assessed value of land within
- 5 the affected territory.
- 6 ~~(3) Order the change of organization or reorganization without~~
- 7 ~~an election if paragraphs (1) and (2) of this subdivision do not~~
- 8 ~~apply.~~
- 9 ~~(b) In the case of uninhabited territory, take either of the~~
- 10 ~~following actions:~~
- 11 ~~(1) Terminate proceedings if a majority protest exists in~~
- 12 ~~accordance with Section 57078.~~
- 13 ~~(2) Order the change of organization or reorganization if written~~
- 14 ~~protests have been filed and not withdrawn by owners of land who~~
- 15 ~~own less than 50 percent of the total assessed value of land within~~
- 16 ~~the affected territory.~~
- 17 SEC. 3. Section 57076 of the Government Code is repealed.
- 18 ~~57076. In the case of landowner-voter districts, where a change~~
- 19 ~~of organization or reorganization consists solely of annexations~~
- 20 ~~or detachments, the exercise of new or different functions or class~~
- 21 ~~of services or the divestiture of the power to provide particular~~
- 22 ~~functions or class of services within all or part of the jurisdictional~~
- 23 ~~boundaries of a special district, or any combination of those~~
- 24 ~~proposals, the commission, not more than 30 days after the~~
- 25 ~~conclusion of the hearing, shall make a finding regarding the value~~
- 26 ~~of written protests filed and not withdrawn, and take one of the~~
- 27 ~~following actions, except as provided in subdivision (b) of Section~~
- 28 ~~57002:~~
- 29 ~~(a) Terminate proceedings if a majority protest exists in~~
- 30 ~~accordance with Section 57078.~~
- 31 ~~(b) Order the change of organization or reorganization subject~~
- 32 ~~to an election within the affected territory if written protests that~~
- 33 ~~have been filed and not withdrawn represent either of the following:~~
- 34 ~~(1) Twenty-five percent or more of the number of owners of~~
- 35 ~~land who also own 25 percent or more of the assessed value of~~
- 36 ~~land within the territory.~~
- 37 ~~(2) Twenty-five percent or more of the voting power of~~
- 38 ~~landowner voters entitled to vote as a result of owning property~~
- 39 ~~within the territory.~~

1 ~~(e) Order the change of organization or reorganization without~~  
 2 ~~an election if written protests have been filed and not withdrawn~~  
 3 ~~by less than 25 percent of the number of owners of land who own~~  
 4 ~~less than 25 percent of the assessed value of land within the~~  
 5 ~~affected territory.~~

6 SEC. 4. Section 57077.1 of the Government Code is amended  
 7 to read:

8 57077.1. (a) If a change of organization consists of a  
 9 dissolution, the commission shall order the dissolution without  
 10 confirmation of the voters, except if the proposal meets the  
 11 requirements of subdivision (b), the commission shall order the  
 12 dissolution subject to confirmation of the voters.

13 (b) The commission shall order the dissolution subject to the  
 14 confirmation of the voters as follows:

15 (1) If the proposal was not initiated by the commission, and if  
 16 a subject agency has not objected by resolution to the proposal,  
 17 the commission has found that protests meet ~~one of the following~~  
 18 ~~the applicable~~ protest thresholds: *thresholds set forth in Section*  
 19 *57093.*

20 ~~(A) In the case of inhabited territory, protests have been signed~~  
 21 ~~by either of the following:~~

22 ~~(i) At least 25 percent of the number of landowners within the~~  
 23 ~~affected territory who own at least 25 percent of the assessed value~~  
 24 ~~of land within the territory.~~

25 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
 26 ~~of residing within, or owning land within, the affected territory.~~

27 ~~(B) In the case of a landowner-voter district, that the territory~~  
 28 ~~is uninhabited and that protests have been signed by at least 25~~  
 29 ~~percent of the number of landowners within the affected territory~~  
 30 ~~owning at least 25 percent of the assessed value of land within the~~  
 31 ~~territory.~~

32 (2) If the proposal was not initiated by the commission, and if  
 33 a subject agency has objected by resolution to the proposal, written  
 34 protests have been submitted ~~as follows:~~ *that meet the applicable*  
 35 *protest thresholds set forth in Section 57094.*

36 ~~(A) In the case of inhabited territory, protests have been signed~~  
 37 ~~by either of the following:~~

38 ~~(i) At least 25 percent of the number of landowners within any~~  
 39 ~~subject agency within the affected territory who own at least 25~~  
 40 ~~percent of the assessed value of land within the territory.~~

1 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
2 ~~of residing within, or owning land within, any subject agency~~  
3 ~~within the affected territory.~~

4 ~~(B) In the case of a landowner-voter district, that the territory~~  
5 ~~is uninhabited and protests have been signed by at least 25 percent~~  
6 ~~of the number of landowners within any subject agency within the~~  
7 ~~affected territory, owning at least 25 percent of the assessed value~~  
8 ~~of land within the subject agency.~~

9 (3) If the proposal was initiated by the commission, and  
10 regardless of whether a subject agency has objected to the proposal  
11 by resolution, written protests have been submitted that meet the  
12 requirements of Section ~~57113~~. 57077.6.

13 (c) Notwithstanding subdivisions (a) and (b) and Sections 57102  
14 and 57103, if a change of organization consists of the dissolution  
15 of a district that is consistent with a prior action of the commission  
16 pursuant to Section 56378, 56425, or 56430, the commission may  
17 do either of the following:

18 (1) If the dissolution is initiated by the district board,  
19 immediately approve and order the dissolution without an election  
20 or protest proceedings pursuant to this part.

21 (2) If the dissolution is initiated by an affected local agency, by  
22 the commission pursuant to Section 56375, or by petition pursuant  
23 to Section 56650, order the dissolution after holding at least one  
24 noticed public hearing, and after conducting protest proceedings  
25 in accordance with this part. Notwithstanding any other law, the  
26 commission shall terminate proceedings if a majority protest exists  
27 in accordance with Section 57078. If a majority protest is not  
28 found, the commission shall order the dissolution without an  
29 election.

30 SEC. 5. Section 57077.2 of the Government Code is amended  
31 to read:

32 57077.2. (a) If the change of organization consists of a  
33 consolidation of two or more districts, the commission shall order  
34 the consolidation without confirmation by the voters, except that  
35 if the proposal meets the requirements of subdivision (b), the  
36 commission shall order the consolidation subject to confirmation  
37 of the voters.

38 (b) The commission shall order the consolidation subject to the  
39 confirmation of the voters as follows:

1 (1) If the commission has approved a proposal submitted by  
2 resolution of a majority of the members of the legislative bodies  
3 of two or more local agencies pursuant to Section 56853, and the  
4 commission has found that protests meet ~~one of the following~~ *the*  
5 *applicable* protest ~~thresholds;~~ *thresholds set forth in Section 57093.*

6 ~~(A) In the case of inhabited territory, protests have been signed~~  
7 ~~by either of the following:~~

8 ~~(i) At least 25 percent of the number of landowners within the~~  
9 ~~territory subject to the consolidation who own at least 25 percent~~  
10 ~~of the assessed value of land within the territory.~~

11 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
12 ~~of residing within, or owning land within, the territory.~~

13 ~~(B) In the case of a landowner-voter district, the territory is~~  
14 ~~uninhabited and protests have been signed by at least 25 percent~~  
15 ~~of the number of landowners within the territory subject to the~~  
16 ~~consolidation, owning at least 25 percent of the assessed value of~~  
17 ~~land within the territory.~~

18 (2) If the commission has approved a proposal not initiated by  
19 the commission and if a subject agency has not objected by  
20 resolution to the proposal, written protests have been submitted  
21 that meet the requirements specified in subparagraph (A) or (B)  
22 of paragraph (1). *applicable protest thresholds set forth in Section*  
23 *57093.*

24 (3) If the proposal was not initiated by the commission, and if  
25 a subject agency has objected by resolution to the proposal, written  
26 protests have been submitted ~~as follows:~~ *that meet one of the*  
27 *protest thresholds set forth in Section 57094.*

28 ~~(A) In the case of inhabited territory, protests have been signed~~  
29 ~~by either of the following:~~

30 ~~(i) At least 25 percent of the number of landowners within any~~  
31 ~~subject agency within the affected territory who own at least 25~~  
32 ~~percent of the assessed value of land within the territory.~~

33 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
34 ~~of residing within, or owning land within, any subject agency~~  
35 ~~within the affected territory.~~

36 ~~(B) In the case of a landowner-voter district, the territory is~~  
37 ~~uninhabited, and protests have been signed by at least 25 percent~~  
38 ~~of the number of landowners within any subject agency within the~~  
39 ~~affected territory, owning at least 25 percent of the assessed value~~  
40 ~~of land within the subject agency.~~

1 (4) If the commission has approved a proposal initiated by the  
 2 commission, and regardless of whether a subject agency has  
 3 objected to the proposal by resolution, written protests have been  
 4 submitted that meet the requirements of Section ~~57113~~: 57077.6.

5 SEC. 6. Section 57077.3 of the Government Code is amended  
 6 to read:

7 57077.3. (a) If a proposal consists of a reorganization not  
 8 described in Section 57075, ~~57076~~, 57077, 57077.4, or 57111, the  
 9 commission shall order the reorganization without confirmation  
 10 by the voters except that if the reorganization meets the  
 11 requirements of subdivision (b), the commission shall order the  
 12 reorganization subject to confirmation of the voters.

13 (b) The commission shall order the reorganization subject to  
 14 confirmation of the voters as follows:

15 (1) If the commission has approved a proposal submitted by  
 16 resolution of a majority of the members of the legislative bodies  
 17 of two or more local agencies pursuant to Section 56853, and the  
 18 commission has found that protests meet ~~one of the following~~ *the*  
 19 *applicable* protest ~~thresholds~~: *thresholds set forth in Section 57093*.

20 (A) ~~In the case of inhabited territory, protests have been signed~~  
 21 ~~by either of the following:~~

22 (i) ~~At least 25 percent of the number of landowners within the~~  
 23 ~~affected territory who own at least 25 percent of the assessed value~~  
 24 ~~of land within the territory.~~

25 (ii) ~~At least 25 percent of the voters entitled to vote as a result~~  
 26 ~~of residing within, or owning land within, the affected territory.~~

27 (B) ~~In the case of a landowner-voter district, that the territory~~  
 28 ~~is uninhabited, and that protests have been signed by at least 25~~  
 29 ~~percent of the number of landowners within the affected territory,~~  
 30 ~~owning at least 25 percent of the assessed value of land within the~~  
 31 ~~territory.~~

32 (2) If the commission has approved a proposal not initiated by  
 33 the commission, and if a subject agency has not objected by  
 34 resolution to the proposal, a written protest has been submitted  
 35 that meets ~~the requirements specified in subparagraph (A) or (B)~~  
 36 ~~of paragraph (1):~~ *the applicable protest thresholds set forth in*  
 37 *Section 57093*.

38 (3) If the commission has approved a proposal not initiated by  
 39 the commission, and if a subject agency has objected by resolution

1 to the proposal, written protests have been submitted as follows:  
2 *that meet one of the protest thresholds set forth in Section 57094.*

3 ~~(A) In the case of inhabited territory, protests have been signed~~  
4 ~~by either of the following:~~

5 ~~(i) At least 25 percent of the number of landowners within any~~  
6 ~~subject agency within the affected territory who own at least 25~~  
7 ~~percent of the assessed value of land within the territory.~~

8 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
9 ~~of residing within, or owning land within, any subject agency~~  
10 ~~within the affected territory.~~

11 ~~(B) In the case of a landowner-voter district, the territory is~~  
12 ~~uninhabited, and protests have been signed by at least 25 percent~~  
13 ~~of the number of landowners within any subject agency within the~~  
14 ~~affected territory, owning at least 25 percent of the assessed value~~  
15 ~~of land within the subject agency.~~

16 (4) If the commission has approved a proposal initiated by the  
17 commission, and regardless of whether a subject agency has  
18 objected to the proposal by resolution, written protests have been  
19 submitted that meet the requirements of Section ~~57113. 57077.6.~~

20 ~~(e) This section shall not apply to reorganizations governed by~~  
21 ~~Sections 56853.5 and 56853.6.~~

22 SEC. 7. Section 57077.4 of the Government Code is amended  
23 to read:

24 57077.4. (a) If a reorganization consists of the dissolution of  
25 one or more districts and the annexation of all or substantially all  
26 the territory to another district not initiated pursuant to Section  
27 56853 or by the commission pursuant to Section 56375, the  
28 commission shall order the reorganization without confirmation  
29 by the voters except that if the reorganization meets the  
30 requirements of subdivision ~~(b)~~, (b) or (c), the commission shall  
31 order the reorganization subject to confirmation by the voters.

32 (b) The commission shall order the reorganization subject to  
33 confirmation by the ~~voters as follows: voters, if written protests~~  
34 ~~have been submitted that meet the applicable protest thresholds~~  
35 ~~set forth in Section 57094.~~

36 ~~(1) In the case of inhabited territory, protests have been signed~~  
37 ~~by either of the following:~~

38 ~~(A) At least 25 percent of the number of landowners within any~~  
39 ~~subject agency within the affected territory who own at least 25~~  
40 ~~percent of the assessed value of land within the territory.~~

1 ~~(B) At least 25 percent of the voters entitled to vote as a result~~  
 2 ~~of residing within, or owning land within, any subject agency~~  
 3 ~~within the affected territory.~~

4 ~~(2) In the case of a landowner-voter district, the territory is~~  
 5 ~~uninhabited, and protests have been signed by at least 25 percent~~  
 6 ~~of the number of landowners within any subject agency within the~~  
 7 ~~affected territory, owning at least 25 percent of the assessed value~~  
 8 ~~of land within the subject agency.~~

9 ~~(3) If~~

10 ~~(c) The commission shall order the reorganization subject to~~  
 11 ~~confirmation by the voters if the reorganization has been initiated~~  
 12 ~~by the commission pursuant to Section 56375, 56375 and protests~~  
 13 ~~have been submitted that meet the requirements of Section 57113.~~  
 14 ~~57077.6.~~

15 SEC. 8. Section 57077.5 is added to the Government Code, to  
 16 read:

17 57077.5. (a) In any resolution ordering a merger or  
 18 establishment of a subsidiary district, the commission shall approve  
 19 the change of organization without an election except that if the  
 20 change of organization meets the requirements of subdivision (b),  
 21 the commission shall order the change of organization subject to  
 22 confirmation of the voters.

23 (b) The commission shall order the change of organization  
 24 subject to confirmation of the voters within any subject agency as  
 25 follows:

26 (1) If the proposal was not initiated by the commission, and if  
 27 a subject agency has not objected by resolution to the proposal,  
 28 the commission has found that protests meet the applicable protest  
 29 thresholds set forth in Section 57093.

30 (2) If the proposal was not initiated by the commission, and if  
 31 a subject agency has objected by resolution to the proposal, written  
 32 protests have been submitted that meet the applicable protest  
 33 thresholds set forth in Section 57094.

34 (3) If the proposal was initiated by the commission, and  
 35 regardless of whether a subject agency has objected to the proposal  
 36 by resolution, written protests have been submitted that meet the  
 37 requirements of Section 57077.6.

38 (c) Notwithstanding subdivision (a) or (b), the commission shall  
 39 not order the merger or establishment of a subsidiary district  
 40 without the consent of the subject city.

1 SEC. 9. Section 57077.6 is added to the Government Code, to  
2 read:

3 57077.6. Notwithstanding Section 57102, 57108, or 57111,  
4 for any proposal that was initiated by the commission pursuant to  
5 subdivision (a) of Section 56375, the commission shall forward  
6 the change of organization or reorganization for confirmation by  
7 the voters if the commission finds written protests have been  
8 submitted that meet the applicable protest thresholds set forth in  
9 Section 57094.

10 SEC. 10. Section 57090 of the Government Code is amended  
11 to read:

12 57090. (a) Except as otherwise provided in subdivision (b), if  
13 proceedings are terminated, either by majority protest as provided  
14 in Sections ~~57075, 57076~~, 57075 and 57077, or if a majority of  
15 voters do not confirm the change of organization or reorganization  
16 as provided in Section 57179, no substantially similar proposal  
17 for a change of organization or reorganization of the same or  
18 substantially the same territory may be filed with the commission  
19 within two years after the date of the certificate of termination if  
20 the proposal included an incorporation or city consolidation and  
21 within one year for any other change of organization or  
22 reorganization.

23 (b) The commission may waive the requirements of subdivision  
24 (a) if it finds these requirements are detrimental to the public  
25 interest.

26 SEC. 11. Chapter 4.5 (commencing with Section 57091) is  
27 added to Part 4 of Division 3 of Title 5 of the Government Code,  
28 to read:

29  
30 CHAPTER 4.5. PROTEST THRESHOLDS

31  
32 57091. (a) For purposes of Section 57075, relating to  
33 annexations, detachments, and latent powers, in the case of  
34 registered voter districts or cities:

35 (1) For inhabited territory, the commission shall take one of the  
36 following actions:

37 (A) Terminate proceedings if a majority protest exists in  
38 accordance with Section 57078.

39 (B) Order the change of organization or reorganization subject  
40 to confirmation by the registered voters residing within the affected

1 territory if written protests have been filed and not withdrawn by  
2 either of the following:

3 (i) At least 25 percent, but less than 50 percent, of the registered  
4 voters residing in the affected territory.

5 (ii) At least 25 percent of the number of owners of land who  
6 also own at least 25 percent of the assessed value of land within  
7 the affected territory.

8 (C) Order the change of organization or reorganization without  
9 an election if subparagraphs (A) and (B) of this paragraph do not  
10 apply.

11 (2) For uninhabited territory, the commission shall take either  
12 of the following actions:

13 (A) Terminate proceedings if a majority protest exists in  
14 accordance with Section 57078.

15 (B) Order the change of organization or reorganization if written  
16 protests have been filed and not withdrawn by owners of land who  
17 own less than 50 percent of the total assessed value of land within  
18 the affected territory.

19 (b) For purposes of Section 57075, in the case of  
20 landowner-voter districts, the commission shall take one of the  
21 following actions:

22 (1) Terminate proceedings if a majority protest exists in  
23 accordance with Section 57078.

24 (2) Order the change of organization or reorganization subject  
25 to an election within the affected territory if written protests that  
26 have been filed and not withdrawn represent either of the following:

27 (A) Twenty-five percent or more of the number of owners of  
28 land who also own 25 percent or more of the assessed value of  
29 land within the affected territory.

30 (B) Twenty-five percent or more of the voting power of  
31 landowner voters entitled to vote as a result of owning property  
32 within the affected territory.

33 (3) Order the change of organization or reorganization without  
34 an election if written protests have been filed and not withdrawn  
35 by less than 25 percent of the number of owners of land who own  
36 less than 25 percent of the assessed value of land within the  
37 affected territory.

38 57092. For purposes of Sections 57077.1, relating to  
39 dissolution, 57077.2, relating to consolidation, 57077.3, relating  
40 to reorganization, 57077.4, relating to dissolution and annexation,

1 and 57077.5, relating to merger or establishment of a subsidiary  
2 district, the following protest thresholds shall apply:

3 (a) In the case of inhabited territory, protests have been signed  
4 by either of the following:

5 (1) At least 25 percent of the number of landowners within the  
6 affected territory who own at least 25 percent of the assessed value  
7 of land within the affected territory.

8 (2) At least 25 percent of the voters entitled to vote as a result  
9 of residing within, or owning land within, the affected territory.

10 (b) In the case of a landowner-voter district, that the territory  
11 is uninhabited and that protests have been signed by at least 25  
12 percent of the number of landowners within the affected territory  
13 owning at least 25 percent of the assessed value of land within the  
14 affected territory.

15 57093. For proposals not initiated by the commission and where  
16 a subject agency has objected by resolution to the proposal, for  
17 purposes of Sections 57077.1, relating to dissolution, 57077.2,  
18 relating to consolidation, 57077.3, relating to reorganization,  
19 57077.4, relating to dissolution and annexation, and 57077.5,  
20 relating to merger or establishment of a subsidiary district, the  
21 following protest thresholds shall apply:

22 (a) In the case of inhabited territory, protests have been signed  
23 by either of the following:

24 (1) At least 25 percent of the number of landowners within any  
25 subject agency within the affected territory who own at least 25  
26 percent of the assessed value of land within the affected territory.

27 (2) At least 25 percent of the voters entitled to vote as a result  
28 of residing within, or owning land within, any subject agency  
29 within the affected territory.

30 (b) In the case of a landowner-voter district, that the territory  
31 is uninhabited and protests have been signed by at least 25 percent  
32 of the number of landowners within any subject agency within the  
33 affected territory, owning at least 25 percent of the assessed value  
34 of land within the subject agency.

35 57094. For purposes of Section 57077.6, relating to proposals  
36 initiated by the commission, the following protest thresholds shall  
37 apply:

38 (a) In the case of inhabited territory, protests have been signed  
39 by either of the following:

1 (1) At least 10 percent of the number of landowners within any  
 2 subject agency within the affected territory who own at least 10  
 3 percent of the assessed value of land within the territory. However,  
 4 if the number of landowners within a subject agency is less than  
 5 300, the protests shall be signed by at least 25 percent of the  
 6 landowners who own at least 25 percent of the assessed value of  
 7 land within the affected territory of the subject agency.

8 (2) At least 10 percent of the voters entitled to vote as a result  
 9 of residing within, or owning land within, any subject agency  
 10 within the affected territory. However, if the number of voters  
 11 entitled to vote within a subject agency is less than 300, the protests  
 12 shall be signed by at least 25 percent of the voters entitled to vote.

13 (b) In the case of a landowner-voter district, the territory is  
 14 uninhabited and protests have been signed by at least 10 percent  
 15 of the number of landowners within any subject agency within the  
 16 affected territory, who own at least 10 percent of the assessed value  
 17 of land within the territory. However, if the number of landowners  
 18 entitled to vote within a subject agency is less than 300, protests  
 19 shall be signed by at least 25 percent of the landowners entitled to  
 20 vote.

21 SEC. 12. Section 57107 of the Government Code is repealed.

22 ~~57107. (a) In any resolution ordering a merger or establishment~~  
 23 ~~of a subsidiary district, the commission shall approve the change~~  
 24 ~~of organization without an election except that if the change of~~  
 25 ~~organization meets the requirements of subdivision (b), the~~  
 26 ~~commission shall order the change of organization subject to~~  
 27 ~~confirmation of the voters.~~

28 ~~(b) The commission shall order the change of organization~~  
 29 ~~subject to confirmation of the voters within any subject agency as~~  
 30 ~~follows:~~

31 ~~(1) If the proposal was not initiated by the commission, and if~~  
 32 ~~a subject agency has not objected by resolution to the proposal,~~  
 33 ~~the commission has found that protests meet one of the following~~  
 34 ~~protest thresholds:~~

35 ~~(A) In the case of inhabited territory, protests have been signed~~  
 36 ~~by either of the following:~~

37 ~~(i) At least 25 percent of the number of landowners within the~~  
 38 ~~affected territory who own at least 25 percent of the assessed value~~  
 39 ~~of land within the territory.~~

1 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
2 ~~of residing within, or owning land within, the affected territory.~~

3 ~~(B) In the case of a landowner-voter district, that the territory~~  
4 ~~is uninhabited and that protests have been signed by at least 25~~  
5 ~~percent of the number of landowners within the affected territory~~  
6 ~~owning at least 25 percent of the assessed value of land within the~~  
7 ~~territory.~~

8 ~~(2) If the proposal was not initiated by the commission, and if~~  
9 ~~a subject agency has objected by resolution to the proposal, written~~  
10 ~~protests have been submitted as follows:~~

11 ~~(A) In the case of inhabited territory, protests have been signed~~  
12 ~~by either of the following:~~

13 ~~(i) At least 25 percent of the number of landowners within any~~  
14 ~~subject agency within the affected territory who own at least 25~~  
15 ~~percent of the assessed value of land within the territory.~~

16 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~  
17 ~~of residing within, or owning land within, any subject agency~~  
18 ~~within the affected territory.~~

19 ~~(B) In the case of a landowner-voter district, that the territory~~  
20 ~~is uninhabited and protests have been signed by at least 25 percent~~  
21 ~~of the number of landowners within any subject agency within the~~  
22 ~~affected territory, owning at least 25 percent of the assessed value~~  
23 ~~of land within the subject agency.~~

24 ~~(3) If the proposal was initiated by the commission, and~~  
25 ~~regardless of whether a subject agency has objected to the proposal~~  
26 ~~by resolution, written protests have been submitted that meet the~~  
27 ~~requirements of Section 57113.~~

28 ~~(e) Notwithstanding subdivision (a) or (b), the commission shall~~  
29 ~~not order the merger or establishment of a subsidiary district~~  
30 ~~without the consent of the subject city.~~

31 SEC. 13. Section 57113 of the Government Code is repealed.  
32 57113. Notwithstanding Section 57102, 57108, or 57111, for  
33 any proposal that was initiated by the commission pursuant to  
34 subdivision (a) of Section 56375, the commission shall forward  
35 the change of organization or reorganization for confirmation by  
36 the voters if the commission finds either of the following:

37 ~~(a) In the case of inhabited territory, protests have been signed~~  
38 ~~by either of the following:~~

39 ~~(1) At least 10 percent of the number of landowners within any~~  
40 ~~subject agency within the affected territory who own at least 10~~

1 percent of the assessed value of land within the territory. However,  
 2 if the number of landowners within a subject agency is less than  
 3 300, the protests shall be signed by at least 25 percent of the  
 4 landowners who own at least 25 percent of the assessed value of  
 5 land within the territory of the subject agency.

6 ~~(2) At least 10 percent of the voters entitled to vote as a result~~  
 7 ~~of residing within, or owning land within, any subject agency~~  
 8 ~~within the affected territory. However, if the number of voters~~  
 9 ~~entitled to vote within a subject agency is less than 300, the protests~~  
 10 ~~shall be signed by at least 25 percent of the voters entitled to vote.~~

11 ~~(b) In the case of a landowner-voter district, the territory is~~  
 12 ~~uninhabited and protests have been signed by at least 10 percent~~  
 13 ~~of the number of landowners within any subject agency within the~~  
 14 ~~affected territory, who own at least 10 percent of the assessed value~~  
 15 ~~of land within the territory. However, if the number of landowners~~  
 16 ~~entitled to vote within a subject agency is less than 300, protests~~  
 17 ~~shall be signed by at least 25 percent of the landowners entitled to~~  
 18 ~~vote.~~

19 SEC. 14. Section 116687 of the Health and Safety Code is  
 20 amended to read:

21 116687. (a) For purposes of this section, the following terms  
 22 have the following meanings:

23 (1) “District” means the Sativa-Los Angeles County Water  
 24 District.

25 (2) “Commission” means the Local Agency Formation  
 26 Commission for the County of Los Angeles.

27 (b) To provide affordable, safe drinking water to disadvantaged  
 28 communities, the state board shall order the district to accept  
 29 administrative and managerial services, including full management  
 30 and control, from an administrator selected by the state board, as  
 31 prescribed in Section 116686, except that the state board is not  
 32 required to conduct a public meeting as described in paragraph (2)  
 33 of subdivision (b) of Section 116686.

34 (c) (1) Upon the appointment of an administrator, all of the  
 35 following apply:

36 (A) Notwithstanding Article 1 (commencing with Section  
 37 30500) of Chapter 1 of Part 3 of Division 12 of the Water Code,  
 38 the district’s board of directors shall surrender all control to the  
 39 appointed administrator and shall thereafter cease to exist.

1 (B) The members of the board of directors of the district shall  
2 have no standing to represent the district’s ratepayers, and a  
3 member of the board of directors shall have no claim for benefits  
4 other than those the member actually received while a member of  
5 the board of directors.

6 (C) Any action by the board of directors to divest the district of  
7 its assets shall be deemed tampering with a public water system  
8 pursuant to Section 116750 and is subject to the criminal penalties  
9 provided for in that section.

10 (2) Within 90 days of the appointment of an administrator, the  
11 Controller shall perform a desk audit or financial review of the  
12 district. The state board shall exercise its legal authority to facilitate  
13 the desk audit or financial review, including, but not limited to,  
14 its authority to take possession of the district’s financial records.

15 (3) Any decision by the commission about the dissolution or  
16 consolidation of the district is not subject to the provisions of  
17 ~~Section 57113~~ 57077.6 of the Government Code, nor to any other  
18 requirement for a protest proceeding or election. The commission  
19 shall not impose any condition on the successor agency that  
20 requires a protest proceeding or an election, as described in Part  
21 4 (commencing with Section 57000) and Part 5 (commencing with  
22 Section 57300) of Division 3 of Title 5 of the Government Code,  
23 respectively.

24 (4) If the commission approves a dissolution of the district  
25 initiated by the commission, a successor agency designated in the  
26 dissolution by the commission, in consultation with the  
27 commission, may solicit proposals, evaluate submittals, and select  
28 any public water system to be the receiving water system and  
29 subsume all assets, liabilities, adjudicated water rights,  
30 responsibilities, and service obligations to provide retail water  
31 service to existing and future ratepayers within the former territory  
32 of the district. The successor agency shall represent the interests  
33 of the public and the ratepayers in the former territory of the  
34 district.

35 (d) The state board may provide additional funding to the  
36 administrator or the Water Replenishment District of Southern  
37 California or the successor agency designated by the commission  
38 for urgent infrastructure repairs to the public water system of the  
39 district without regard to the future ownership of any facilities  
40 affected by this funding. For purposes of this section, “urgent

1 infrastructure repairs” are those that are immediately necessary to  
2 protect the public health, safety, and welfare of those served by  
3 the district.

4 (e) If the district is consolidated with a receiving water system  
5 as prescribed in Sections 116682 and 116684, the subsumed  
6 territory of the district may include both unincorporated territory  
7 of the County of Los Angeles and incorporated territory of the  
8 City of Compton.

9 (f) (1) Any administrator appointed pursuant to subdivision  
10 (b), any successor agency to the district designated by the  
11 commission to take over the district, any receiving operator of a  
12 public water system that provides service to the territory of the  
13 district, any water corporation that acquires the district, and the  
14 commission shall not be held liable for claims by past or existing  
15 district ratepayers or those who consumed water provided through  
16 the district concerning the operation and supply of water from the  
17 district during the interim operation period specified in subdivision  
18 (g) for any good faith, reasonable effort using ordinary care to  
19 assume possession of the territory of, to operate, or to supply water  
20 to the ratepayers within the territory of, the district.

21 (2) Any administrator appointed pursuant to subdivision (b),  
22 any successor agency to the district designated by the commission  
23 to take over the district, any receiving operator of a public water  
24 system that provides service to the territory of the district, any  
25 water corporation that acquires the district, and the commission  
26 shall not be held liable for claims by past or existing district  
27 ratepayers or those who consumed water provided through the  
28 district for any injury that occurred prior to the commencement of  
29 the interim operation period specified in subdivision (g).

30 (g) (1) Notwithstanding subdivision (d) of Section 116684, for  
31 any successor agency to the district designated by the commission  
32 to take over the district, any receiving operator of a public water  
33 system that provides service to the territory of the district, or any  
34 water corporation that acquires the district, the interim operation  
35 period shall commence upon the execution of an agreement or  
36 designation by the commission to provide water services to the  
37 district and shall end one year later. Upon the showing of good  
38 cause, the interim operation period shall be extended by the  
39 commission for up to three successive one-year periods at the  
40 request of an entity described in this paragraph.

1 (2) For the administrator appointed pursuant to subdivision (b),  
2 the interim operation period commences upon being appointed by  
3 the state board and ends when a successor agency has been  
4 designated by the commission to provide water service to  
5 ratepayers of the district, when a receiving water agency is  
6 consolidated with or extends service to ratepayers of the district,  
7 when a water corporation acquires the district with the approval  
8 of the Public Utilities Commission, or when the administrator's  
9 obligation to provide interim administrative and managerial  
10 services has otherwise ended.

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# **Attachment D**

SB 938 Letter of Support Template

## LAFCO SUPPORT LETTER TEMPLATE FOR SB 938

DATE HERE

Honorable Robert Hertzberg  
California State Senate  
1021 O Street, Room 8610  
Sacramento, CA 95814

RE: **SUPPORT of SB 938: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.**

Dear Senator Hertzberg:

The [redacted] Local Agency Formation Commission (LAFCo) is pleased to join the California Association of Local Agency Formation Commissions (CALAFCO) in support of your bill, SB 938, which makes changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act). SB 938 represents a collaborative three-year effort led by CALAFCO to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which LAFCo may initiate dissolution of a district at the 25% protest threshold (the latter of which are proposed and pending amendments).

The statutes related to protest provisions and the disparate protest thresholds established for LAFCo-initiated actions (10%) and all other initiated actions (25%) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFCo. Further, they serve as a deterrent for LAFCo to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements.

>> If you have a specific example to offer or comments specific for your LAFCo, insert here. <<

As introduced, the bill represents the redraft of existing protest statutes with some minor technical clarifications added. The pending proposed amendments from CALAFCO allow LAFCos to initiate dissolution of a district at the 25% protest threshold under specific circumstances. All of this work is in response to a recommendation made in the 2017 Little Hoover Commission report after a year-long study (*Special Districts: Improving Oversight and Transparency*) and the formation of a working group by CALAFCO of stakeholders in early 2019. The intent was to examine the protest process for consolidations and dissolutions of special districts, and after three years of work (delayed due to the pandemic), the working group came to consensus on the redraft of existing protest statutes (representative of SB 938 as introduced) and a new process that allows LAFCos to initiate dissolution of a district at the 25% protest threshold under specific circumstances (pending amendment into SB 938).

The overarching goal of these changes is to ensure that LAFCos have the tools we need to carry out our statutory obligations to ensure orderly and functioning local government services and to create greater consistency in the statute. The specific circumstances under which a dissolution may be initiated are more than reasonable and the subsequent process includes three noticed public hearings, a minimum 12-month remediation period, and a 60-day protest period, all of which are extremely practical. Additionally, the proposed process for LAFCo-initiated actions at the 25% protest threshold applies only to dissolutions, making the scope of use exceptionally narrow.

SB 938 makes much needed and long-awaited improvements to The Act through the restructure and clarification of existing protest provisions, and addition of a fair and appropriate process that offers LAFCos additional tools necessary to effectively fulfill their statutory obligations.

We thank you for your authorship of this critical legislation and for continuing your long support of the work of LAFCos. For all these reasons, we are pleased to support your bill SB 938.

Yours sincerely,

YOUR NAME HERE  
YOUR TITLE HERE

cc: Members, Senate Governance and Finance Committee  
Anton Favorini-Csorba, Consultant, Senate Governance and Finance Committee  
Ryan Eisberg, Consultant, Senate Republican Caucus  
Rene LaRoche, Executive Director, California Association of Local Agency Formation Commissions

LAFCO SUPPORT TEMPLATE