

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING AGENDA

Thursday, May 14, 2020 – 6:00 P.M.
(NOTE: NEW DAY & STARTING TIME)

Board of Supervisors Chambers
481 Fourth Street, Hollister CA

THE ATTENDANCE AT THE MEETING IS CLOSED TO THE PUBLIC PER EXECUTIVE ORDER N-29-30. The public may join meeting by Zoom: <https://zoom.us/join> per instructions below:

1. Call to Order and Roll Call
2. Recitation of the Pledge of Allegiance
3. Approve Affidavit of Posting Agenda

TEMPORARY PROCEDURES FOR LAFCO COMMISSION MEETING:

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic, attendance at LAFCO meetings is closed to the public. Additionally, members of the Boards and Commissions are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

Members of the public are encouraged to participate in Commission meetings in the following ways:

ZOOM INSTRUCTIONS FOR REMOTE PARTICIPANTS:

Three ways to attend zoom meetings: over the phone, on a web browser, or through the Zoom App. Each meeting will have a meeting ID, which is a unique number associated with an instant or scheduled meeting.

1. **Over the phone (Audio Only):** (669) 900-6833 or (408) 638-0968.
2. **Open the Web-browser:** <https://zoom.us/join>
3. **Smart Device Application:**
 - *Apple App store: <https://apps.apple.com/us/app/id936-8911-2429>
 - *Android App store:
<https://play.google.com/store/apps/details?id=us.zoom.videomeetings>

Zoom Audio Only (phone)

If you are calling in as audio-only, please dial (669) 900-6833 or (408) 638-0968.

1. It will ask you to enter the Meeting ID #936-8911-2429, followed by the “#” key, which can be found at the top page of the agenda. The meeting agenda can be found at <http://cosb.us/>
2. It will then ask for a **Participant ID**, press the “#” key to continue.
3. Once you enter the zoom meeting, you will automatically be placed on mute.

Commissioners: Mark Medina, Chair ♦ Ignacio Velazquez, Vice Chair ♦ Richard Bettencourt ♦ Cesar Flores ♦ Jim Gillio

Alternate Commissioners: Peter Hernandez ♦ Elia Salinas ♦ Roland Resendiz **Executive Officer:** Bill Nicholson

Zoom On Web-browser or Zoom app on Tablet or Smartphone

If joining through web-browser launch: <https://zoom.us/join> or launch the Zoom app on your Tablet or Smartphone

1. Select “JOIN A MEETING”
2. The participant will be prompted to enter **Meeting ID #936-8911-2429** and name to join the meeting. Which can be found at the top page of the agenda. The meeting agenda can be found at <http://cosb.us/>
3. Participant can launch audio through their computer or set it up through the phone.

PUBLIC COMMENT

4. **Public Comment:** Select the “Participants Tab” and click “Raise hand” icon, the zoom facilitator will unmute you when your turn arises.

CONSENT AGENDA

5. Approval of minutes: April 15, 2020

BUSINESS ITEMS – PUBLIC HEARING ITEM

6. Approval of the Final Fiscal Year 2020-21 Budget

BUSINESS ITEMS – NON-HEARING ITEMS

7. First amendment to the Contract for Executive Officer Services for a cost of living increase
8. Update on Legislation proposed by or monitored by the California Association of Local Agency Formation Commissions (CALAFCO)

INFORMATIONAL

9. Commissioner Announcements and Requests for Future Agenda Items
10. Executive Officer oral status report on pending proposals
11. Adjourn to next regular meeting on June 11, 2020, unless cancelled by Commission Chair

Disclosure of Campaign Contributions – LAFCO Commissioners are disqualified and are not able to participate in proceedings involving an “entitlement for use” if, within the 12 months preceding the LAFCO decision, the Commissioner received more than \$250 in campaign contributions from the applicant, an agent of the applicant or an financially interested person who actively supports or opposes the LAFCO decision on this matter.

Those who have made such contributions are required to disclose that fact for the official record of the proceedings. Disclosures must include the amount of the contribution and the recipient Commissioner and may be made either in writing to the Executive Officer of the Commission prior to the hearing or by an oral declaration at the time of the hearing.

The foregoing requirements are set forth in the Political Reform Act of 1974, specifically in Government Code section 84308.

Disability Accommodations - Persons with a disability who require any disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the meeting are asked to contact the LAFCO office at least three (3) days prior to the meeting by telephone at 831/637-5313 or by email at jslibsager@cosb.us.

*LOCAL AGENCY FORMATION COMMISSION
2301 Technology Parkway
Hollister, CA 95023*



CERTIFICATE OF POSTING

Pursuant to Government Code § 59454.2(a) I, Janet Slibsager, Clerk of the Board of Supervisors, certify that the REGULAR MEETING AGENDA for the

SAN BENITO COUNTY LOCAL AGENCY FORMATION COMMISSION

Scheduled for May 14, 2020 was posted at the San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA and at the San Benito County Administration Office, 481 Fourth Street, Hollister, CA on this 7th Day of May, 2020.

All locations freely accessible to the general public.

Janet Slibsager

Clerk of the Board of Supervisors

CONSENT AGENDA

5. Approval of minutes: April 15, 2020 meeting.



**SAN BENITO LOCAL AGENCY FORMATION
COMMISSION
MINUTES OF MEETING**

April 15, 2020

Board of Supervisors Chambers - Hollister, CA

CALL TO ORDER

1. Chair Mark Medina called the meeting to order at 3:01 p.m. Those present were Executive Officer Bill Nicholson and Commissioners: Peter Hernandez, Cesar Flores, Mark Medina, Elia Salinas, and Ignacio Velazquez (joined after Item #6 started). Also present were Barbara Thompson, LAFCO Counsel, and Janet Slibsager, Recording Secretary.
2. Commissioner Salinas led the Pledge of Allegiance.
3. **APPROVE AFFIDAVIT OF POSTING AGENDA**
Commissioner Salinas made a motion to accept the Affidavit of Posting, Commissioner Flores seconded.

Ayes: Hernandez, Salinas, Medina, and Flores
Noes: None
Abstain: None
Absent: None

PUBLIC COMMENT

4. **Public Comment Period:** There was no one from the public who wished to speak.

CONSENT AGENDA

5. **Approval of minutes: February 19, 2020**

Commissioner Salinas made a motion to approve the minutes of February 19, 2020, Commissioner Hernandez seconded.

Ayes: Salinas, Medina, Hernandez, and Flores
Noes: None
Abstain: None
Absent: None

BUSINESS ITEMS- PUBLIC HEARING ITEMS

6. Approval of the proposed 2020-21 Budget

Executive Officer Bill Nicholson provided information and said that he has a power point presentation if commissioners would like to see it.

Commissioner Salinas said she was ok with the verbiage but has a few questions.

Commissioner Medina said it was fine with just the verbiage and to proceed with information regarding the budget.

Mr. Nicholson went ahead with an overview of the budget and explained the spreadsheet that was attached. He is recommending an additional increase of approximately \$6,000 to make this year's total budget \$152,727.00 reflecting an increase in the County's Cost Allocation Plan. This will be brought back at the next meeting for adoption.

Commissioner Salinas had a question regarding the retirement of medical insurance and the amounts charged.

Mr. Nicholson provided information that the budget extends for a year which ends in June. The information provided in column two is through March which currently shows how much money that is being paid out monthly. Shown in column three is how much money that has been put aside for next year's budget.

Commissioner Salinas would like to know if the retirement medical insurance is for one person.

Mr. Nicholson provided background information and that the medical insurance is for an ex County employee who provided LAFCO functions. It would cover her and her spouse until they both pass away.

Commissioner Salinas would like to know more information about Mr. Nicholson's 35 hours how is it allocated, how he keeps track, and does it include travel time.

Mr. Nicholson provided information, that his time is kept in 15 minute increments, keeps track of time spent on an invoice and he does not charge for travel time. Time spent each month can vary.

Commissioner Medina opened public comment.

Rolan Resendiz (who was participating on Zoom video) wanted to know who was the lady that was speaking.

Commissioner Medina replied that the lady speaking was Commissioner Elia Salinas.

Commissioner Salinas made a motion to approve Proposed 2020-21 Budget, Commissioner Flores seconded.

Ayes: Hernandez, Medina, Flores, Salinas, and Velazquez
Noes: None
Abstain: None
Absent: None

BUSINESS ITEMS- NON-HEARING ITEMS

- 7. Consideration of Exemption from LAFCO Review Under Government Code Section 56133(e)(1) for the Culler/Bray housing subdivision project located on the west end of Mojave Way and Fulton Way, and west of Southside Road for the connection to sewer service from the City of Hollister (LAFCO File No. 534)**

Executive Officer Bill Nicholson provided a power point presentation and background information on an extension of sewer at the applicant's request. There are two options, option A and option B. Option A is to find this item was already considered exempt in 2017 for the Sunnyside Estates subdivision and the property was included in the prior approval. Legal

requirement for LAFCO review is under Government Code Section 56133 that includes alternatives for service extensions within a sphere of influence, outside a sphere of influence, and exemptions from LAFCO approval. Mr. Nicholson provided detail of the requested exemption, property location, relationships to Sunnyside Estate Subdivision. Evidence that is provided by applicant to support Option A, assessors map and subdivision boundary map. If the commission wishes to make a motion for Option A, a motion is prepared. If not Option B can be presented.

Commissioner Medina opened up discussion to Option A. He would like to know about exemptions and if there will be any future similar developments coming back to the Commission.

Mr. Nicholson responded that it will be awhile before the issues regarding sewer extension by the City of Hollister outside their sphere of influence is cleared up. It started with the sewer master plan and provided background information on the Hollister Urban Area.

Commissioner Velazquez stated that this was something that went through years back in 2017 and it was a mistake. He is worried if this is approved, there will be more and more approvals in the future. He would like to know how this item would hold up in Court.

Mr. Nicholson replied that it is hard to say what the outcome would be in Court.

Commissioner Velazquez feels this is a mistake and that applicants are looking for ways to get around the law.

Commissioner Salinas would like to know if Commissioner Velazquez can site the law in the policy that claims it has a loop hole.

Commissioner Velazquez responded that Mr. Nicholson explained the exemptions to make this work.

Mr. Nicholson clarified the question and provided information.

Commissioner Velazquez agrees with Mr. Nicholson clarification and feels that they are finding ways around to get approval.

Commissioner Medina opened Public Comment.

Rolan Resendiz would like to know is the exemption is met or not met.

Mr. Nicholson provided information from the applicant on Option A, that the project was included in the previous exemption in 2017. He does not agree that it was included.

Anne Hall spoke on behalf of the applicant and provided information about the project. She explained the direction from LAFCO was exempt in 2017.

Ron Culler applicant and owner of the property provided background information.

Commissioner Medina closed Public Comment.

Commissioner Medina would like to know if only ten homes were included in this request.

Mr. Nicholson replied yes, only ten homes are involved now, and he said at the time a lot of information overlapped.

Commissioner Salinas asked if Mr. Nicholson saw the tentative map notes for the Brigatino property regarding the sewer.

Mr. Nicholson replied that he did not see the notes on the tentative map.

Commissioner Salinas made a motion to approve Option A, Commissioner Flores seconded.

Ayes: Medina, Flores, and Salinas

Noes: Hernandez and Velazquez

Abstain: None

Absent: None

- 8. Consider changing the day and/or start time of the regular Commission meetings.**

Commissioner Medina made a request to change meetings from 3 p.m. to 6 p.m. and to meet on the second Thursday of the month.

Commissioner Salinas made a motion to change the meetings to the second Thursday of the month at 6 p.m., Commissioner Medina seconded.

Ayes: Hernandez, Medina, Flores, Salinas, and Velazquez

Noes: None

Abstain: None

Absent: None

INFORMATIONAL

9. Commissioner Announcements and Requests for Future Agenda Items

Commissioner Flores made a statement to wear your mask when you go outside.

10. Executive Officer oral status report on pending proposals

Executive Officer Bill Nicholson will bring back the proposed budget at the May 14, 2020 LAFCO meeting for approval. There are other applicants pending with the City of Hollister and he briefly spoke on the Legislation that would benefit LAFCO and special districts through a grant program that will likely not be funded again this year.

ADJOURNMENT

11. Upon a motion by Commissioner Salinas, and seconded by Commissioner Flores, adjourned meeting at 4:05 p.m.

Final Minutes Approved by the Commission
on _____

By: _____
Mark Medina, Chairman

BUSINESS ITEMS- PUBLIC HEARING ITEM

6. Approval of the Final Fiscal Year 2020-21 Budget



May 14, 2020 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister CA 95023

**Final LAFCo Budget for FY 2020-21
(Agenda Item 6)**

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission:

1. Review the Final Budget for Fiscal Year 2020-21, accept all public testimony and approve the Final Budget with any desired modifications.
2. Direct staff to distribute the Adopted Budget to cities, special districts and the County as required by Government Code Section 56381.
3. Authorize the County Auditor-Controller to adjust the amounts collected from local agencies for LAFCo operations based on the actual year-end fund balance.
4. Direct staff to advise the Commission of any changed budgetary conditions that could adversely affect the Commission's ability to fulfill its responsibilities in the coming year.

DISCUSSION

Introduction

Staff is recommending adoption of the Final Budget for Fiscal Year 2020-21 to meet the statutory deadline for adoption by June 15th. No comments were received from the County, Cities or special districts as a result of the required mailing of the Preliminary Budget as adopted by the Commission on April 15, 2020, although the County Budget Office did provide some clarification on the Cost Allocation Plan charges in Account No. 619.101 which will be summarized below. Notice this public hearing was published in the Hollister Free Lance as required by LAFCo statute.

Appropriations

The Proposed Budget initially requested \$146,727 in appropriations, which reflected a \$5,230 increase from the FY 2019-20 Budget. However, at the Proposed Budget hearing on April 15th, the Executive Officer clarified that County Administration had requested a larger increase in the "Cost Allocation Plan" which reflected a \$6,523 increase over the anticipated appropriation of \$15,000 in Account No. 619.101, and this increased amount was approved by the Commission for the Proposed Budget resulting in a total Budget of \$153,250 for FY 2020-21. While there are no recommended changes in appropriations for adoption of the Final Budget, Staff did receive clarification on the Cost Allocation Plan from the County Budget Officer, Steward Patri. The spreadsheet he provided generated by the County's consultant identifies costs from County Counsel, Information Technology and the Auditor that reflect apportionment to LAFCO and various other outside agencies such as the Council of Governments (COG). The amount from County Counsel already reflects direct charges to LAFCO under the contract with Counsel for legal support, and therefore, there is no double billing.

In addition to this increase for the Cost Plan is an increase in membership dues for CALAFCO, a cost of living increase for the Executive Officer (Item 7 on today's Commission Agenda), and an increase in "Training-Registration" account for Commissioner attendance at the upcoming CALAFCO Fall Workshop in Monterey in October (assuming it is being held given the shelter-in- place order).

These increases were partially offset by reductions in several accounts identified in the attached "Explanation of Accounts" including the funds for Travel-Mileage, Public Services-Public Works for map review, and Board Clerk support to reflect current and projected workload levels.

The Commission should be reminded that appropriations that are not expended during one fiscal year become part of the Available Fund Balance and reduce the amount to be collected from the County and Cities for LAFCo operations at year-end.

Revenues

Contributions from the County and cities represent the great majority of LAFCo revenue. In the current fiscal year, revenue from application fees for processing boundary changes and modifying spheres of influence only amounted to \$2,040 in the first three quarters. However, we recently received \$1,620 for an annexation to Hollister which will be on the June Commission agenda, and another \$4,620 is anticipated for an industrial annexation. The balance of full budget costs are provided through billing by the Auditor's Office to

the County (50%) and the City's of Hollister and San Juan Bautista sharing the other 50%. For perspective, after three-quarters of the fiscal year, LAFCO costs were only \$59,460 of the budgeted annual total of \$134,610. The Auditor will only bill the cities and county based on actual expenditures, not on the adopted budget amount. The cities split their share of costs based on the percentage of total revenues received by each city. Based on the State Controller's website, in 2017 Hollister received 93.725% of total city revenue and San Juan Bautista received only 6.275%.

Conclusion/Recommendation

In consideration of this information, it is recommended the Final Budget be approved and distributed to local agencies as required by Government Code Section 56381; the Auditor-Controller be requested to adjust the actual amounts billed to the County and Cities for LAFCO operations to reflect the actual the year-end fund balance; and that staff be directed to apprise the Commission of any changed conditions during the fiscal year which could adversely affect the Commissions ability to fulfill its responsibilities.

Sincerely,



BILL NICHOLSON
Executive Officer

Attachments – Final Budget Chart by Account and Cost Plan Exhibit A provided
by the County Auditor's Office

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

Final Budget for Fiscal Year 2020-21

Explanation of Accounts

Object Code No.	<u>Description</u>	<u>FY 2019-20 Adopted</u>	<u>As of 3/31/20</u>	<u>FY 2020-21 Proposed</u>	<u>Change</u>
619.166	CALAFCO Membership	1,075	1,075	1,829	754
	Membership dues reflect special increase this year for all LAFCOs.				
619.172	Service & Supplies: Postage	1,000	201	1,000	0
	Maintain account based on historic application activity.				
619.174	Service & Supplies: Office Supplies & Copies	2,000	61	2,000	0
	Maintain account based on historic application activity & use of County copying rate.				
619.180	Services & Supplies: Legal Notice	750	337	750	0
	Keeping account the same based on anticipated advertising costs.				
619.194	Training - Registration	1,000	1,382	1,500	500
619.196	Travel - Lodging	1,520	480	1,520	0
	Executive Officer and Commissioner attendance at CALAFCO Conference – Monterey in October 2020 and Staff Workshop in April 2021. Increase registration cost for Counsel attendance.				
619.198	Training & Education - Meals	300	96	300	0
	Corresponding meal reimbursement for conference attendance reduced.				
619.200	Travel – Mileage	2,000	68	1,000	(1,000)
	For attending conferences and special meetings, reduced based on historic usage.				
619.210	Legal Counsel Services	10,000	0	10,000	0
	Legal services are provided by County Counsel and Outside Counsel; not billed yet.				
619.222	LAFCO Consultant Services	69,300	34,965	71,032	1,732
	Executive Officer services at 35 hours/mo. approved in FY 2017-18. Propose 50 hours (\$7,000) for support for MSR for County Service Areas (CSAs) carried over from the 2019-20 Fiscal Year. Also propose annual CPI increase (est. 2.5%).				
619.226	Prof. Services: Public Works (Map/Legal review)	4,000	0	2,000	(2,000)

San Benito Local Agency Formation Commission
 Final Budget for Fiscal Year 2020-21
 Page 2

Object Code No.	Description	FY 2020-21 <u>Adopted</u>	As of <u>3/31/20</u>	FY 2020-21 <u>Proposed</u>	<u>Change</u>
619.252	County GIS Contribution	1,796	0	1,796	0
	The Commission participates in the County GIS Program. The amount is provided by the County as the LAFCO share of annual Basic Maintenance Expense.				
619.101	Cost Allocation Plan	7,329	8,595	21,523	14,194
	County overhead for Auditor/Administration and related functions – increase based on FY 2019-20 expenses.				
TBD	Board Clerk Support	9,427	2,232	7,000	(2,427)
	Reimbursement for Board Clerk as LAFCO Clerk – reduce based on expected hours.				
645.704	Retire – Medical Insurance	10,000	6,615	10,000	0
	Medical insurance costs for former Executive Officer – OPEB responsibility.				
999.999	Contingency Reserve	20,000	0	20,000	0
	Contingency Reserve – remain at \$20,000 for emergencies/unanticipated costs. Funds only spent with prior Commission authorization.				
N/A	Totals	141,497	56,107	153,250	11,753

County of San Benito
2 CFR part 200

Exhibit A

Cost Exhibit (continued)

Department	430-95.4530-Costs Courts	626-95.7280-LAFCO	627-957290-957330- Local Transit Authority	628-957370-957390- COG	101-All Other	2nd Alloc Remains
Totals	\$137,909	-	-	-	\$3,622	-
101--Building Depreciation	\$55,169	-	-	-	\$234	-
101-15.1015-Annual Audit	\$969,734	-	-	-	\$2,780	(\$0)
101-15.1010-Admin Officer	\$901,308	\$547	-	-	\$31,989	\$0
101-15.1065-Information Tech	\$747,137	\$12,349	\$7,010	\$16,097	\$11,809	\$0
101-20.1140-Risk Management/Insurance	\$785,658	-	-	\$2,609	\$133	(\$0)
101-20.1145-Auditor	\$963,268	\$623	-	\$7,328	\$45,156	(\$0)
101-15.1080-Internal Services	\$572,866	-	-	-	-	-
101-70.1290-Maintenance	\$710,005	-	-	-	\$45,960	(\$0)
Total Actual Costs	\$5,843,255	\$13,518	\$7,010	\$26,034	\$141,684	
Roll Forward Amounts	\$1,005,299	\$8,004	\$1,972	\$11,767	\$34,526	
Regular Adjustments	-	-	-	-	-	-
One-Time Adjustments	-	-	-	-	-	-
Total Claimable Costs	\$6,848,553	\$21,523	\$8,981	\$37,802	\$176,211	\$0

BUSINESS ITEMS – NON- HEARING ITEMS

- 7. First amendment to the Contract for Executive Officer Services for a cost of living increase**
- 8. Update on Legislation proposed by or monitored by the California Association of Local Agency Formation Commissions (CALAFCO)**



May 14, 2020 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister CA 95023

**First Amendment to Agreement with William Nicholson for
Executive Officer Services
(Agenda Item 7)**

Dear Members of the Commission:

RECOMMENDATION

Consider the First Amendment to Agreement for Providing Executive Officer Services.

DISCUSSION

As discussed at the preliminary budget discussion on February 19, 2020, and referenced in the Proposed Budget, the Executive Officer has requested an amendment to his Agreement for Executive Officer services to include an annual cost of living adjustment provision. The Commission was generally in favor of this amendment and the Proposed Budget referenced this item would be returned to the Commission for action at the same meeting as adoption of the Final Budget.

The attached First Amendment to the Agreement incorporates a modification to Section 4.A by adding the following sentence:

The rate provided for in this Section shall be automatically adjusted as follows: On July 1, 2020 and every July 1st thereafter during the term of this Agreement, the rate shall be adjusted for the change in the cost of living for the twelve (12) month period published for the month of April, as shown in the U.S. Department of Labor by the Urban Consumers in the San Francisco-Oakland-Hayward area, however, that such adjustment shall never be lower than zero percent (0%).

A second modification involves the following revision to the first sentence in Exhibit A-1 of the Agreement:

Local Agency Formation Commission
First Amendment to Agreement with William Nicholson for Executive Officer Services
May 14, 2020 (Agenda)
Page 2

LAFCO shall pay Consultant the amount of \$140 per hour for services provided pursuant to this agreement, ~~up to a maximum of \$50,400.00 per year, adjusted for an annual cost of living adjustment,~~ as specified in Section 4.A of this Agreement."

The reference to an annual maximum salary is not necessary in Exhibit A-1 as the number of hours authorized to be worked are identified annually in the fiscal year budget. In addition, if this amendment is approved the hourly rate will be adjusted in most years based on the actual inflation rate.

Sincerely,

Reed Gallogy,
LAFCO Counsel

Attachments:

1. First Amendment to Agreement for Providing Executive Officer Services
2. Original Agreement to Provide Executive Officer and Other Staff Services, dated April 7, 2020
3. Consumer Price Index Categories and Recent Increases

FIRST AMENDMENT TO AGREEMENT TO PROVIDE EXECUTIVE OFFICER
AND
OTHER LAFCO STAFF SERVICES
BETWEEN
SAN BENITO LAFCO
AND
WILLIAM NICHOLSON

This First Amendment to the Agreement for Providing Executive Officer and Other LAFCO Staff Services (hereafter "Agreement") is entered into by and between the San Benito Local Agency Formation Commission (hereafter "LAFCO" or "Commission") and William Nicholson (hereafter "Consultant").

RECITALS

WHEREAS, CONSULTANT and LAFCO entered into an Agreement for Providing Executive Officer and Other LAFCO Staff Services dated April 26, 2016 ("Agreement"); and

WHEREAS, CONSULTANT and LAFCO desire to enter into an Amendment to the Agreement to provide for a cost of living adjustment to the compensation rate.

AMENDMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereby agree as follows:

1. Section 4.A. "Compensation and Reimbursement" is hereby amended to include the following sentences as follows:

"The rate provided for in this Section shall be automatically adjusted as follows: On July 1, 2020 and every July 1st thereafter during the term of this Agreement, the rate shall be adjusted for the change in the cost of living for the twelve (12) month period published for the month of April, as shown in the U.S. Department of Labor by the Urban Consumers in the San Francisco-Oakland-Hayward area, however, that such adjustment shall never be lower than zero percent (0%)."

2. Exhibit 1-A. "Compensation" is hereby amended by modifying the first sentence to read as follows:

"LAFCO shall pay Consultant the amount of \$140 per hour for services provided pursuant to this agreement, ~~up to a maximum of~~

\$50,400.00 per year, adjusted for an annual cost of living adjustment, as specified in Section 4.A of this Agreement."

3. Except as otherwise specifically set forth in this First Amendment, the remaining provisions of the Agreement for Providing Executive Officer and Other LAFCO Staff Services shall remain in full force and effect.
4. This First Amendment may be executed in counterpart originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

LOCAL AGENCY FORMATION COMMISSION

CONSULTANT

Mark Medina
Chair, San Benito LAFCO



William Nicholson
TIN 566-66-2460

Date: May 14, 2020

Date: May 7, 2020

APPROVED AS TO FORM
LAFCO LEGAL COUNSEL

By: _____

Date: _____

AGREEMENT TO PROVIDE EXECUTIVE OFFICER AND
OTHER LAFCO STAFF SERVICES

This Agreement for Providing Executive Officer and Other LAFCO Staff Services (hereafter "Agreement") is entered into by and between the San Benito Local Agency Formation Commission (hereafter "LAFCO" or "Commission") and William Nicholson (hereafter "Consultant").

The parties agree as follows:

1. LAFCO Authorization. LAFCO is a public agency that operates pursuant to the Cortese/Knox/Hertzberg Local Governmental Reorganization Act of 2000 (§56000 et seq. of the Government Code). Sections 56375 and 56384 provide that the Commission shall appoint an Executive Officer and may contract for professional and consulting services to carry out and effect the functions of the Commission.

2. Retention of Consultant as Executive Officer. LAFCO desires to retain Consultant as its Executive Officer until a successor is selected and assumes the duties of Executive Officer. Consultant has the necessary expertise to perform such services, is uniquely qualified and is willing to perform these services for LAFCO.

3. Services Provided. Consultant shall perform all Executive Officer duties as specified in the Cortese-Knox/Hertzberg Local Government Reorganization Act of 2000 ("ACT"), other applicable statutes and as directed by the Commission. Consultant shall specifically be responsible for preparing and filing requests for information, notices (other than Commission public meeting notices), and other documents required under the Act. Consultant shall also propose the annual budget and monitor accounts and expenditures during the fiscal year...

Commission shall provide support services including clerking meetings, preliminary processing applications received, and maintaining Commissioner records. Consultant shall provide information to members of the public regarding LAFCO statutes, policies and concepts of orderly governmental boundaries.

4. Compensation and Reimbursement

A. LAFCO shall pay Consultant the amount set forth in Exhibit A-1 for professional services pursuant to this agreement. Funding for this contract shall be included in the LAFCO budget as adopted by the Commission.

B. If there is a significant change in the workload, the Commission and Consultant may at any time renegotiate the compensation portion of this Agreement upon reasonable notice to the other party.

C. In addition to compensation under Paragraph 4.A., LAFCO shall reimburse Consultant costs incurred in performing Services as set forth in Exhibit A -2. Costs not included in Exhibit A shall not be reimbursed without the prior written consent of LAFCO. Expenses will be reimbursed only if incurred during the contract period.

D. Commission and Consultant recognize and agree that Consultant is based outside of San Benito County, and that much of San Benito County's LAFCO work can be conducted at a remote location. While LAFCO will maintain space for storage of files and as a temporary work location, a permanent dedicated office space is not included.

E. Consultant may invoice for direct work time, for time and direct expenses spent on San Benito County LAFCO business at workshops and conferences (as detailed in Exhibits A-1 and A-2), but not for travel time.

F. Consultant is responsible for operating within given appropriations. The process for reimbursement of expenses that exceed given appropriations shall involve review and approval by LAFCO.

5. Independent Contractor. The parties agree Consultant is operating as an Independent Contractor and is not entitled to benefits of a LAFCO or San Benito County employee, including, but not limited to vacation pay, holiday pay, overtime pay, health insurance, disability or retirement benefits.

6. Insurance Coverage. Throughout the term of this Agreement, Consultant shall at its sole cost and non-reimbursable expense, keep in full force and effect comprehensive general liability insurance including personal injury, property damage liability and automobile liability insurance. Such insurance shall be in the amount of One Million Dollars (\$1,000,000) combined single limit for injury to or death of one or more persons in an occurrence, and for damage to tangible property (including loss of use) in an occurrence.

7. Support by LAFCO. LAFCO agrees to furnish for the use of Consultant office space, telephone service and copy service at or in the vicinity of the LAFCO office during the term of this Agreement.

8. Conflicts of Interest. During the term of this Agreement, Consultant shall not perform any work under this contract that is considered detrimental to LAFCO's interests. Consultant shall take such measures as are deemed necessary in the performance of this contract to prevent actual conflicts of interest.

9. No assignment. Consultant shall not have the ability to assign its rights under this Agreement, or the power to delegate its duties, without the prior written consent of LAFCO.

10. Notices. All notices and other communications required or permitted hereunder to be effective shall be in writing and shall be deemed to have been duly given and received when delivered by hand, or if mailed, three (3) business days after deposit in the mail, with postage prepaid for registered or certified mail. Written notice to each party shall be addressed to:

San Benito LAFCO
c/o County Administrator
481 4th Street, 1st Floor
Hollister CA 95023-3840

William Nicholson
2894 Sunnyfield Drive
Merced, Ca. 95340

11. Non-exclusive Contract. Nothing in this agreement shall be construed to restrict Consultant's right to enter into other agreements and provide services for others, provided such agreements or services do not interfere with the timely performance of the Services Provided, create a conflict of interest or be deleterious to the interests of the Commission.

12. General Provisions. This agreement shall be governed and construed in accordance with the laws of the State of California. It is agreed and understood by LAFCO and Consultant that this Agreement has been arrived at through negotiations, and that within the meaning of Civil Code Section 1654 neither party is to be deemed to be the party which prepared this Agreement.

13. Term of the Agreement/Termination

A. LAFCO on April 7, 2016 decided to contract with Consultant and on May 26, 2016, authorized the Chair of the Commission to execute this agreement.

B. This agreement shall be effective on April 30, 2016, and shall remain in effect until the Commission appoints a subsequent Executive Officer and that individual has physically assumed the position, or until both parties approve a revised agreement.

C. This agreement may be continued in effect, with the Consultant acting in an advisory capacity to the newly appointed Executive Officer, for a period not to exceed two weeks, upon the approval of Consultant and the new Executive Officer.

D. This agreement may be terminated without cause by LAFCO or Consultant by giving thirty (30) days written notice to the other party, subject to payment by LAFCO of charges accumulated prior to effective date of such termination.

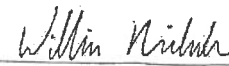
LOCAL AGENCY FORMATION COMMISSION

CONSULTANT

LOCAL AGENCY FORMATION COMMISSION

CONSULTANT

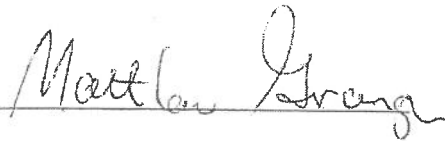

Chair, San Benito LAFCO


William Nicholson
TIN 56666-2460

Date: April 25, 2016

Date: April 25, 2016

APPROVED AS TO FORM
LAFCO LEGAL COUNSEL

By: 

SAN BENITO COUNTY
2016 MAY 26 P 7:30

AGREEMENT FOR PROVIDING EXECUTIVE OFFICER SERVICES

EXHIBIT A-1

COMPENSATION

LAFCO shall pay Consultant the amount of \$140 per hour for services provided pursuant to this agreement, up to a maximum of \$50,400.00 per year. Payment shall be made upon submission of monthly invoices detailing expenses by LAFCO file, project, or task number, and/or prorating general (overhead, travel, etc.) expenses by LAFCO file, project, or task number.

EXHIBIT A-2

REIMBURSABLE EXPENSES

Office expenses, travel, transportation and meals shall be reimbursed as set forth below. Consultant will travel to San Benito County as needed to conduct LAFCO business.

- Mileage at the standard San Benito County rate
- Long distance telephone and fax charges
- Postage and express mail
- Messenger service
- Publications and software purchased for the San Benito LAFCO
- Equipment and office supplies purchased for San Benito LAFCO
- Duplicating and printing
- Computer and research services
- Travel expense, including mileage, transportation, rental cars, hotel, meals and other expenses related to LAFCO business

Consultant understands and agrees that travel expenses not specifically associated with San Benito County LAFCO business shall be shared with Consultant's other clients, if any, and shall be reimbursed by San Benito County on a pro rata basis.

CONSUMER PRICE INDEX – CALIFORNIA

Los Angeles-Long Beach-Anaheim, San Francisco-Oakland-Hayward, San Diego-Carlsbad, Riverside-San Bernardino-Ontario, United States City Average, 2019-2020

All Items
 1982 - 1984 = 100

All Urban Consumers

Year	Month	California ^a	Los Angeles Long Beach Anaheim ^b	San Francisco Oakland Hayward ^b	San Diego Carlsbad ^b	Riverside San Bernardino Ontario ^b	U.S. City Average ^b
2019	January		269.468		295.761	103.991	251.712
2019	February	276.655	269.608	291.227			252.776
2019	March		271.311		297.226	104.749	254.202
2019	April	280.275	273.945	294.801			255.548
2019	May		274.479		300.303	105.959	256.092
2019	June	280.956	274.380	295.259			256.143
2019	July		274.682		299.333	105.816	256.571
2019	August	281.247	274.579	295.490			256.558
2019	September		276.054		301.033	106.412	256.759
2019	October	283.901	278.075	298.443			257.346
2019	November		277.239		301.520	106.573	257.208
2019	December	282.594	275.553	297.007			256.974
2019	Annual Average	280.638	274.114	295.004	299.433	105.697	255.657
2020	January		277.755		302.564	107.143	257.971
2020	February	284.886	278.657	299.690			258.678
2020	March						
2020	April						
2020	May						
2020	June						
2020	July						
2020	August						
2020	September						
2020	October						
2020	November						
2020	December						
2020	Annual Average						

↑
 NOTE: FEB 2019 to
 FEB 2020 =
 a 2.9%
 increase

Date of last update: 4/13/2020

^a Weighted average of the consumer price indexes for Los Angeles-Long Beach-Anaheim, San Francisco-Oakland-Hayward, San Diego-Carlsbad, and Riverside-San Bernardino-Ontario. A conversion factor has been included for comparability of 2018 data with 2017 and prior years. Computed by the Department of Industrial Relations, Office of the Director - Research Unit from indexes issued by the U.S. Department of Labor.

^b Source: U.S. Department of Labor, Bureau of Labor Statistics. Beginning with the November 2017 data, indexes for San Diego-Carlsbad will be published bi-monthly on odd months only (January, March, May, etc.). The Riverside-San Bernardino-Ontario indexes are on a December 2017 = 100 base and will be published bi-monthly on odd months only (January, March, May, etc.).

LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

Phone: (831) 637-5313 Fax: (805) 647-7647

DATE: May 14, 2020 (Agenda)

TO: Local Agency Formation Commission

FROM: *Bh*
Bill Nicholson, Executive Officer

RE: Update on Legislation Proposed or Monitored by the California Association of Local Agency Formation Commissions (CALAFCO)
(Agenda Item 8)

The CALAFCO Legislative Committee and CALAFCO Board have been monitoring the unique Legislative Session which has been dramatically disrupted by the COVID-19 Virus. After a long absence, the State Senate and Assembly have just returned to Sacramento and have started moving bills again. This brief memo references a few bills of interest to San Benito LAFCo, and contains a copy of the "CALAFCO Daily Legislative Report" identifying bills monitored and positions taken by CALAFCO.

First off, here is an update on the status of the three bills CALAFCO sponsored:

- AB 1253 (Rivas) proposing one-time funding for local LAFCO studies on governmental efficiency – specifically leading to dissolution or consolidation of districts.
Status: The author was unsuccessful in getting \$1.5 million in funding into the budget, and with the focus on legislation involving funding being targeted to COVID-19 efforts, it is not likely this bill will gain much traction. After monitoring this legislation and previous legislation for the past four years, it does not look promising for San Benito LAFCO to obtain grant funding targeting struggling special districts.
- SB 414 (Caballero) Would create a Small Systems Water Authority Act and create water authorities to oversee multiple noncompliant small public water systems within close proximity, but which don't necessarily have interconnected water systems. CALAFCO has supported this bill, with the inclusion of several amendments, including a clear role for local LAFCOs in the monitoring and review process.
- SB 799 (Dodd) Proposes to extend a pilot program in Napa and San Bernardino Counties allowing for LAFO to approve extensions of service outside an agency boundary and outside the agencies sphere of influence to support existing and planned uses. This law in Government Code section 56133.5 would aid San Benito LAFCO in addressing sewer extensions from the City of Hollister into the County and outside the City's sphere such as in the Southside Road area. Unfortunately, with competing priorities and a lack of interest by Napa County, it appears the Senator is no longer interested in moving this bill forward in 2020.

Action Requested

Receive the update of legislation tracked by CALAFCO, discuss any legislation of interest and give direction to take a position on specific legislation if interested.

Commissioners: Mark Medina, Chair ♦ Ignacio Velazquez, Vice Chair ♦ Richard Bettencourt ♦ Cesar Flores ♦ Jim Gillio

Alternate Commissioners: Robert Hernandez ♦ Elia Salinas ♦ Roland Resendiz **Executive Officer:** Bill Nicholson

CALAFCO Daily Legislative Report as of Wednesday, May 06, 2020

1

AB 1253 (Rivas, Robert D) Local agency formation commissions: grant program.

Current Text: Introduced: 2/21/2019 [html](#) [pdf](#)

Introduced: 2/21/2019

Status: 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/6/2019)(May be acted upon Jan 2020)

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

Summary:

This bill would require the Strategic Growth Council, until July 31, 2025, to establish and administer a local agency formation commissions grant program for the payment of costs associated with initiating and completing the dissolution of districts listed as inactive, the payment of costs associated with a study of the services provided within a county by a public agency to a disadvantaged community, as defined, and for other specified purposes, including the initiation of an action, as defined, that is limited to service providers serving a disadvantaged community and is based on determinations found in the study, as approved by the commission. The bill would specify application submission, reimbursement, and reporting requirements for a local agency formation commission to receive grants pursuant to the bill. The bill would require the council, after consulting with the California Association of Local Agency Formation Commissions, to develop and adopt guidelines, timelines, and application and reporting criteria for development and implementation of the program, as specified, and would exempt these guidelines, timelines, and criteria from the rulemaking provisions of the Administrative Procedure Act. The bill would make the grant program subject to an appropriation for the program in the annual Budget Act, and would repeal these provisions on January 1, 2026. This bill contains other existing laws.

Attachments:

[LAFCo Support Letter Template](#)

[CALAFCO Support letter Feb 2016](#)

Position: Sponsor

Subject: Disadvantaged Communities, LAFCo Administration, Municipal Services, Special District Consolidations

CALAFCO Comments: This is a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFCOs one-time grant funding for in-depth studies of potential reorganization of local service providers. Last year, the Governor vetoed AB 2258 - this is the same bill. The Strategic Growth Council (SGC) will administer the grant program. Grant funds will be used specifically for conducting special studies to identify and support opportunities to create greater efficiencies in the provision of municipal services; to potentially initiate actions based on those studies that remove or reduce local costs thus incentivizing local agencies to work with the LAFCo in developing and implementing reorganization plans; and the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The grant program would sunset on July 31, 2024.

The bill also changes the protest threshold for LAFCo initiated actions, solely for the purposes of actions funded pursuant to this new section. It allows LAFCo to order the dissolution of a district (outside of the ones identified by the SCO) pursuant to Section 11221 of the Elections code, which is a tiered approach based on registered voters in the affected territory (from 30% down to 10% depending).

The focus is on service providers serving disadvantaged communities. The bill also requires LAFCo pay back grant funds in their entirety if the study is not completed within two years and requires the SGC to give preference to LAFCOs whose decisions have been aligned with the goals of sustainable communities strategies.

We were unsuccessful in getting the \$1.5 M into the budget so the author has decided to make this a 2-year bill and try again in the next budget in a budget trailer bill.

AB 1751 (Chiu D) Water and sewer system corporations: consolidation of service.

Current Text: Amended: 7/5/2019 [html](#) [pdf](#)**Introduced:** 2/22/2019**Last Amended:** 7/5/2019**Status:** 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/12/2019)(May be acted upon Jan 2020)

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

Summary:

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board related responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2019, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system.

Position: Watch**Subject:** Water

CALAFCO Comments: This bill would authorize a water or sewer system corporation to file an application and obtain approval from the PUC through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system. The bill would require the commission to approve or deny the app. Unless the commission designates a different procedure because it determines a consolidation warrants a more comprehensive review, the bill would authorize a water or sewer system corporation to instead file an advice letter and obtain approval from the commission through a resolution authorizing the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, or to implement rates for the subsumed water system.

AB 2093 (Gloria D) Public records: writing transmitted by electronic mail: retention.**Current Text:** Introduced: 2/5/2020 [html](#) [pdf](#)**Introduced:** 2/5/2020**Status:** 3/10/2020-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 1.) (March 10). Re-referred to Com. on APPR.

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

Summary:

Would, unless a longer retention period is required by statute or regulation, or established by the Secretary of State pursuant to the State Records Management Act, require a public agency, for purposes of the California Public Records Act, to retain and preserve for at least 2 years every public record, as defined, that is transmitted by electronic mail.

Attachments:[AB 2093 LAFco Oppose letter template March 2020](#)[CALAFCO Oppose AB 2093 March 2020](#)**Position:** Oppose**Subject:** Public Records Act

CALAFCO Comments: This bill requires all public agencies to retain and preserve for at least two years all email records as public records. This includes ALL emails without regard for topic or relevance to agency business, whether they be spam, auto-replies and random correspondence of little to no public interest. Further it does not allow the agency to charge for the time required to sift through this backlog of emails to respond to the request for public record. This is an expensive unfunded mandate.

This bill mirrors AB 1184 from 2019 which was vetoed by the Governor, whose veto message read in part: "[t]his bill does not strike the appropriate balance between the benefits of greater transparency through the public's access to public records, and the burdens of a dramatic increase in records-retention requirements, including associated personnel and data-management costs to taxpayer."

CALAFCO joins a long list of agencies and Associations in opposition to this bill.

UPDATE: CALAFCO learned the Member is not going to move the bill forward in 2020.

AB 2452 (Garcia, Cristina D) State auditor: audits: high-risk local government agency audit program.

Current Text: Introduced: 2/19/2020 [html](#) [pdf](#)

Introduced: 2/19/2020

Status: 2/27/2020-Referred to Com. on A. & A.R.

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

Summary:

Would authorize the California State Auditor to include in the high-risk local government agency audit program any local agency or district association that the California State Auditor identifies as being at high risk for the potential of waste, fraud, abuse, or mismanagement or that has major challenges associated with its economy, efficiency, or effectiveness.

Attachments:

[CALAFCO Oppose AB 2452 March 2020](#)

Position: Oppose

Subject: Other

CALAFCO Comments: This bill authorizes the State Auditor to investigate and audit not-for-profit associations with public agency membership as part of the High-Risk Local Agency Audit Program (HRLAAP). This bill is a follow-up to AB 315 from 2019 (which CALAFCO opposed), both of which are a result of the author's concern over one particular association of cities which held an event at which two council members behaved inappropriately. CALAFCO joined a coalition of state associations in opposition to this bill.

UPDATE: CALAFCO learned the Member will not move the bill forward in 2020.

SB 414 (Caballero D) Small System Water Authority Act of 2019.

Current Text: Amended: 6/25/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Last Amended: 6/25/2019

Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/21/2019)(May be acted upon Jan 2020)

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

Summary:

Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.

Position: Support

Subject: Water

CALAFCO Comments: This bill is very similar to AB 2050 (Caballero) from 2018. Several changes have been made. This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water authority. The focus is on non contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of a new public agency.

LAFCo will be responsible for dissolving any state mandated public agency dissolution, and the formation of the new water authority. The SWRCB's appointed Administrator will act as the applicant on behalf of the state. LAFCo will have ability to approve with modifications the application, and the new agency will have to report to the LAFCo annually for the first 3 years.

SB 928 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/5/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 3/16/2020-March 18 hearing postponed by committee.

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

Summary:

This bill would enact the First Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

CALAFCO Comments: This is the first of three annual validating acts.

SB 929 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/5/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 3/16/2020-March 18 hearing postponed by committee.

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

Summary:

This bill would enact the Second Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

CALAFCO Comments: This is the second of three annual validating acts.

SB 930 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/5/2020 [html](#) [pdf](#)

Introduced: 2/5/2020

Status: 3/16/2020-March 18 hearing postponed by committee.

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

Summary:

This bill would enact the Third Validating Act of 2020, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Support

CALAFCO Comments: This is the third of three annual validating acts.

SB 1052 (Hertzberg D) Water quality: municipal wastewater agencies.

Current Text: Introduced: 2/18/2020 [html](#) [pdf](#)

Introduced: 2/18/2020

Status: 3/18/2020-April 1 hearing postponed by committee.

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

Summary:

Would establish municipal wastewater agencies and would authorize a municipal wastewater agency, among other things, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Attachments:

[SB 1052 LAFCo template Support March 2020](#)

[SB 1052 CALAFCO Support March 2020](#)

Position: Support

Subject: Municipal Services, Special District Principle Acts

CALAFCO Comments: This bill adds authority to municipal wastewater agencies as outlined in 13911(a) and (b) relating to stormwater runoff and management. The bill authorizes this additional authority while keeping the LAFCo process to activate these latent powers intact.

UPDATE: CALAFCO learned the Senator is not moving this bill forward in 2020 and will re-introduce it next year.

SB 1280 (Monning D) Drinking water: consolidation and extension of service: at-risk water systems.

Current Text: Amended: 4/1/2020 [html](#) [pdf](#)

Introduced: 2/21/2020

Last Amended: 4/1/2020

Status: 4/1/2020-From committee with author's amendments. Read second time and amended. Re-referred to Com. on EQ.

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

Summary:

The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with, or extension of service from, a receiving water system if a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water or if a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. The act requires the state board, no later than July 1, 2020, to develop and adopt a policy that provides a process by which members of a disadvantaged community may petition the state board to consider ordering consolidation. This bill would authorize the state board to order consolidation between a receiving water system and an at-risk water system, as defined, upon receipt of a petition that substantially conforms to the above-referenced policy adopted by the state board and that is either approved by the water system's governing body or signed by at least 30% of the households served by the water system.

Position: Oppose

Subject: Water

CALAFCO Comments: This bill pertains to the petition to the SWRCB for water system consolidation. It (1) seeks to give the SWRCB authority to mandate consolidation if the petition "substantially conforms" to state policy requirements, and (2) allows for that consolidation order if the petition is approved by the water system's governing body OR signed by at least 30% of households being served by the water system.

Adding "households" is a substantive change.

UPDATE: CALAFCO learned the Senator will not be moving this bill forward in 2020.

2

AB 213 (Reyes D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 1/15/2019 [html](#) [pdf](#)

Introduced: 1/15/2019

Status: 8/30/2019-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/19/2019)(May be acted upon Jan 2020)

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

Summary:

Would, for the 2019-20 fiscal year, require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2018-19 fiscal year, the product of that sum and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2018-19 fiscal year to the 2018-19 fiscal year, and the product of the amount of specified motor vehicle license fee revenues that the Controller allocated to the applicable city in July 2010 and 1.17.

Attachments:

[CALAFCO Support Letter](#)

Position: Support**Subject:** Tax Allocation**CALAFCO Comments:** Sponsored by the League, this bill will reinstate ERAF funding for inhabited annexations. This bill is the same as AB 2268 (Reyes) from 2018.**AB 818 (Cooley D) Local government finance: vehicle license fee adjustment amounts.****Current Text:** Introduced: 2/20/2019 [html](#) [pdf](#)**Introduced:** 2/20/2019**Status:** 2/3/2020-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

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

Summary:

Current property tax law, for the 2006–07 fiscal year, and for each fiscal year thereafter, requires the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount for the prior fiscal year, if specified provisions did not apply, and the product of the amount as so described and the percentage change from the prior fiscal year in the gross taxable valuation within the jurisdiction of the entity. Current law establishes a separate vehicle license fee adjustment amount for a city that was incorporated after January 1, 2004, and on or before January 1, 2012. This bill would establish a separate vehicle license fee adjustment amount for a city incorporating after January 1, 2012, including an additional separate vehicle license fee adjustment amount for the first fiscal year of incorporation and for the next 4 fiscal years thereafter.

Attachments:[LAFCo Support letter template](#)[CALAFCO Support March 2019](#)**Position:** Support**Subject:** Financial Viability of Agencies**CALAFCO Comments:** Sponsored by the League, this bill will reinstate ERAF funding for cities incorporating after 2018. This is the same bill as AB 2491 from 2018.**3****AB 134 (Bloom D) Safe Drinking Water Restoration.****Current Text:** Amended: 5/20/2019 [html](#) [pdf](#)**Introduced:** 12/5/2018**Last Amended:** 5/20/2019**Status:** 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 6/12/2019)(May be acted upon Jan 2020)

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

Summary:

Would require the State Water Resources Control Board to report to the Legislature by July 1, 2025, on its progress in restoring safe drinking water to all California communities and to create an internet website that provides data transparency for all of the board's activities described in this measure. The bill would require the board to develop metrics to measure the efficacy of the fund in ensuring safe and affordable drinking water for all Californians.

Position: Watch**Subject:** Water**AB 1457 (Reyes D) Omnitrans Transit District.****Current Text:** Amended: 5/24/2019 [html](#) [pdf](#)**Introduced:** 2/22/2019**Last Amended:** 5/24/2019**Status:** 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/25/2019)(May be acted upon Jan 2020)

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

Summary:

Would create the Omnitrans Transit District in the County of San Bernardino. The bill would provide that the jurisdiction of the district would initially include the Cities of Chino, Chino Hills, Colton,

Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa, and specified portions of the unincorporated areas of the County of San Bernardino. The bill would authorize other cities in the County of San Bernardino to subsequently join the district.

Attachments:

[CALAFCO Oppose unless amended letter April 2019](#)

Position: Neutral

CALAFCO Comments: This is a special act district formation. The bill takes what is currently a JPA and transforms it into a special district. CALAFCO has been working with the author and sponsor on amendments and the May 24 version addresses the vast majority of concerns. CALAFCO continues to work with the author and sponsor on minor technical amendments.

UPDATE: The author's office has indicated to CALAFCO that they will not be moving this bill forward in 2020.

AB 2148 (Quirk D) Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.

Current Text: Amended: 3/5/2020 [html](#) [pdf](#)

Introduced: 2/10/2020

Last Amended: 3/5/2020

Status: 3/9/2020-Re-referred to Com. on NAT. RES.

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

Summary:

Current law establishes the Integrated Climate Adaptation and Resiliency Program, administered by the Office of Planning and Research, to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as specified. This bill would require the Strategic Growth Council, by July 1, 2021, to establish guidelines for the formation of regional climate adaptation planning groups. The bill would require the council, by July 1, 2022, to develop criteria for the development of regional climate adaptation plans.

Position: Watch

Subject: Climate Change

CALAFCO Comments: This bill states the Legislature's intent to create legislation that would foster regional-scale climate adaptation strategies, and require the creation of regional plans relating to sea level rise and fire vulnerability. CALAFCO will watch this bill.

AB 2370 (Limón D) Ventura Port District: aquaculture plots: federal waters.

Current Text: Amended: 3/16/2020 [html](#) [pdf](#)

Introduced: 2/18/2020

Last Amended: 3/16/2020

Status: 3/17/2020-Re-referred to Com. on L. GOV.

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

Summary:

Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, a city or district may only provide new or extended services by contract or agreement outside of its jurisdictional boundary if it requests and receives written approval, as provided, from the local agency formation commission in the county in which the extension of service is proposed. This bill would, notwithstanding the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, authorize the Ventura Port District, to the extent permitted by federal law, to construct, maintain, operate, lease, and grant permits to others for the installation, maintenance, and operation of aquaculture plots in federal waters off the coast of California the County of Ventura, as prescribed, in order to aid in the development or improvement of navigation or commerce to the port district.

Position: Watch

Subject: Special District Powers

CALAFCO Comments: This is a local bill authorizing Ventura Port District to extend operations into federal waters. CALAFCO will work with Ventura LAFCo.

UPDATE: CALAFCO learned that the author has pulled the bill for 2020.

AB 2629 (Mayes I) Imperial Irrigation District: retail electric service.

Current Text: Amended: 5/4/2020 [html](#) [pdf](#)**Introduced:** 2/20/2020**Last Amended:** 5/4/2020**Status:** 5/5/2020-Re-referred to Com. on L. GOV.

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

Summary:

Would require the State Energy Resources Conservation and Development Commission, the Imperial County Local Agency Formation Commission, and the Riverside County Local Agency Formation Commission to meet to determine the sphere of influence of the Imperial Irrigation District and options for electrical service to the energy service area of the Imperial Irrigation District at the end of a certain lease of electrical rights and to evaluate related issues of the water rights of the Imperial Irrigation District and would, on or before June 30, 2021, require the Imperial Irrigation District to submit any requested documents and information to the Energy Commission for these purposes. The bill would require the Energy Commission to study options to extend representation on the board of directors of the Imperial Irrigation District, for a specified time, to residents within the energy service area of the Imperial Irrigation District but outside its jurisdictional boundaries.

Position: Watch**Subject:** Service Reviews/Spheres

CALAFCO Comments: This is a local bill relating to the Imperial Irrigation District. As written the bill requires the State Energy Resources Conservation & Development Commission, Riverside and Imperial LAFcos to meet for the purposes of determining the SOI of the district and for options for electrical service to the Coachella Valley and to evaluate issues relating to the water rights of the district and options for the district to maintain those rights. CALAFCO will watch the bill for any amendments and potential negative impacts.

AB 3281 (Brough R) Worker status: independent contractors: business-to-business contracting relationship.**Current Text:** Introduced: 2/21/2020 [html](#) [pdf](#)**Introduced:** 2/21/2020**Status:** 3/9/2020-Referred to Com. on L. & E.

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

Summary:

Current law exempts specified occupations and business relationships from the application of the "ABC" test, including a business-to-business contracting relationship, that meets specified requirements, including that a business is a "contracting business" if it demonstrates that it meets specified criteria. Current law, instead, provides that these exempt relationships are governed by the multifactor test previously established in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341. This bill would also include as a "contracting business" for purposes of a business-to-business contracting relationship, or business that subject to specified tax provisions relating to sale proprietorships on limited partnerships.

Position: Watch

CALAFCO Comments: This bill proposes amendments to AB 5 in terms of the exemption tests which may impact the contractual/employee relationship of CALAFCO and its two primary contractors.

AB 3312 (Gray D) Local agency formation: annexation: City of Merced.**Current Text:** Amended: 5/4/2020 [html](#) [pdf](#)**Introduced:** 2/21/2020**Last Amended:** 5/4/2020**Status:** 5/5/2020-Re-referred to Com. on L. GOV.

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

Calendar:

5/12/2020 11:30 a.m. - State Capitol, Room 4202 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Would authorize the annexation of territory comprising the main campus of the University of California, Merced, as specified, and any road strip, as defined, to the City of Merced,

notwithstanding the requirement that the territory be contiguous with the city, if other conditions are met, including that the territory is within the city's sphere of influence. The bill would prohibit the commission from approving subsequent annexations to the territory specified in the bill unless the annexation is contiguous with that territory.

Position: Watch

Subject: Annexation Proceedings

CALAFCO Comments: This is a local bill for Merced. It allows a defined section of the UC Merced campus and access road to be annexed if certain conditions are met and keeps the LAFCo process intact. CALAFCO will watch the bill to ensure the LAFCo process remains protected and work with Merced LAFCo.

AB 3338 (Diep R) Community services districts: zones.

Current Text: Introduced: 2/21/2020 [html](#) [pdf](#)

Introduced: 2/21/2020

Status: 2/24/2020-Read first time.

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

Summary:

The Community Services District Law authorizes the establishment of community services districts to provide various public facilities and services. That law establishes procedures for forming zones within specific areas of a community services district to provide different services, different levels of service, different facilities, or additional revenue. The law, among other things, requires a public hearing on the formation of a zone, at which the board of directors is required to hear protests of the formation of the zone, as specified. This bill would make nonsubstantive changes to this public hearing provision.

Position: Watch

Subject: Special District Powers

CALAFCO Comments: This is a spot bill.

SB 799 (Dodd D) Local agency services: contracts: Counties of Napa and San Bernardino.

Current Text: Amended: 3/11/2020 [html](#) [pdf](#)

Introduced: 1/7/2020

Last Amended: 3/11/2020

Status: 3/16/2020-March 18 hearing postponed by committee.

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Existing law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021. This bill would extend the January 1, 2021, repeal date with regard to the pilot program until January 1, 2026.

Position: Watch

Subject: CKH General Procedures

CALAFCO Comments: Originally created as a pilot program for San Bernardino and Napa LAFCos in 56133.5, the program is set to sunset January 1, 2021. This bill seeks to eliminate that sunset.

San Bernardino LAFCo has requested amendments to keep as a pilot for these two counties and reinstate another 5-year sunset.

The March 11, 2020 amendments remove CALAFCO's concerns and we will retain a Watch position.

UPDATE: CALAFCO learned the Senator is not moving this bill forward in 2020.

SB 806 (Grove R) Worker status: employees: independent contractors.

Current Text: Amended: 4/29/2020 [html](#) [pdf](#)

Introduced: 1/9/2020**Last Amended:** 4/29/2020**Status:** 4/29/2020-From committee with author's amendments. Read second time and amended. Re-referred to Com. on L., P.E. & R.

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

Summary:

Would establish a new test that, for purposes of specific provisions of the Labor Code governing the relationship of employer and employees, a person providing labor or services for remuneration is considered an employee rather than an independent contractor, unless the hiring entity demonstrates that the person is (1) free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact, determined by a preponderance of factors, with no single factor of control being determinative, and either that (2) the person performs work that is outside the usual course of the hiring entity's business, or the work performed is outside the place of business of the hiring entity, or the worker is responsible for the costs of the place of the business where the work is performed, or that (3) the person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

Position: Watch**Subject:** Other**CALAFCO Comments:** This bill proposes amendments to AB 5 in terms of the exemption tests which may impact the contractual/employee relationship of CALAFCO and its two primary contractors.**SB 931 (Wieckowski D) Local government meetings: agenda and documents.****Current Text:** Amended: 4/2/2020 [html](#) [pdf](#)**Introduced:** 2/5/2020**Last Amended:** 4/2/2020**Status:** 4/2/2020-From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.

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

Summary:

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

Position: Watch**Subject:** Other**CALAFCO Comments:** This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it (current law requires the mailing of such documents upon request, this bill adds the option to email if requested).**SB 1096 (Caballero D) Water and sewer system corporations: consolidation of service.****Current Text:** Introduced: 2/19/2020 [html](#) [pdf](#)**Introduced:** 2/19/2020**Status:** 3/19/2020-March 31 hearing postponed by committee.

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

Summary:

Te California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a

public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2020, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system.

Position: Watch

Subject: Water

CALAFCO Comments: This bill seeks to put timelines on the State Water Resources Control Board (SWRCB) to respond to applications for consolidations. CALAFCO will continue to watch this bill. There is no apparent impact to LAFCo based on the current version of the bill.

SB 1180 (Dahle R) Fallen Leaf Lake Community Services District: elections.

Current Text: Introduced: 2/20/2020 [html](#) [pdf](#)

Introduced: 2/20/2020

Status: 3/5/2020-Referred to Coms. on GOV. & F. and E. & C.A.

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

Summary:

Would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding current law, would provide that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District, as specified.

Position: Watch

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

Total Measures: 25

Total Tracking Forms: 25

5/6/2020 4:11:24 PM

INFORMATIONAL

9. Commissioner Announcements and Requests for Future Agenda Items

10. Executive Officer oral status report on pending proposals

11. Adjourn to next regular meeting on June 11, 2020, unless meeting time is changed based on Commission action or cancelled by the Chair.

