

# **SAN BENITO LOCAL AGENCY FORMATION COMMISSION**

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## **REGULAR MEETING AGENDA** **REVISED (May 10, 2021)**

**Thursday, May 13, 2021 – 6:00 P.M.**

Board of Supervisors Chambers  
481 Fourth Street, Hollister CA

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, members of the Commission are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

THIS MEETING WILL BE CLOSED TO THE PUBLIC and can be accessed by the public in the following methods: Through Zoom (<https://zoom.us/join>) per the instruction stated below, and other methods as described further below with the following ID and Password:

Webinar ID: 949 1535 2936  
Webinar Password: 066783

### **Participating by Zoom:**

Three ways to attend Zoom meetings: on a web browser, through the Zoom App, or over the phone. Each webinar will have a webinar ID and password, which is a unique number associated with an instant or scheduled meeting (found at the top of this text). The chat feature is disabled for all participants. Additionally, the video function is not available to the public.

Zoom regularly provides new versions of the Zoom desktop client and Zoom mobile app to release new security features and fix bugs. To ensure you can join the meeting and participate through public comment, please launch the web address to download the Zoom application: <https://zoom.us/support/download>. Furthermore, we recommend upgrading to the latest version of Zoom once it is available. Please visit <https://support.zoom.us/hc/en-us/articles/201362233-Upgrade-update-to-the-latest-version> to ensure you have the newest Zoom update.

### **Zoom on Web-browser:**

- a. If joining through web-browser, launch the address <https://zoom.us/join> or open the direct link listed below: <https://zoom.us> or launch the Zoom app on your Tablet or Smartphone.
- b. Select "JOIN A MEETING"
- c. The participant will be prompted to enter Webinar ID and Password listed above and name to join the meeting. The meeting agenda can be found at <https://www.cosb.us/>
- d. The participant can launch audio through their computer or set it up through the phone.

- e. Public Comment: Select the “Participants Tab” and click “Raise hand” icon, and the Zoom facilitator will unmute you when your turn arrives.

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- c. It will then ask for a Participant ID, press the “#” key (pound key) to continue.
- d. Once you enter the Zoom meeting, you will automatically be placed on mute.
- e. Public Comment: If you are using a phone, please press “\*9” (star-nine) to raise your hand, and the Zoom facilitator will unmute you when your turn arrives.

Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM on the Wednesday prior to the meeting to the LAFCO Clerk at [Jfrechette@cosb.us](mailto:Jfrechette@cosb.us).

Public Comment Guidelines

- a. The Commission welcomes your comments.
- b. If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, please state your first name, last name, and county you reside in for the record.
- c. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.
- d. Please keep your comments, brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the LAFCO Clerk at (831) 636-4000, Ext. 13 or email [JFrechette@cosb.us](mailto:JFrechette@cosb.us)

1. Call to Order and Roll Call
2. Recitation of the Pledge of Allegiance
3. Approve Affidavit of Posting Agenda
4. Public Comment Period - This is an opportunity for members of the public to speak on items that are not on the agenda

CONSENT AGENDA

5. Approval of minutes: April 8, 2021

BUSINESS ITEMS – PUBLIC HEARING ITEM

6. LAFCO 537 - Rosati Annexation to the City of Hollister: Involving the annexation of approximately 24.44 acres to the City for future residential development. The property is located on the south side of Santa Ana Road, the north side of Meridian Street and east of the Maze Middle School and Gavilan Elementary School (Assessor’s Parcel Number 019-310-002). into County Service Area No. 53. The actions requested are to make an environmental determination regarding the adequacy of the City’s Environmental Initial Study, and to consider approval of the annexation.

7. Approval of the Final Fiscal Year 2021-22 LAFCO Budget

BUISNESS ITEMS – NON-HEARING ITEMS

8. Consider letter of support for the City of San Juan Bautista in securing \$1 Million in Federal funding as part of the cost for regionalizing the City's water system. The City is coordinating with the San Benito County Water District to acquire treated water from the San Felipe Reservoir and connect a new trunk line to the City, and the resulting wastewater generated by the City would be transported for treatment and reuse to the City of Hollister wastewater treatment plant located adjacent to Highway 156 approximately six miles away. This request was submitted by the City Manager, Don Reynolds.
9. Update on Legislation proposed by or monitored by the California Association of Local Agency Formation Commissions (CALAFCO)
10. Consideration of opening up the Commission meetings to the public in relation to the COVID-19 Pandemic protocols.

INFORMATIONAL

11. Commissioner Announcements and Requests for Future Agenda Items Executive Officer oral status report on pending proposals.
12. Executive Officer oral status report on pending proposals.
13. Adjourn to next regular meeting on June 10, 2021, 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 Clerk's Office at least three (3) days prior to the meeting by telephone at 831/636-4000, Ext. 13 or by email at [Jfrechette@cosb.us](mailto:Jfrechette@cosb.us).

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



**CERTIFICATE OF POSTING**

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

**SAN BENITO COUNTY LOCAL AGENCY FORMATION COMMISSION**

Scheduled for May 13, 2021 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 10<sup>th</sup> Day of May, 2021.

All locations freely accessible to the general public.

*Vivissa Telgado, Deputy*  
For Jennifer Frechette  
Clerk of the Board of Supervisors

# CONSENT AGENDA

**5. Approval of minutes: April 8, 2021 meeting.**



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

April 8, 2021

Board of Supervisors Chambers - Hollister, CA

## **CALL TO ORDER**

1. Chair Mark Medina called the meeting to order at 6:00 p.m. Those present were Executive Officer Bill Nicholson and Commissioners: Cesar Flores, Mark Medina, Richard Bettencourt, Bob Tiffany, and Ignacio Velazquez. Also present were Reed Gallogly, LAFCO Counsel, and Jennifer Frechette, Recording Secretary.
2. Commissioner Bettencourt led the Pledge of Allegiance.
3. **APPROVE AFFIDAVIT OF POSTING AGENDA**

*Commissioner Velazquez made a motion to accept the Affidavit of Posting, Commissioner Bettencourt seconded. (5/0 vote)*

*Ayes: Medina, Bettencourt, Tiffany, Velazquez, and Flores  
Noes: None  
Abstain: None  
Absent: None*

## **PUBLIC COMMENT**

4. **Public Comment Period:** None.

## **CONSENT AGENDA**

5. **Approval of minutes: March 11, 2021**

*Commissioner Bettencourt made a motion to approve the minutes of March 11, 2021, Commissioner Tiffany seconded.*

*Ayes: Medina, Flores, Bettencourt, Tiffany, Velazquez  
Noes: None  
Abstain: None  
Absent: None*

**BUSINESS ITEMS- NON-HEARING ITEMS**

**6. Approval of the Proposed 2021-22 LAFCO Budget**

Executive Officer Bill Nicholson provided background information on the Proposed 2021-22 LAFCO Budget. Mr. Nicholson explained the proposed budget needs to be adopted by May 5, 2021 and the final budget needs to be adopted by June 15, 2021. The budget for 2021-22 will be \$2,000.00 less than the current fiscal year because of a recalculation in Executive Officer projected hours. Costs experienced in the current Fiscal Year were lower because the LAFCO conference did not take place last year due to the corona virus. The virus also slowed down applications. The money that is left over at the end of the fiscal year gets rolled over to the following year. Mr. Nicholson recommended that the proposed 2021-22 LAFCO budget be approved.

Commissioners Velasquez, Flores, and Tiffany had no comments.

Commissioner Bettencourt asked if the overflow of legal counsel funds were in the contingency account.

Executive Officer Bill Nicholson explained that there were about \$2,000.00 of legal fees that were not yet processed and needed to be paid, but the contingency account has \$20,000.00 in it.

Public Comment: There were no public comments.

*Commissioner Velasquez made a motion to approve the proposed 2021-22 LAFCO Budget, seconded by Commissioner Flores.*

*Ayes: Medina, Bettencourt, Flores, Tiffany, Velazquez*

*Noes: None*

*Abstain: None*

*Absent: None*

**7. Consider letter of support for AB 1581 (Commission on Local Government) involving the annual omnibus bill sponsored by the California Association of Local Agency Formation Commissions (CALAFCO) involving technical non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.**



Executive Officer Bill Nicholson provided background information on the letter of support for the omnibus bill to clean up things in the law that are not clear. CALAFCO is sponsoring this bill. Three main areas involved are regarding the sphere of influence, extension of services outside city boundaries, and the dissolving of special district not on the tax roll.

Commissioner Tiffany, Flores, and Velazquez had no comment.

Commissioner Bettencourt asked for the definition of omnibus.

Executive Officer Bill Nicholson explained it means when you have multiple topics not related to each other.

Public Comment: There were no public comments.

*Commissioner Tiffany made a motion to approve letter of support for AB 1581 (Commission on Local Government) involving the annual omnibus bill sponsored by the California Association of Local Agency Formation Commissions (CALAFCO) involving technical non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, seconded by Commissioner Flores.*

Ayes: Medina, Bettencourt, Flores, Tiffany, Velazquez  
Noes: None  
Abstain: None  
Absent: None

**8. Discussion on role of Alternate Members of the Commission during LAFCO meetings in relation to the adopted Rules and Procedures of the Commission (bylaws) in Chapter 3, Section C.2.**

LAFCO Counsel, Reed Gallogly, provided information on the rights of alternate members of the commission as members of the public during LAFCO meetings. Alternate members of the commission have the right to participate during public comment periods as a member of the public, not as a commissioner.



Commissioner Velazquez agreed with what was stated.

Commissioner Medina agreed with alternate members of the commission participating during public comment and having 3 minutes to speak.

Commissioner Bettencourt asked if a commissioner can ask a member of the public a specific question after the member of the public has spoken during public comment period and that period has closed.

LAFCO Counsel, Reed Gallogly explained that the only way a public member could comment again after public comment has been closed is if a member of the commission made a motion to re-open public comment to permit a member of the public to speak again.

Commissioner Tiffany stated that an alternate member can go to the meetings and speak but cannot debate or be part of the discussion.

Public Comment: Elia Salinas commented that more people should participate in meetings and is glad that this issue was clarified as she also attends Board and City Council meetings and speaks.

Commissioner Medina stated that alternate members of the commission can attend meetings and speak as a resident of the community, but not as a commission member.

No action taken, informational only.

## **INFORMATIONAL**

### **9. Commissioner Announcements and Requests for Future Agenda Items**

Commissioners Velazquez, Tiffany, Flores, Bettencourt, and Medina had no announcements or requests for future agenda items.

### **10. Executive Officer oral status report on pending proposals.**

Executive Officer Bill Nicholson gave information regarding the City of Hollister's issue with the homes on San Juan Hollister Road. The wells located

at the homes on San Juan Hollister Road are contaminated so they receive water service from the City of Hollister. These homes are exempt from needing permission from LAFCO for water service from the City of Hollister because they were provided service prior to 2001, and he is dealing with a new home on an existing parcel that needs a water connection. The City of Hollister has approved annexations for the Rosati property, which will be on the May LAFCO meeting, and the annexation for the Woodle property, will be coming to the LAFCO meeting in the next few weeks. The Rosati Annexation and Final Budget will be on the next agenda.

### **ADJOURNMENT**

**13. Upon a motion by Commissioner Bettencourt, and seconded by Commissioner Flores, adjourned meeting at 6:41 p.m.**

Final Minutes Approved by the Commission  
on \_\_\_\_\_

By: \_\_\_\_\_  
Mark Medina, Chairman

# **BUSINESS ITEMS- PUBLIC HEARING ITEMS**

**6. LAFCO 537 - Rosati Annexation to the City of Hollister: Involving the annexation of approximately 24.44 acres to the City for future residential development. The property is located on the south side of Santa Ana Road, the north side of Meridian Street and east of the Maze Middle School and Gavilan Elementary School (Assessor's Parcel Number 019-310-002). into County Service Area No. 53. The actions requested are to make an environmental determination regarding the adequacy of the City's Environmental Initial Study, and to consider approval of the annexation.**

**7. Approval of the Final Fiscal Year 2021-22  
LAFCO Budget**



**SAN BENITO LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT  
(Agenda Item 6)**

**May 13, 2021 (Agenda)**

**LAFCO No. 537:**      Rosati Annexation to City of Hollister

**PROPONENT:**      City Council of the City of Hollister, by resolution

**ACREAGE &  
LOCATION**      Approximately 24.4 acres located on the south side of Santa Ana Road on the north side of Meridian Street and east of the Maze Middle School and Gavilan Hills Elementary School (APN: 019-310-002)

**PURPOSE:**      To provide municipal services for future residential development in a density range of 8 to 12 dwellings per acre. No tentative subdivision map has been submitted for processing with the City.

The actions requested are to make an environmental determination regarding the adequacy of the City's Mitigated Negative Declaration, and approve the annexation, and authorize LAFCO staff to complete the proceedings without further notice, hearing or election.

**PROJECT INFORMATION**

**1.    Land Use, Planning and Zoning - Present and Future**

The annexation area consists of fallow land with a barn. The County General Plan designation is Residential Mixed (RM), and the zoning is Rural Residential (RR). The City General Plan designates the site as Medium Density Residential. The City rezoned the property as Medium Density Residential Performance Overlay Zoning District (R3-M/PZ) on December 2, 2019, through Ordinance No. 1185. The area is located within the City's Sphere of Influence and can be considered an infill project with existing developed land within the city limits on three sides. Following annexation, any new development would be subject to the City's zoning and development standards which would permit both small lot single family and multiple family residential units at a density between 8 and 12 units per acre. While no subdivision map has been submitted to the City, the site could accommodate between 160 and 240 maximum dwelling units.

Surrounding land uses are residential subdivisions to the east and south within the city limits, the Maze Middle School and Gavilan Hills Elementary School to the west, and agricultural crops to the north in the County.

2. Topography, Natural Features and Drainage Basins:

The site and surrounding areas are generally level with no significant natural features. The northern area of the parcel is within the mapped boundary of the Santa Ana Creek Floodway, but development to the east has altered the drainage pattern and the City will require a stormwater management plan and improvements as part of future subdivision plans which is also a mitigation measure in the Environmental Initial Study/Mitigated Negative Declaration adopted by the City.

3. Population:

There are no dwellings within the annexation area and therefore the territory is considered "uninhabited" under the LAFCO definition (less than 12 registered voters). Following annexation, development within the City will result in the construction of between 160 and 240 dwellings based on information provided by the City (Response to Question 13.B. in the "Proposal Justification Questionnaire for Annexations"). Assuming an average of 3.61 occupants per unit (reflecting the household population identified in the US Census, the project) would result in a population increase of between 577 and 866 people.

4. Governmental Services and Controls - Need, Cost, Adequacy and Availability:

The City Plan for Providing Services, as required under Government Code section 56653, has been included in response to Item Number 14 in the "Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations" and a related letter from the Interim City Engineer responding to questions 15 and 16, both of which are attached to this Executive Officer's Report in Attachment No. 2. The City Engineer's letter indicates the site is included within the City's Long Term Wastewater Management Program and there is adequate capacity in the treatment plant (currently permitted to treat up to 2.69 million gallons of wastewater per day). Water would be provided to the future development by the Sunnyslope County Water District, and adequate capacity for the future development of the property was identified in the Environmental Initial Study in evaluation factor 19, with no mitigation required. For other services, the City's responses are that the City has adopted impact fees and connection fees to cover the costs of providing services and that new development of the site will not lead to a demand for additional personnel. Sewer and water infrastructure is located adjacent to the property in both Santa Ana Road and Meridian Street. Costs for all improvements will be identified at the tentative subdivision map stage.

5. Impact on Prime Agricultural Land, Open Space and Agriculture:

The annexation area consists of land classified as "Grazing" by the State Department of Conservation's Farmland Mapping and Monitoring Program. This is considered non-prime farmland. While the City General Plan identifies the site as Prime Farmland, the lack of active farming on the property over the years has been reflected in the Grazing classification under the State's mapping program, and this mapping program is required to be used for the CEQA analysis. Therefore, no mitigation was identified as necessary.

6. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within Tax Rate Area 067-016. The current assessed value is \$146,362. The basic property tax rate will not be affected by this annexation, although property values will increase following development of the property within the city. Upon annexation, the territory will not be liable for any existing or authorized assessments or debt according to the City. The recently negotiated property tax sharing agreement between the City of Hollister and San Benito County calls for an equal 50/50 splitting of the County's share of the property tax between the City and County following annexation.

7. Environmental Impact of the Proposal:

The City of Hollister, acting as Lead Agency under CEQA, prepared an Initial Study/Mitigated Negative Declaration to evaluate the impacts from the project. The Initial Study document is available on the San Benito LAFCO website as part of the meeting documents for the May 13, 2021 public hearing for this item, and the link will be emailed to all LAFCO Commissioners along with the link to the meeting packet.

The City determined that most areas of potential impact in the Environmental Checklist would have a less than significant impact. Mitigation measures were adopted for the topic areas of: Air Quality for construction activities and grading; Biological Resources related to the protection of burrowing owls, American badger and other sensitive biological resources; Cultural Resources for potential historic structures, buried human remains and archeological resources; Geology and Soils by requiring an erosion control plan and protection of previously unidentified paleontological resources; Hazards and Hazardous Materials requiring a soils management plan, soil samples taken to identify possible contamination during excavation around the historic barn/shed, and a requirement for an Airport Influence Area real estate disclosure map; Hydrology and Water Quality requiring a stormwater pollution protection plan and stormwater management plan, and comply with the flood hazard protection zone; Noise involving noise reduction measures during construction; and Tribal Cultural Resource protection for any accidental discovery during construction. Regarding traffic impacts, the impact is considered less



than significant based on the collection of the adopted Council of San Benito County Governments impact fee (\$18,031 per dwelling at the time of preparation of the Initial Study in May 2019). None of these mitigation measures are under LAFCO's authority to adopt or administer. LAFCO can rely on this Initial Study for its role as a "Responsible Agency" under CEQA for action on the annexation.

8. Public Notice and Subject Agency Consent:

Notice of the Public Hearing was published in the Hollister Freelance on April 16<sup>th</sup>, and was sent to all landowners within 300 feet of the project boundary. The City Council, through adoption of Resolution of Application No. 2021-18 submitted this annexation request reflecting support of the annexation.

9. Boundaries, Lines of Assessment and Registered Voters:

The boundary map and legal description have been submitted to the County Surveyor for review, all necessary modifications have been made.

10. Disadvantaged Unincorporated Communities and Low Income Housing

Government Code Section 56375(a)(8) requires the Commission to determine whether there is a disadvantaged unincorporated community adjacent to a city annexation of more than 10 acres in size. The site is not adjacent to a disadvantaged unincorporated community as the adjacent land to the north located in the County contains agricultural land uses. The annexation does not propose any low or moderate income housing.

ALTERNATIVES FOR COMMISSION CONSIDERATION

After reviewing this report and any testimony or materials that are presented, the Commission can take one of the following actions:

OPTION 1 – APPROVE the proposal as submitted based on the following determinations, with no conditions of approval.

- A. Find the Commission has reviewed and considered the Initial Study/Mitigated Negative Declaration prepared by the City of Hollister as lead agency under CEQA for approval of the rezoning ordinance and annexation request. There are no mitigation measures that are the responsibility of LAFCO to adopt or monitor as a responsible agency for approval of this annexation proposal.
- B. Determine that the subject territory is uninhabited and the landowners have given consent to the annexation.



Executive Officer's Report

LAFCO No. 537

May 13, 2021 (Agenda)

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- C. Adopt this report and approve the proposal known as the Rosati Annexation to the City of Hollister with no conditions of approval.

OPTION 2 - Consider this report and DENY the proposal based on the inability to make all the determinations presented.

OPTION 3 - CONTINUE this proposal to a future meeting for additional information.

RECOMMENDED ACTION:

Approve OPTION 1.



BILL NICHOLSON

Executive Officer

LOCAL AGENCY FORMATION COMMISSION

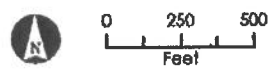
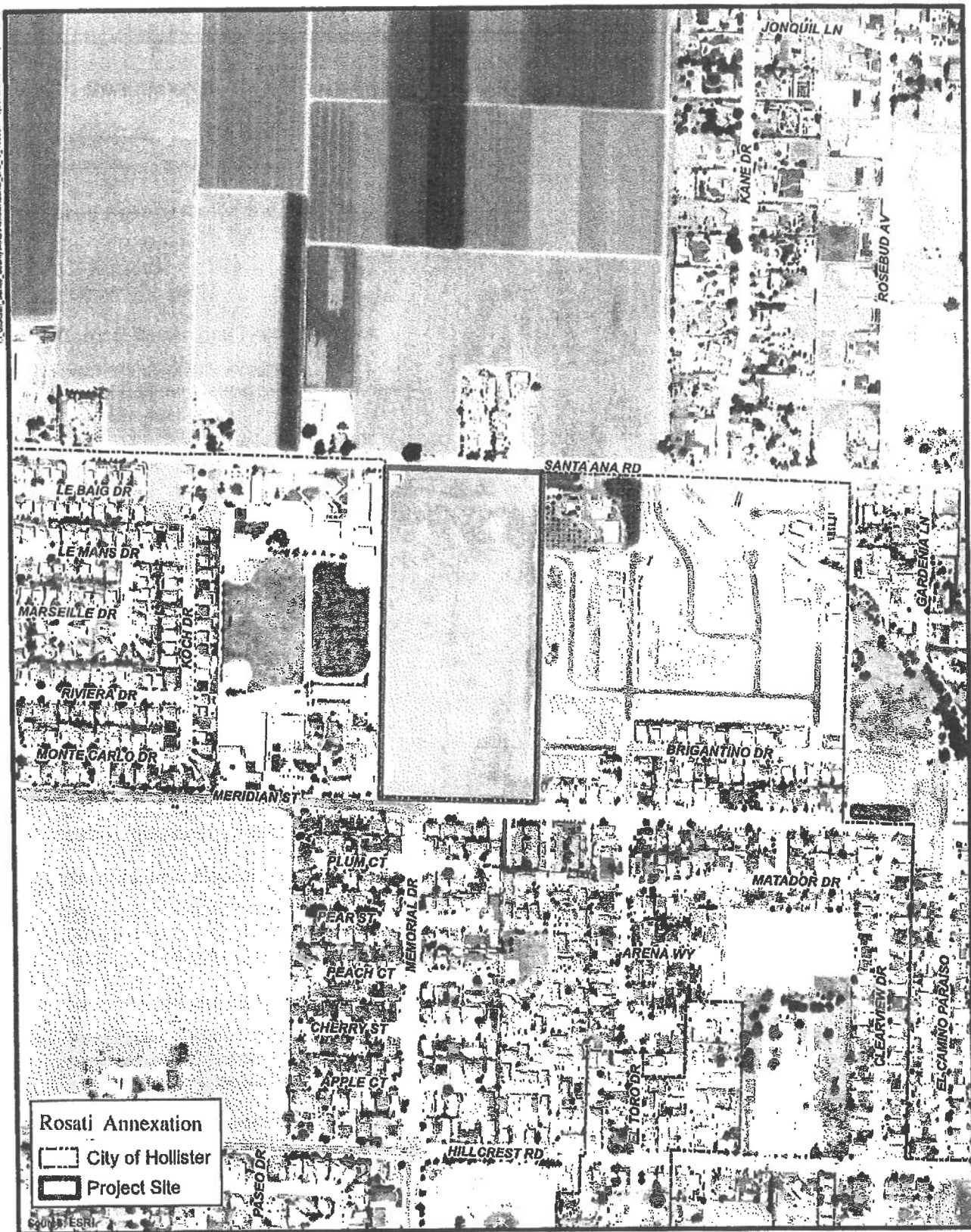
cc: Abraham Prado, Associate Planner, City of Hollister  
Doug Ledeboer, Highland Partners Group, project applicant  
Steve Rosati, Rosati Family Trust

Enclosures:

1. Vicinity and Annexation Maps
2. Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations with City Engineer Letter
3. City Resolution of Application No. 2021-18
4. City Ordinance No. 1185 Rezoning the Property as R3-M/PZ
5. City Resolution No. 2019-249 Adopting the Mitigated Negative Declaration
6. Draft LAFCO Resolution No. 537



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**Figure 2.0-2**  
**Project Location**

**Michael Baker**  
**INTERNATIONAL**





# SAN BENITO LOCAL AGENCY FORMATION COMMISSION

## Proposal Justification Questionnaire for Annexations,

### Detachments and Reorganizations

(Attach additional sheets as necessary)

1. **Name of Application:** (The name should match the title on the map and legal description; list all boundary changes that are part of the application)  
*Rosati Annexation*
2. **Describe the acreage and general location; include street addresses if known:**  
*The site is 24.4 acres, including a largely vacant/fallow parcel and a 0.957-acre portion of Santa Ana Road, which forms the site's northern boundary located in unincorporated San Benito County. The property lies within the City of Hollister's sphere of influence and is designated a priority infill parcel in the General Plan. The Hollister city limit is contiguous to the site on three sides, the west, south and east side of the property. Adjacent right-of-way is Santa Ana Road to the north and Meridian Street to the south. The site is bordered to east and south by existing residential, Gabilan Elementary and Maze Middle Schools to the west and agricultural uses to the north.*
3. **List the Assessor's Parcels within the proposal area:**  
*019-310-002*
4. **Purpose of proposal:** (List all actions for LAFCO approval. Identify other actions that are part of the overall project, i.e., a tract map, development permit, etc. Why is this proposal being filed?)  
*Annexation to the City of Hollister consistent with the policies of the General Plan.*
5. **Land Use and Zoning - Present and Future**
  - a. **Describe the existing land uses within the proposal area. Be specific.**  
*The parcel currently contains a barn and a fallow field.*
  - b. **Describe changes in land uses that would result from or be facilitated by this proposed boundary change.**  
*The parcel currently contains a barn and fallow field. The property is currently designated as Residential Mixed (RM) in the San Benito County General Plan. The property has been Rezoned R3-M/PZ (Medium Density Residential Performance Overlay Zone) and Annexation would change the land use from Residential Mixed in the County to Medium Density Residential. Pending annexation, the applicant would submit for a tentative map to subdivide the property consistent with the densities allowed within the City's R3-M/PZ Zoning Designation.*
  - c. **Describe the existing zoning designations within the proposal area.**  
*The parcel is currently designated Residential Mixed (RM) and zoned Rural Residential (RR) by the County of San Benito. The parcel is within the City's Sphere of Influence and designated in the City's General Plan for Medium Density Residential.*

- d. **Describe any proposed change in zoning for the proposal area. Do the existing and proposed uses conform with this zoning?**

*Any new residential development will need to conform to the City of Hollister's zoning classification of Medium Density Residential Performance Overlay Zoning District (R3-M/PZ). The parcel currently contains a barn and fallow field. The Parcel is zoned Rural Residential (RR) within the jurisdiction of San Benito County. This would change the land use from agriculture to residential. Pending annexation, the applicant would submit for a tentative map to subdivide the property into residential units consistent with the densities allowed within the City's R3-M/PZ Zoning Designation. The Medium Density Residential Zoning District includes areas substantially developed with small-lot single-family and multi-family residences with densities of eight to twelve dwelling units per net acre. The R3-M/PZ Zoning District is consistent with the Medium Density Residential (MDR) land use category of the General Plan which now allows eight to twelve units per net acre.*

- e. **(For City Annexations) Describe the prezoning that will apply to the proposal area upon annexation. Do the proposed uses conform with this prezoning?**

*The prezoning for the property is Medium Density Residential Performance Overlay Zoning District (R3-M/PZ), which was approved by City Council pursuant to Ordinance 1185. The property currently contains a barn and fallow field. Pending annexation of the parcels, the applicant would submit for tentative map to subdivide the property into residential uses consistent with the densities allowed within the City's R3-M/PZ Zoning Designation.*

- f. **List all known entitlement applications pending for the property (i.e., zone change, land division or other entitlements).**

*None.*

**6. Describe the area surrounding the proposal**

**Using Table A, describe existing land uses, general plans and zoning designations for lands adjacent to and surrounding the proposal area. The application is incomplete without this table.**

*Please see Table A at the end of the application.*

**7. Conformity with Spheres of influence**

- a. **Is the proposal area within the sphere of influence of the annexing agency?**  
*Yes.*

- b. **If not, are you including a proposal to revise the sphere of influence?**  
*The proposal is within the City of Hollister Sphere of Influence.*

**8. Conformity with County and City General Plans**

- a. **Describe the existing County General Plan designation for the proposal area.**  
*Residential Mixed (Rm).*
- b. **(For City Annexations) Describe the City general plan designation for the area.**  
*Medium Density Residential.*
- c. **Do the proposed uses conform with these plans? If not, please explain.**  
*There is currently a barn and fallow/vacant land located on the property. Pending annexation, the applicant would submit for tentative map for a medium density residential subdivision to be consistent with the City of Hollister's Medium Density Residential Designation of 8 to 12 dwelling units per net acre.*

#### **9. Topography and Natural Features**

- a. **Describe the general topography of the proposal area and any significant natural features that may affect the proposal.**  
*The general topography of the proposed area is generally flat with no significant natural features.*
- b. **Describe the general topography of the area surrounding the proposal.**  
*The general topography of the area surrounding the proposed are is generally flat with no significant natural features.*

#### **10. Impact on Agriculture**

- a. **Does the property currently produce a commercial agricultural commodity?**  
*No.*
- b. **Is the property fallow land under a crop rotational program or is It enrolled in an agricultural subsidy or set-aside program?**  
*No.*
- c. **Is the property Prime Agricultural Land as defined in G.C. Section §56064?**  
*The City's (2005a) General Plan indicates that the project site is designated as prime agriculture land, but this designation has since been updated to grazing land (DOC 2016).*
- d. **Is the proposal area within a Land Conservation (Williamson) Act contract?**  
*No.*
  - i. **If "yes," provide the contract number and date contract was executed.**
  - ii. **If "yes", has a notice of non-renewal be filed? If so, when?**
  - iii. **If this proposal is an annexation to a city, provide a copy of any protest filed by the annexing city against the contract when it was approved.**



### **11. Impact on Open Space**

**Is the affected property Open Space land as defined in G.C. Section 65560?**

*No.*

### **12. Relationship to Regional Housing Goals and Policies (City annexations only)**

***If this proposal will result in or facilitate an increase in the number of housing units, describe the extent to which the proposal will assist the annexing city in achieving its fair share of regional housing needs.***

*Developing the site consistent with the City's General Plan will increase and assist in the number of market rate housing units for the City of Hollister.*

### **13. Population**

- a. Describe the number and type of existing dwelling units within the proposal area.**

*There are no residential dwelling units on the property.*

- b. How many new dwelling units could result from or be facilitated by the proposal?**

*Although there are no specific development plans for the project site, for purposes of environmental review, a maximum development scenario was reviewed and established based upon a net parcel size of 20-acres, to account for roads, infrastructure and open space. Therefore, it was assumed that the project site could accommodate as few as 160 and up to 240 maximum dwelling units.*

### **14. Government Services and Controls – Plan for Providing Services (per §56653)**

- a. Describe the services to be extended to the affected territory by this proposal.**  
**b. Describe the level and range of the proposed services.**  
**c. Indicate when the services can feasibly be provided to the proposal area.**

*Please see below answers for A, B, and C.*

#### **Police Service**

*Police service to the affected area upon annexation will be provided by the Hollister Police Department. The Police Department provides this service throughout the City based upon staffing levels set by the City Council of the City of Hollister. The affected area is contiguous to the current City limits (current service area). The annexation will not extend the boundary of police service currently in effect. Upon annexation and upon development, the project will not include roadways that would affect traffic enforcement/collision investigation responsibilities. The annexation of the affected area will not create the need for any police related structures or improvements.*

#### **Fire Service**

*The Hollister Fire Department will provide fire service to the affected area upon annexation. The Fire Department provides this service throughout the City and adjoining County areas, via a mutual aid agreement, based upon staffing levels set by the City Council. The Fire Department currently houses its fire personnel and equipment at its stations located at the northwest corner of Fifth and Sally Streets and the north side of Union Road between Valley View Road and Airline Highway. The affected area is part of an unincorporated parcel immediately adjacent to the City limits (current service area), thus it will not extend the range of fire service currently in effect. The affected area is within the five-minute first engine response time, as set forth in City Fire Protection Master Plan for Fire Station 1. The affected area in its current condition would result in a negligible increase in fire services.*

#### General Government

*General Government services include the City Council, City Administration (City Manager, City Attorney), City Finance (Payment of Utility Bills), Building, Planning, Engineering, and Animal Control. These services are currently being provided to the City at large. Annexation of the affected area in its current condition will not cause any increase in City General Government services. Development of the site if annexed will cause a negligible incremental increase in General Government services for the City Council, City Administration, City Finance, and Animal Control. These will be financed through an incremental increase in General Fund revenues, such as property and sales taxes. The City is also requiring that all projects requesting annexation enter into an agreement to be fiscally neutral (project will provide all revenues necessary to provide public services). The affected area has entered into an annexation agreement for fiscal neutrality. The incremental increase in services for Building, Planning and Engineering will be financed through permit fees.*

#### Sewer Service

*At the time of development, the parcels will connect to an existing 8" sanitary sewer transmission lines located in Santa Ana Road and Meridian Street. The project proponent will be required to fund the installment of sewer lines from the main transmission line to all the proposed facilities within the development to City standards. Development of the affected area will not directly require the building of any structures or improvements related to the need for sanitary sewer treatment or transmission with the exception of the on-site transmission lines and laterals noted above. The City currently treats domestic wastewater at its new regional Immersed membrane bioreactor (MBR) wastewater treatment plant located on the north side of San Juan Hollister Road. In accordance with the implementation of the Long term Wastewater Management Plan (LTWMP) filed with the Water Quality Control Board, the City is currently implementing a long-term program of phased improvements for the disposal and reuse of reclaimed wastewater including spray fields, non-potable irrigation for landscaping, and certain agricultural uses. The new facility expands the City's ability to provide wastewater treatment service for the next 10 years, with an additional five years of expansion possible with the expansion of the membrane biological reactor. The City will continue to implement efforts to improve water quality and also to implement water*

conservation measures. The development will incrementally utilize capacity at both the treatment plant and within the City sewer transmission line. To offset the use of the capacity for the transmission facilities, the development will be assessed an impact fee at the time of building permit issuance. A sewer treatment impact fee will also be assessed to provide for additional capacity at the treatment plant.

#### Domestic Water Service

The subject site is within the City of Hollister's adopted service area. All plans for water service will need to be approved the City. The area requested for annexation, will comprise a total of 24.4 acres of primarily vacant land. An existing 8-inch water main is located in the right-of-way of Santa Ana Road and Meridian Street along the southern and northern boundary of the project site. The project proponent will be required to fund the installment of a future water connection to the City of Hollister standards.

#### Storm Drain

The City of Hollister maintains a series of transmission lines that convey storm flows within the City and some adjoining areas of unincorporated San Benito County to either the San Benito River or Santa Ana Creek. The affected area is within the Santa Ana Creek drainage area. The development will incrementally utilize capacity of the City storm transmission lines and area wide storm water treatment and recharge facilities. To offset the use of this capacity, the development will be assessed a storm drainage impact fee at the time of building permit issuance.

#### Parks and Recreation

Annexation of the site in its current state will not require any additional park facilities or recreational programs. The City of Hollister maintains a number of park facilities with its jurisdictional limits to serve the needs of City residents and residents of unincorporated San Benito County. The City or private developers, or a combination of both, have historically constructed these facilities. The amount of parkland required is correlated to population growth that could result from residential development and is set forth by the City General Plan and the City Subdivision Ordinance for residential development. The City of Hollister would require residential land uses to contribute to park impact fee programs.

The City of Hollister funds a number of recreation programs to serve the needs of City residents and residents of unincorporated San Benito County. These programs are funded at a level of 75 percent by user fees. The remaining costs are funded by the City of Hollister General Fund. The City has entered into an annexation agreement with the owners of the affected area to ensure that the development of the site is fiscally neutral, which would include the City portion of the funding required for recreational programs.

#### Road Construction

The City of Hollister requires that there be adequate roadways to serve the transportation needs of City residents. The City or private developers, or a

combination of both, fund roadways. The development will require, on an incremental basis, the need for expanded roadway facilities in the City and County, including the widening of other arterial streets. To offset these incremental costs, the development project will be assessed a traffic impact fee at the time of final occupancy for a building permit.

Street and Utility Maintenance

Annexation of the site in its current state will not require an increase in the need for the funding for street or utility maintenance. The property has existing access to Santa Ana Road and Meridian Street and annexation of the property would not require the addition of new roads, landscape area, or utility systems to service the properties. Development of the project site will require additional maintenance of area City streets, landscaping and utility facilities that will serve the affected area, as well as streets and utility systems within the development. The area street maintenance is funded by the City of Hollister state taxes and CFDs assessed to new developments. The City collects fees on a yearly basis for maintenance of landscaping and lighting. City utility systems are currently funded by City user fees.

- d. **Indicate any improvements or upgrading of structures, roads, sewers or water facilities or other conditions that will be required as a result of the proposal.**  
*Existing water, sewer, and storm drainage will be extended to serve the property upon future residential improvements.*
- e. **Identify how these services will be financed. Include both capital improvements and ongoing maintenance and operation.**  
*All utilities will be public. Upon development the property shall be included with in a Mello Roos Community Facilities Tax District or similar district to finance related maintenance costs. The streets will be public and maintained by the City of Hollister. The streets, water, sewer and storm drainage improvements are privately financed by the developer.*
- f. **Identify any alternatives for providing the services listed in Section (A) and how these alternatives would affect the cost and adequacy of services.**  
*No alternative mechanisms proposed.*

**15. Ability of the annexing agency to provide services**

**Attach a statement from the annexing agency describing its ability to provide the services that are the subject of the application, including the sufficiency of revenues (per Gov't Code §56668)).**

*Please see attached statement from the City of Hollister.*

**16. Dependability of Water Supply for Projected Needs (as per §56653)**

If the proposal will result in or facilitate an increase in water usage, attach a statement from the retail water purveyor that describes the timely availability of water supplies that will be adequate for the projected needs.

*The site is expected to obtain domestic water service from the City of Hollister. The services can be provided upon annexation of the site pending LAFCO approval of the annexation of territory.*

**17. Bonded indebtedness and zones – These questions pertain to long term debt that applies or will be applied to the affected property.**

a. Do agencies whose boundaries are being changed have existing bonded debt?

☐ Yes    ☒ No    If yes, please describe

b. Will the proposal area be liable for payment of its share of this existing debt?

☐ Yes    ☒ No    If yes, how will this indebtedness be repaid (property taxes, assessments, water sales, etc.?)

c. Should the proposal area be included within any 'Division or Zone for debt repayment?

☐ Yes    ☒ No    If yes, please describe.

d. (For detachments) Does the detaching agency propose that the subject territory continue to be liable for existing bonded debt?

☐ Yes    ☒ No    Please describe.

**18. Environmental Impact of the Proposal**

a. Who is the "lead agency" for this proposal?

*The lead agency for this proposal is the City of Hollister.*

b. What type of environmental document has been prepared?

None, Categorically Exempt -- Class \_\_\_\_\_

EIR \_\_\_\_\_ Negative Declaration \_\_\_\_\_ Mitigated ND   X  

Subsequent Use of Previous EIR \_\_\_\_\_ Identify the prior report. \_\_\_\_\_

c. If an EIR has been prepared, attach the lead agency's resolution listing significant impacts anticipated from the project, mitigation measures adopted to reduce or avoid significant impacts and, if adopted, a "Statement of Overriding Considerations."

**19. Boundaries**

- a. **Why are these particular boundaries being used? Ideally, what other properties should be included in the proposal?**

*The property has been rezoned by the City of Hollister to R3-M-PZ (Medium Density Residential Performance Overlay Zone), and is requesting annexation for future development purposes. The subject parcel is surrounded on three sides by the City limits of Hollister, which makes the Annexation request consistent with LAFCO policies. There are no other parcels that should be included in this proposal.*

- b. **If any landowners have included only part of the contiguous land under their ownership, explain why the additional property is not included.**

*The property owner has included the entire parcel.*

## **20. Final Comments**

- a. **Describe any conditions that should be included in LAFCO's approval.**

*Owner agrees to comply with the City of Hollister's ordinances, policies, and conditions of approval with regard to development of this property.*

- b. **Provide any other comments or justifications regarding the proposal.**

*On August 22, 2019 the City of Hollister Planning Commission approved Resolution No. 2019-36 recommending adoption of the MND, and approved Resolution No. 2019-37 recommending approval of the rezoning application for the subject property to the City of Hollister City Council. The City of Hollister City Council adopted Ordinance No. 1185 on December 2, 2019 rezoning the parcels to Medium Density Residential Performance Overlay Zoning District (R3 M/PZ). This request is for annexation only.*

- c. **Enclose all pertinent staff reports and supporting documentation related to this proposal. Note any changes in the approved project that are not reflected in these materials.**

*Please see attached.*

## **21. Notices and Staff Reports**

**List up to three persons to receive copies of a notice of hearing and staff report.**

<b><u>Name and agency</u></b>		<b><u>Address</u></b>
1. Eva Kelly or Abraham Prado	3. Steve Rosati	City of Hollister Planning Division 375 Fifth Street Hollister, CA 95023
2. Taven Kinison Brown	5. Victor Gomez	San Benito County Resource Mgmt Agency Planning Division 2301 Technology Pkwy

Hollister, CA 95023

**Email address**

eva.kelly@hollister.ca.gov  
ov  
abraham.prado@hollister.ca.gov

tkinisonbrown@cosb.us

sirosati@aol.com

dledeboer@highlandpartnersgroup.com

victorg@pinnaclesstrategy.org

**Who should be contacted if there are questions about this application?**

<b><u>Name</u></b>	<b><u>Address</u></b>	<b><u>Email address</u></b>	<b><u>Phone</u></b>
Eva Kelly or	City of Hollister	<u>eva.kelly@hollister.ca.gov</u>	831.636.4360 x1225
Abraham Prado	Planning Division	<u>abraham.prado@hollister.ca.gov</u>	831.636.4360 x1211

Signature \_\_\_\_\_ Date \_\_\_\_\_



TABLE A

## Information regarding the areas surrounding the proposal area

	Existing Land Use	General Plan Designation	Zoning Designation
East	Residential	City of Hollister Low Density Residential	City of Hollister: R1 Low Density Residential
West	Schools	City of Hollister-Public	City of Hollister-Public
North	Agricultural	County of San Benito: Agriculture	County of San Benito: Agricultural Productive
South	Residential	City of Hollister: Low Density Residential	City of Hollister: R1 Low Denisty Residential

Other comments or notations:



# City of Hollister Development Services

375 Fifth Street, Hollister, CA. 95023 Telephone (831) 636-4360 • Fax (831) 634-4913

March 3, 2021

To: LAFCO Commission  
2301 Technology Parkway  
Hollister, CA 95023

From: City of Hollister Engineering Department  
375 Fifth Street  
Hollister, California 95023

RE: Rosati Annexation to the City of Hollister Question Number 15

Dear LAFCO Commissioner,

At its regular meeting of December 2, 2019 the City of Hollister City Council adopted Ordinance No. 1185 approving a pre-zone of a 24.4 acre parcel to Medium Density Residential Performance Overlay (R3-M/PZ) for future annexation into the corporate limits of Hollister located west of Marguerite Maze Middle School, east of Moorpark Drive, north of Meridian Street, and south of Sana Ana Road, further identified as San Benito County Assessor's Parcel Number 019-310-002.

Question number 15 of the LAFCO application states, *attach a statement from the annexing agency describing its ability to provide the services that are the subject of the application, including the sufficiency of revenues.* The City of Hollister can provide services to the site pending LAFCO approval of the annexation of territory. The project site is within the City of Hollister General Plan area and is accounted for in the City's Long-Term Wastewater Management Program. It is proposed that services including sewer and wastewater generated onsite be collected and conveyed to the City of Hollister Domestic Wastewater Treatment Plant (DWTP) for treatment and disposal. The property would receive domestic water service from Sunnyslope County Water District. Impact fees will be assessed at the time of building permit issuance for use in future capital improvement projects. At the time the property is annexed the City will be able to provide and will have sufficient revenues to provide the proposed municipal services.

Should you have any questions, or require additional information, please do not hesitate to contact the City of Hollister Development Services Department at (831) 636-4340, or you may contact me directly at your convenience at (925) 965-7701.

Sincerely,

Mark Falgout, P.E., CPSWQ, QSD  
Kimley-Horn  
Interim City Engineer, City of Hollister

**RESOLUTION NO. 2021-18**

**A RESOLUTION OF APPLICATION BY THE CITY OF HOLLISTER REQUESTING  
THE LOCAL AGENCY FORMATION COMMISSION OF SAN BENITO COUNTY  
(LAFCO) TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY OF  
THE PARCEL IDENTIFIED AS APN 019-310-002**

**WHEREAS**, the City Council of the City of Hollister desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, (the "Act") for a change of organization consisting of a parcel of land identified as APN 019-310-002 consisting of 23.481 acres of land to the City of Hollister; and

**WHEREAS**, the reasons for the proposed reorganization is to annex the territory of 23.481 acres owned by Joan Rosati as the Trustee of the Joan Rosati Living Trust, Stephen J. Rosati, Jeanne Rosati, and John A. Rosati (the "Territory") and to allow for the provision of municipal services to the Territory that will allow development consistent with the City of Hollister General Plan; and

**WHEREAS**, the following agency would be affected by the proposed jurisdictional change:

<u>Agency</u>	<u>Nature of Change</u>
County of San Benito	Annexation to City of Hollister

**WHEREAS**, a description and map of the boundaries of the Territory are attached hereto as Exhibit A and by this reference incorporated herein; and

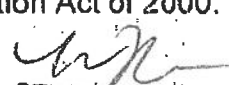
**WHEREAS**, the Territory has been rezoned by City of Hollister Ordinance 1185 in conformance with state and local law; and

**WHEREAS**, the City Council certifies that as lead agency pursuant to the California Environmental Quality Act a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was adopted per Resolution No. 2019-249 at its regular meeting of November 18, 2019.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Hollister as follows:

1. This Resolution of Application is hereby adopted and approved by the City Council of the City of Hollister, and the San Benito County Local Agency Formation Commission is hereby requested to take proceedings for the change of organization as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**ATTACHMENT 3**

  
CITY OF HOLLISTER  
DUPLICATE OF ORIGINAL  
ON FILE IN THE  
OFFICE OF THE CITY CLERK

2. The City Clerk shall provide a conformed copy of this Resolution to be filed with the Executive Officer of the San Benito County Local Agency Formation Commission.


**PASSED AND ADOPTED**, by the City Council of the City of Hollister at a Regular Meeting held this 1st day of February, 2021, by the following vote:

AYES: Council Members Perez, Burns, and Spencer.

NOES: Council Member Resendiz, and Mayor Velazquez.

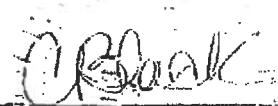
ABSTAINED: None.

ABSENT: None.

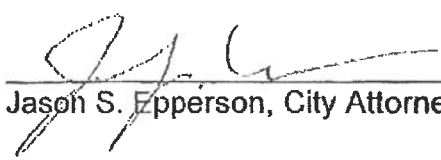
  
\_\_\_\_\_  
Ignacio Velazquez, Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Christine Black, MMC, City Clerk

Epperson Law Group PC


  
\_\_\_\_\_  
Jason S. Epperson, City Attorney

I, CHRISTINE BLACK, MMC, City Clerk of the City of Hollister, do hereby certify that the attached Resolution No. 2021-18 is an original Resolution, or true and correct copy of a City Resolution, duly adopted by the Council of the City of Hollister at a regular meeting of said Council held on the 1st day of February, 2021, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Hollister this 1st day of February, 2021.

  
\_\_\_\_\_  
Christine Black, MMC  
City Clerk of the City of Hollister

(Seal)

  
CITY OF HOLLISTER  
DUPLICATE OF ORIGINAL  
ON FILE IN THE  
OFFICE OF THE CITY CLERK

**ORDINANCE NO. 1185**

**AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING MUNICIPAL CODE  
CHAPTER 17.24.250 PREZONING OF SPECIFICALLY DESCRIBED REAL  
PROPERTIES (APN: 019-310-002) TO MEDIUM DENSITY RESIDENTIAL  
PERFORMANCE OVERLAY ZONING DISTRICT**

WHEREAS, following a duly noticed public hearing on August 22, 2019, the Planning Commission recommended adoption of a Mitigated Negative Declaration for Prezone 2018-1 (Planning Commission Resolution 2019-36) and approval of the request to Prezone 24.4 acres to Medium Density Residential Performance Overlay Zone (Planning Commission Resolution 2019-37); and

WHEREAS, on November 18, 2019, the City Council of the City of Hollister held a duly noticed public hearing to consider adoption of a Mitigated Negative Declaration and the rezoning application.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Hollister does hereby ordain as follows:

**THE CITY COUNCIL OF THE CITY OF HOLLISTER DOES ORDAIN AS FOLLOWS:**

**Section 1: Zoning Map Amended.** The Official Zoning Map of the City of Hollister is hereby amended by rezoning to R3-M/PZ (Medium Density Residential Performance Overlay Zone) all that real property situated in the County of San Benito, State of California, particularly described in "Exhibit A" and identified as R3-M/PZ (Medium Density Residential Performance Overlay Zone) attached hereto and made a part thereof by reference.

**Section 2: Severability.** The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

**Section 3: Effective Date.** This ordinance shall take effect and be in force thirty days from and after its passage.

**Section 4: Publication.** Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in the Free Lance, a newspaper of general circulation.

INTRODUCED following a public hearing held at a regular meeting on the 18<sup>th</sup> day of November 2019.

**ATTACHMENT 4**

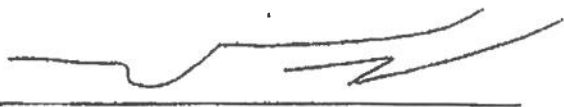
**PASSED AND ADOPTED**, by the City Council of the City of Hollister at a regular meeting held this 2nd day of December, 2019, by the following vote:

**AYES:** Council Members Richman, Spencer, and Lenoir.

**NOES:** Council Members Resendiz, and Mayor Velazquez.

**ABSTAINED:** None.

**ABSENT:** None.


  
\_\_\_\_\_  
Ignacio Velazquez, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Christine Black, MMC, City Clerk

**APPROVED AS TO FORM:**

Epperson Law Group PC

  
\_\_\_\_\_  
Jason S. Epperson, City Attorney  
**CITY OF HOLLISTER  
DUPLICATE OF ORIGINAL  
ON FILE IN THE  
OFFICE OF THE CITY CLERK**

**CITY OF HOLLISTER  
ORIGINAL**

ERK

**RESOLUTION NO. 2019-249**

**CITY OF HOLLISTER  
DUPLICATE OF ORIGINAL  
ON FILE IN THE  
OFFICE OF THE CITY CLERK**

**A RESOLUTION OF THE CITY OF HOLLISTER CITY COUNCIL ADOPTING A  
MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND  
REPORTING PROGRAM FOR PREZONE 2018-1 (ROSATI)**

**WHEREAS**, Stephen J. Rosati ("the applicant"), submitted an application for Prezone 2018-1 for annexation of 24.4 acres to Medium Density Residential Performance Overlay (R3-M/PZ) Zoning District located south of Santa Ana Road, east of Marguerite Maze Middle School and Gabilan Hills Elementary School, and north of Meridian Street (APN: 019-310-002), and the property is further identified as San Benito County Assessor Parcel Number 019-310-002; and

**WHEREAS**, an initial study was prepared for Prezone 2018-1 ("Project"), and it was determined that potentially significant impacts from the Project could be reduced to an insignificant level with the incorporation of mitigation measures agreed to by the applicant into the project and that a Mitigated Negative Declaration could be prepared; and

**WHEREAS**, the Mitigated Negative Declaration for Prezone 2018-1 was circulated from May 30, 2019 to July 1, 2019 to the Association of Monterey Bay Area Governments, the State Clearinghouse, local agencies, and the public; and

**WHEREAS**, all federal, state, and local requirements must be met with any proposed project within Prezone 2018-1; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on August 22, 2019 to consider the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, staff reports, and to hear and consider written and oral comments and adopted Planning Commission Resolution 2019-36 recommending to the City Council the approval of the Mitigated Negative Declaration; and

**WHEREAS**, the City Council held a duly noticed public hearing on November 18, 2019 to consider the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, staff reports, and to hear and consider written and oral comments; and

**WHEREAS**, after considering written and oral comment, the City of Hollister City Council deliberated and determined to adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the Initial Study, Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program are in compliance with the provisions of the California Environmental Quality Act; and

**WHEREAS**, pursuant to Section 711.4 of the Fish and Game Code, a de minimis finding cannot be made for the proposed project and the applicant shall be required to pay Fish and Game fees when the Notice of Determination is filed.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
HOLLISTER TO ADOPT THE FOLLOWING FINDINGS:**

**ATTACHMENT 5**



1. The Mitigated Negative Declaration for Prezone 2018-1 evaluated the impacts of the proposed project.
2. The City Council has reviewed and considered the information contained in the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and based on the whole record before the Council, including the initial study and any comments received, that there is not substantial evidence that the Project will have a significant effect on the environment.
3. The Mitigated Negative Declaration and the Mitigation, Monitoring and Reporting Program comply with the California Environmental Quality Act, the State CEQA Guidelines, and the City of Hollister CEQA process.
4. The proposed mitigated negative declaration reflects the City of Hollister's independent judgement and analysis.
5. The mitigation measures contained in the Mitigation Monitoring and Reporting Program were agreed to by the applicant and are adequate to reduce the impacts of the project on the physical environment to a less-than-significant level.
6. The document and other materials that constitute the record of the proceedings on which the City's determinations are based are located at the City of Hollister Development Services Department, 339 Fifth Street, Hollister, California 95023; (831) 636-4360.

**BE IT FURTHER RESOLVED THAT THE CITY COUNCIL HEREBY ADOPTS THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR PREZONE 2018-1.**

**PASSED AND ADOPTED**, by the City Council of the City of Hollister at a regular meeting held this 18th day of November, 2019, by the following vote:

**AYES:** Council Members: ~~Richman, Spencer, and Lenoir~~ Lenoir, and Mayor Velazquez

**NOES:** ~~Riverendiz~~, and Mayor Velazquez

**ABSTAINED:** None

**ABSENT:** None

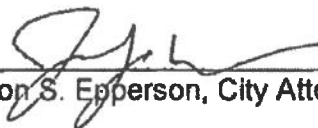
  
\_\_\_\_\_  
Ignacio Velazquez, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Christine Black, MMC, City Clerk

**APPROVED AS TO FORM:**

Epperson Law Group PC

  
\_\_\_\_\_  
Jason S. Epperson, City Attorney

CITY OF HOLLISTER  
DUPLICATE OF ORIGINAL  
ON FILE IN THE  
OFFICE OF THE CITY CLERK

LAFCO No. 537

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING THE  
ROSATI ANNEXATION TO THE CITY OF HOLLISTER

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the San Benito Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Sections 56000 et seq. of the Government Code); and

WHEREAS, the proposal seeks Commission approval to annex 24.44 acres into the City of Hollister and represents one parcel identified by the San Benito County Assessor as APN Number 019-310-002; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on the proposal on May 13, 2021; and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal through publication in the Hollister Freelance Newspaper, and mailed notice to all landowners within 300 feet of the project boundaries; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the Environmental Initial Study/Mitigated Negative Declaration and determinations made by the Hollister City Council, the Sphere of Influence and General Plan; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter "CEQA"), the Commission serves as responsible agency for the annexation and has determined that the annexation is a "project" subject to CEQA; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interests of the affected City and the organization of local governmental agencies within San Benito County.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Local Agency Formation Commission of San Benito County as follows:

(1) The Commission finds it has reviewed and considered the Environmental Initial Study/Mitigated Negative Declaration prepared by the City of Hollister as lead agency under CEQA, and the Commission finds the EIR adequately addresses all environmental impacts of this annexation and no new significant impacts have been identified, and that there are no mitigation measures that are the responsibility of LAFCO to adopt or monitor as a result of action on this proposal. These environmental findings are based on the Commission's independent judgment and analysis, and the Commission agrees with the CEQA Findings of Fact contained in City of Hollister Resolution No. 2019-249.

(2) The annexation proposal is assigned the distinctive short-form designation:

ROSATI ANNEXATION TO CITY OF HOLLISTER

(4) Said territory is found to be uninhabited as there are no registered voters within the annexation area.

(5) The boundaries of the affected territory are found to be definite and certain as approved and set forth in the legal descriptions, attached hereto and made a part hereof.

(6) All proceedings in connection with this proposal shall be conducted only in compliance with the approved boundaries set forth in the attachments.

(7) The annexation boundary is within the sphere of influence of the City as adopted by the Commission.

(8) Since the subject territory is uninhabited, the applicant property owner has given written consent to the annexation, the conducting authority proceedings are waived and the staff is directed to complete the proceeding without further notice, hearing or election.

(9) The territory being annexed will not be liable for any existing or authorized taxes, charges, fees or assessments applied to comparable properties presently within the City.

(10) The proposal is APPROVED, and, and the approval is not subject to any conditions of approval imposed by the Commission.

I, Mark Medina, Chairman of the Local Agency Formation Commission of San Benito County, California, do hereby certify that the foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof held upon the 13th day of May, 2021, by the following vote:

AYES:

NOES:

ABSTAINS:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mark Medina, Chair  
San Benito Local Agency Formation Commission

ATTEST

\_\_\_\_\_  
Bill Nicholson, Executive Officer  
San Benito Local Agency Formation Commission

**LOCAL AGENCY FORMATION COMMISSION**  
SAN BENITO COUNTY

2301 Technology Parkway  
Hollister, CA 95023  
Phone: (831) 637-5313

May 13, 2021 (Agenda)

Local Agency Formation Commission  
2301 Technology Parkway  
Hollister CA 95023

**Final LAFCo Budget for FY 2021-22**  
**(Agenda Item 7)**

Dear Members of the Commission:

**RECOMMENDATION**

It is recommended the Commission:

1. Review the Final Budget for Fiscal Year 2021-22, 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 2021-22 to meet the statutory deadline for adoption by June 15<sup>th</sup>. 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 8, 2021. Notice this public hearing was published as required by LAFCo statute.

### Appropriations

The Proposed Budget requested \$149,579 in appropriations, which reflected a \$1,939 decrease from the FY 2020-21 budget. There are no recommended changes in appropriations for the Final Budget, and as mentioned earlier, no comments were submitted to LAFCo in response to the Proposed Budget from the two Cities, the County or any independent special districts.

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 is anticipated to generate approximately \$10,000 in income, similar to the last couple years reflecting somewhat slower application levels. 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 approximately \$55,000 of the budgeted annual total of \$149,579. 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 2019 Hollister received 93.0% of total city revenue (\$72,008,670) and San Juan Bautista received only 7.0% (\$5,434,129). For reference, in the 2019-20 fiscal year, the Hollister contribution amounted to \$40,792, so San Juan Bautista's share would have only been around \$2,700, and the County's 50% share was around \$43,500.

### 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.



Local Agency Formation Commission  
Final Budget for FY 2021-2022  
May 13, 2021 (Agenda)  
Page 3

Sincerely,

A handwritten signature in cursive script that reads "Bill Nicholson".

BILL NICHOLSON  
Executive Officer

Attachment – Final Budget Chart by Account

# SAN BENITO LOCAL AGENCY FORMATION COMMISSION

## Final Budget for Fiscal Year 2021-22

### Explanation of Accounts

Object Code No.	Description	FY 2022-21 Adopted	As of 3/31/21	FY 2021-22 Proposed	Change
619.166	CALAFCO Membership	1,829	1,829	1,875	46
	Membership dues reflect minor increase based on population increase.				
619.172	Service & Supplies: Postage	1,000	78	1,000	0
	Maintain account based on historic application activity.				
619.174	Service & Supplies: Office Supplies & Copies	2,000	44	2,000	0
	Maintain account based on historic application activity & use of County copying rate.				
619.180	Services & Supplies: Legal Notice	750	368	1,000	250
	Increase based on anticipated advertising costs and application activity.				
619.194	Training - Registration	1,500	0	1,500	0
619.196	Travel - Lodging	1,520	0	1,520	0
	Executive Officer and Commissioner attendance at CALAFCO Conference – Assumes Fall Conference in October 2021 and Staff Workshop in Irvine in April 2022.				
619.198	Training & Education - Meals	300	0	300	0
	Corresponding meal reimbursement for conference attendance/travel held stable.				
619.200	Travel – Mileage	1,000	36	1,000	0
	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	27,475	66,445	(2,855)
	Executive Officer services at 35 hours/mo. & 50 hours support for MSR for County Service Areas (CSAs) from the 2020-21 Fiscal Year (with CPI increase est. of 2.5%)				
619.226	Prof. Services: Public Works (Map/Legal review)	2,000	0	2,000	0

San Benito Local Agency Formation Commission  
Proposed Budget for Fiscal Year 2021-22  
Page 2

Object Code No.	Description	FY 2020-21 Adopted	As of 3/31/21	FY 2021-22 Proposed	Change
619.252	County GIS Contribution	1,796	1,796	2,416	620
	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	21,523	9,175	21,523	0
	County overhead for Auditor/Administration and related functions – increase based on FY 2019-20 expenses.				
TBD	Board Clerk Support	7,000	1,285	7,000	0
	Reimbursement for Board Clerk as LAFCO Clerk – anticipate increase in activity.				
645.704	Retire – Medical Insurance	10,000	5,880	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.				
	Totals	151,518	48,586	149,579	(1,939)

# **BUSINESS ITEMS – NON- HEARING ITEMS**

**8. Consider letter of support for the City of San Juan Bautista in securing \$1 Million in Federal funding as part of the cost for regionalizing the City's water system. The City is coordinating with the San Benito County Water District to acquire treated water from the San Felipe Reservoir and connect a new trunk line to the City, and the resulting wastewater generated by the City would be transported for treatment and reuse to the City of Hollister wastewater treatment plant located adjacent to Highway 156 approximately six miles away. This request was submitted by the City Manager, Don Reynolds.**

**9. Update on Legislation proposed by or monitored by the California Association of Local Agency Formation Commissions (CALAFCO)**

**10. Consideration of opening the Commission meetings to the public in relation to the COVID-19 Pandemic protocols.**



**LOCAL AGENCY FORMATION COMMISSION**  
SAN BENITO COUNTY

2301 Technology Parkway  
Hollister, CA 95023  
Phone: (805) 647-7612

DATE: May 13, 2021 (Agenda)  
TO: LAFCO Commissioners  
FROM: Bill Nicholson, <sup>BA</sup> Executive Officer  
RE: Letter of Support for Special Funding from Congressman Jimmy Panetta  
for the City of San Juan Bautista Water Regionalization Project  
(Agenda Item 8)

The attached draft letter of support to Congressman Jimmy Panetta comes at the request of Don Reynolds, City Manager of the City of San Juan Bautista. As outlined in the letter, the City has been under State orders to fix both their potable water system and their wastewater treatment plant for many years. After looking at alternatives, they City has decided to partner with other local agencies to abandon their independent water system and connect to regional facilities already in place.

The City has negotiated an agreement with the San Benito County Water District to obtain water from the San Felipe Reservoir, that would be treated by the District, and delivered to the City through a new trunk line. However, they can't implement this solution without correcting their existing wastewater treatment plant violations.

Therefore, the City has decided to connect with the City of Hollister's regional wastewater treatment plant 6 miles to the east. While an agreement has not been reached with the City of Hollister in this regard, the timing of funding is critical and the City Manager, Don Reynolds has reached out to San Benito County LAFCO for a letter of support for Federal funding through a special earmark by Congressman Panetta. Mr. Reynolds has indicated that the project will take a combination of several financing inputs and options to completely pay for the estimated \$12-million-dollar project.

More detail about this project and the funding request is contained in the attached letter based on a template provided by the City Manager. This is an important consideration of regional significance, and after consulting with the LAFCO Chair, the correct approach for indicating the Commission's support should come through a vote of the Commission.

Action Requested:

Consider supporting the letter of support for the City of San Juan Bautista's funding request and direct the Chair to sign the attached letter, with or without modification by the Commission.

Attachment: Draft Letter to the Honorable Congressman Panetta

**LOCAL AGENCY FORMATION COMMISSION**  
SAN BENITO COUNTY

2301 Technology Parkway  
Hollister, CA 95023  
Phone: (805) 647-7612

May 13, 2021

Honorable Congressman Jimmy Panetta  
406 Cannon House Office Building  
Washington DC 20515

**DRAFT**

Dear Congressman Panetta,

The San Benito County Local Agency Formation Commission (LAFCO) is writing to you in support of special federal funding of \$1 million for the City of San Juan Bautista's project to regionalize its source of drinking water and wastewater treatment by partnering with the City of Hollister and San Benito County Water District (SBCWD). On February 24<sup>th</sup>, 2021, both the San Juan Bautista City Council and SBCWD Board approved and subsequently executed a Memorandum of Understanding to initiate the design of the infrastructure for the import of drinking water. To meet State water quality requirements, the project will also require the City to abandon their independent wastewater treatment plant and send their wastewater to the Hollister Treatment Plant across the San Juan Valley approximately six miles away. The agreement between the two cities is pending.

LAFCO strongly supports the regionalization of San Juan Bautista's water and wastewater system. For the past several years the San Benito County Water District has been helping the City of San Juan Bautista come into compliance with a State Water Board order. When completed, the drinking water project will deliver treated drinking water from the San Felipe Reservoir through a nearby water treatment plant. However, the overall City water system must be improved at both the source of potable water supply and at the wastewater discharge point to meet the State imposed standards. When completed, the delivery of its wastewater to the Hollister regional treatment plant will end the City's need for an independent National Pollution Discharge Permit and end the City's use of a US Waterway to discharge its effluent waste water.

The regional benefit to clean our streams and our aquifers is immeasurable. The Hollister regional treatment plant recycles its treated wastewater for agricultural irrigation. As California faces successive droughts, this beneficial reuse of water is critical to our ag-based economy. Projects like this illustrate how local communities can work together towards a common solution.

The cost of these projects cannot be born solely by San Juan Bautista's 800 sewer and water customers. Improving both parts of the water system will impose considerable financial hardships upon the ratepayers. Since Congressional Earmarks have recently



Honorable Jimmy Panetta, Congressman  
May 6, 2021  
Page 2

been reinstated, contributing the federal dollars requested by the City for this project is a great way to assist San Juan Bautista in financing this project.

It is our understanding that the project will take a combination of several financing inputs and options to completely pay for this estimated \$12-million-dollar project. By helping San Juan Bautista, the Federal Government be helping the whole region. Therefore, San Benito County LAFCO is supporting the City of San Juan Bautista's request that you to earmark funds for this community infrastructure project, especially as the present administration is attempting to fund local infrastructure projects, such as described here. Since the City's fines by the State are ongoing, and their ratepayers are still hurting from the pandemic, rapid progress at bring their water facilities into compliance through this project is needed even before the planned infrastructure bill will move through Congress.

We certainly appreciate your serious consideration of this request to direct as much money as possible for this project. If you need additional information, it can be accessed through the San Juan Bautista City Manager's office. Engineering plans and the master water plan for San Juan Bautista are available for your perusal. If you have any questions about our support for this project, please reach out to the Commission.

Thank you for your diligent consideration,

Mark Medina, Chair

San Benito County LAFCO  
2301 Technology Parkway  
Hollister, CA 95023  
(831) 636-4000

**LOCAL AGENCY FORMATION COMMISSION**

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

DATE: May 13, 2021 (Agenda)

TO: Local Agency Formation Commission

FROM: <sup>BN</sup> Bill Nicholson, Executive Officer

RE: Update on Legislation Proposed by or Monitored by the California Association of  
Local Agency Formation Commissions (CALAFCO) & Legislative Committee  
Update  
(Agenda Item 9)

The CALAFCO Legislative Committee and CALAFCO Board have been engaged in a hectic effort so far in 2021 regarding LAFCO-related issues contained in legislation sponsored by other parties. Due to personal matters, I have not attended the last couple Legislative Committee meetings. However, there is a Legislative Committee meeting on Friday, May 7<sup>th</sup>, and the Executive Officer will provide a report at the San Benito LAFCO meeting based on actions taken and other relevant items of interest discussed at the Committee meeting.

As an attachment, there is a list of pending bills tracked by CALAFCO in their "Daily CALAFCO Legislative Report" with the most recent version dated May 3<sup>rd</sup>. While there are dozens of bills listed here, AB 1581 (Committee on Local Government) referred to as "The Local Government - Omnibus Bill" is the only bill CALAFCO has request letters of support for during this Legislative Session. The San Benito LAFCO Commission authorized a letter of support at your April 8<sup>th</sup> meeting.

**Action Requested**

Receive the update of legislation tracked by CALAFCO, and discuss any legislation of interest.

---

**Commissioners:** Mark Medina, Chair ♦ Richard Bettencourt, Vice Chair ♦ Ignacio Velazquez ♦ Cesar Flores ♦ Bob Tiffany

**Alternate Commissioners:** Rolan Resendiz ♦ Ella Salinas ♦ Bea Gonzalez **Executive Officer:** Bill Nicholson

**CALAFCO Daily Legislative Report  
as of Monday, May 03, 2021**

1

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

**Current Text:** Amended: 4/15/2021 [html](#) [pdf](#)

**Introduced:** 1/28/2021

**Last Amended:** 4/15/2021

**Status:** 4/28/2021-VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)

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

**Summary:**

The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require all meetings to include an opportunity for members of the public to attend via a telephonic option and an internet-based service option. The bill would require all meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic and an Internet-based service option, as provided, and would specify requirements for public comment registration.

**Attachments:**

[AB 339 Fact Sheet](#)

**Position:** Watch

**Subject:** Other

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

The bill adds requirements for local agencies to employ a sufficient amount of qualified bilingual people to provide translation services during the meeting in the language of the non-English speaking person (consistent with all languages for which 5% of the population in the area governed by the local agency speak). The bill adds similar requirements for any state legislative body. All of these new requirements are unfunded mandates.

This bill is sponsored by the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

UPDATE AS OF 4/20/21 - The bill was significantly amended on 4-15-21. These amendments removed all state requirements as noted above. Further, they require public participation by phone or internet (with video/audio), and allow agencies to create a registration process for public comments so long as people can register to speak via phone and in person.

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

All requirements remain unfunded mandates.

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

**Current Text:** Amended: 4/6/2021 [html](#) [pdf](#)

**Introduced:** 2/1/2021

**Last Amended:** 4/6/2021

**Status:** 4/7/2021-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:**

5/5/2021 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:**

Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state of emergency or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote. The bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment.

**Attachments:**

[AB 361 Fact Sheet](#)

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that certain requirements are met (noticing, public access, etc.). This bill allows a local agency to conduct meetings using teleconference methods without complying with certain teleconferencing requirements if they are meeting for the purposes of declaring or ratifying a local emergency, during a declared state or local emergency (as defined in statute), when state or local health officials have imposed or recommended certain measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.

The legislative body must give notice of the meeting and post agendas to allow members of the public to access the meeting and address the legislative body, offer public comment, and protect rights of the parties and public appearing before the legislative body. The bill also rescinds the requirement that at least a quorum of the body must meet within the jurisdictional boundaries of the agency under these circumstances when meeting via telecon.

UPDATE: As amended on 4/6/21, the bill now specifies that the new statute can be applied if meeting in person presents imminent risk to the health & safety of attendees; Requires the agenda to provide opportunity for anyone to attend via call-in or internet option; should there be a service disruption that prevents remote public participation, the agency must take no further action on any agenda item until service is restored; the agency cannot require submittal of public comments in advance of the meeting; and requires the legislative body, every 30 days after the initial declaration of emergency, should the emergency remain active, to make certain findings that the emergency still exists and prevents in-person meetings.

This bill is sponsored by the CA Special Districts Association (CSDA). The bill is not marked fiscal. A fact sheet is posted in the tracking section of the bill.

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

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

**Introduced:** 2/16/2021

**Last Amended:** 4/29/2021

**Status:** 4/29/2021-From committee chair, with author's amendments: Amend, and re-refer to Com. on L. GOV. Read second time and amended.

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

**Summary:**

Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable

accommodation for individuals with disabilities, as specified. This bill would remove the notice requirements particular to teleconferencing and would revise the requirements of the act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction.

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** As amended on 4/29/21, the bill requires local agencies to allow for public participation during meetings of the legislative body both at in-person and via a call-in or internet-based option. It further requires that if the agency holds a teleconference meeting, at least a quorum of the governing body shall participate in person from a single location which shall be open to the public (and located within the boundaries of the jurisdiction).

Despite these requirements, the bill is not marked fiscal. Further, it applies only to local agencies, not state agencies.

The bill is sponsored by Three Valleys Municipal Water Agency.

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

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

**Introduced:** 3/9/2021

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

**Status:** 4/20/2021-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:**

5/5/2021 1:30 p.m. ~ State Capitol, Room 4202 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:**

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

**Attachments:**

[LAFCo Support letter template](#)

[CALAFCO Support letter](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

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

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

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

**Current Text:** Introduced: 2/23/2021 [html](#) [pdf](#)

**Introduced:** 2/23/2021

**Status:** 3/22/2021-Read third time. Urgency clause adopted. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

**Summary:**

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

**Attachments:**[CALAFCO Support Letter March 2021](#)**Position:** Support**Subject:** Other**CALAFCO Comments:** These are the annual validating Acts.**SB 811 (Committee on Governance and Finance) Validations.****Current Text:** Introduced: 2/23/2021 [html](#) [pdf](#)**Introduced:** 2/23/2021**Status:** 3/22/2021-Read third time. Urgency clause adopted. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

**Summary:**

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

**Attachments:**[CALAFCO Support Letter March 2021](#)**Position:** Support**Subject:** Other**CALAFCO Comments:** These are the annual validating Acts.**SB 812 (Committee on Governance and Finance) Validations.****Current Text:** Introduced: 2/23/2021 [html](#) [pdf](#)**Introduced:** 2/23/2021**Status:** 3/22/2021-Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

**Summary:**

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

**Attachments:**[CALAFCO Support Letter March 2021](#)**Position:** Support**Subject:** Other**CALAFCO Comments:** These are the annual validating Acts.

2

**AB 1195 (Garcia, Cristina D) Drinking water.****Current Text:** Amended: 4/6/2021 [html](#) [pdf](#)**Introduced:** 2/18/2021**Last Amended:** 4/6/2021**Status:** 4/29/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1.) (April 28). Re-referred to Com. on APPR.

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

**Summary:**

Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would prohibit, once an operator of a public water system exercises water rights for the benefit of the public water system, those surface water rights or groundwater rights from being severed or otherwise separated from the public water system.



**Attachments:**  
**AB 1195 Fact Sheet**

**Position:** Watch With Concerns

**Subject:** Water

**CALAFCO Comments:** As amended on 4-6-21, the bill was gut and amended and now creates the So LA County Human Rights to Water Collaboration Act. It requires the Water Board to appoint a commissioner to implement the Safe & Affordable Funding for Equity & Resilience Program and gives the commissioner certain authorities (although they are not clearly spelled out). It requires the commissioner by 12-31-24 to submit to the Water Board a plan for the long-term sustainability of public water systems in southern LA County and prescribes what shall be included in the plan. The bill also creates a technical advisory board and requires the commissioner to oversee the Central Basin Municipal Water District.

In its current form the bill creates numerous concerns. CALAFCO's letter of concern is posted in the tracking section of the bill, and includes: (1) Focus of the bill is very broad as is the focus of the commissioner; (2) In an attempt to prevent privatization of water systems there is language regarding severing water rights. That language could be problematic should a consolidation be ordered; (3) Diminishing local control that is being invested in the state (an ongoing concern since SB 88); (4) A clear distinction needs to be made between an Administrator and Commissioner; (5) The poorly written section on the technical advisory board; and (6) The lack of LAFCo involvement in any consolidation process.

CALAFCO will continue to work with LA LAFCo, the author's office and other stakeholders on the bill.

The bill is author-sponsored and we understand there is currently no funding source. A fact sheet is posted in the tracking section of the bill. CALAFCO's letter of concern is also posted there.

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

**Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 4/22/2021-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (April 21). Re-referred to Com. on APPR.

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

**Calendar:**

5/5/2021 9 a.m. - State Capitol, Assembly Chamber ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

**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 regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system. The bill would require the commission to approve or deny the application within 8 months, except as provided.

**Attachments:**

**AB 1250 Fact Sheet 2021**

**Position:** Watch

**Subject:** Municipal Services, Water

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

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

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

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

**Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)

**Introduced:** 2/19/2021

**Status:** 3/4/2021-Referred to Coms. on L. GOV. and H. & C.D.

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

**Summary:**

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

**Attachments:**

[AB 1295 Fact Sheet](#)

**Position:** Watch

**Subject:** Growth Management, Planning

**CALAFCO Comments:** This bill prohibits a city or county from entering into a residential development agreement for property located within a very high fire risk area as of 1-1-2022.

This bill appears similar to SB 55 (Stern) except: (1) This bill explicitly calls out residential development, whereas SB 55 addresses new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone; and (2) SB 55 adds a state responsibility area.

The bill is not marked fiscal. This is an author-sponsored bill and a fact sheet is posted in the tracking section of the bill.

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

**Current Text:** Amended: 4/5/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

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

**Status:** 4/15/2021-April 15 set for first hearing. Testimony taken. Further hearing to be set.

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

**Summary:**

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

**Attachments:**

[SB 55 Fact Sheet](#)

**Position:** Watch

**Subject:** Growth Management, Planning

**CALAFCO Comments:** This bill prohibits the creation or approval of a new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone or a state responsibility area. The bill is author-sponsored and imposes unfunded mandates. A fact sheet is posted in the tracking section of the bill.

As amended on 4/5/21, the bill removes the "blanket approach" to prohibiting development as noted

above by adding specificity. The bill prohibits development in either of the areas noted above unless there is substantial evidence that the local agency has adopted a comprehensive, necessary and appropriate wildfire preventions and community hardening strategy to mitigate significant risks of loss, injury or death as specified in the bill. Additionally, the bill provides a qualifying developer a supplemental height bonus and a supplemental density bonus, as specified, if the development is located on a site that meets certain criteria, including, among others, not being located in a moderate, high, or very high fire hazard severity zone, as specified. These requirements are unfunded mandates.

This bill appears similar to AB 1295 (Muratsuchi) except this bill appears to be broader in scope in terms of the type of development prohibited and includes a state responsibility area, whereas AB 1295 only addresses residential development in a very high fire risk area.

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

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

**Introduced:** 2/12/2021

**Last Amended:** 4/27/2021

**Status:** 4/30/2021-Set for hearing May 10.

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

**Calendar:**

5/10/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, PORTANTINO, Chair

**Summary:**

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

**Attachments:**

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

[SB 403 Fact Sheet 2021](#)

**Position:** Oppose unless amended

**Subject:** Disadvantaged Communities, Water

**CALAFCO Comments:** Current law (Health & Safety Code Section 116682) authorizes the State Water Resources Control Board (Board) to order consolidation (physical or operational) of a public water system or state small water system serving a disadvantaged community that consistently fails to provide an adequate supply of safe drinking water, or a disadvantaged community (in whole or part) that is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would add to that a water system or domestic well(s) that are at risk of failing to provide an adequate supply of safe drinking water, as determined by the Board. The bill also requires the Board, before ordering consolidation, to conduct outreach to ratepayers and residents served by the at-risk system and to consider any petition submitted by members of a disadvantaged community being served by the at-risk system.

There appears to be several problems with this bill: (1) The bill does not define "at risk" and there is no definition of "at risk" currently in H&S Code Sec. 116681; (2) There is a lack of consultation with GSAs by the State Board when considering ordering consolidation or extension of service; (3) There is no requirement or even consideration for annexation upon extension of service; and (4) there does not appear to be a limitation of the number of connections or the extent to which the system can be extended.

The bill is co-sponsored by the Leadership Counsel for Justice and Accountability, Clean Water Action and Community Water Center. A fact sheet is posted in the tracking section of the bill. CALAFCO's position letter is also posted there.

Specific to SB 403, we requested 3 amendments: (1) Define "at risk"; (2) Add a requirement for the SWRCB to consult with GSAs when considering a domestic well consolidation; and (3) Put a cap on the number of users to be added by the subsuming system or the extent to which the service is being extended. Additionally, CALAFCO recommended a comprehensive review of the current mandatory consolidation process citing a host of issues the current process creates.

UPDATE: As amended on 4/27/21, the bill now defines "at risk system" and "at risk domestic well"; creates an appeal process for potentially subsumed water systems; requires inspection or testing of wells to determine "at risk" status; and allows the Board to prioritize systems historically overburdened by pollution and industrial development or other environmental justice concerns. These amendments address 1 of our 3 amendments as requested. We will continue to work with the author on amendments.

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

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

**Introduced:** 12/7/2020

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

**Status:** 1/25/2021-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:**

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

**Attachments:**

[AB 11 Fact Sheet](#)

**Position:** Watch

**Subject:** Other

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

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

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

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

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

**Current Text:** Introduced: 2/8/2021 [html](#) [pdf](#)

**Introduced:** 2/8/2021

**Status:** 4/21/2021-In committee: Set, first hearing. Referred to suspense file.

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

**Summary:**

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

**Position:** Watch

**Subject:** Public Records Act

**CALAFCO Comments:** This bill is a redo of AB 2138 from 2020 that did not move forward. According to

the author's office, this bill and AB 474 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

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

**Current Text:** Introduced: 2/8/2021 [html](#) [pdf](#)

**Introduced:** 2/8/2021

**Status:** 4/21/2021-In committee: Set, first hearing. Referred to suspense file.

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

**Summary:**

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

**Position:** Watch

**Subject:** Public Records Act

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

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

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

**Introduced:** 2/17/2021

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

**Status:** 4/20/2021-Re-referred to Com. on APPR.

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

**Summary:**

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

**Attachments:**

[AB 897 Fact Sheet](#)

**Position:** Watch

**Subject:** Climate Change

**CALAFCO Comments:** As introduced, the bill builds on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region.

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

As amended on 4/7, AB 11 (Ward) was joined with this bill - specifically found in 71136 in the Public Resources Code as noted in the amended bill. Other amendments include requiring OPR to, before 7-1-

22, establish geographic boundaries for regional climate networks and prescribes requirements in doing so.

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

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

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

**Introduced:** 2/17/2021

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

**Status:** 4/29/2021-Read second time. Ordered to third reading.

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

**Calendar:**

5/3/2021 #83 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

**Summary:**

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

**Position:** Watch

**CALAFCO Comments:** This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

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

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

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

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

**Introduced:** 2/17/2021

**Status:** 3/4/2021-Referred to Com. on L. GOV.

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

**Calendar:**

5/5/2021 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:**

Current law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes 3 or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, to organize and incorporate, but requires that all the territory in the proposed district be contiguous. Current law requires the board of directors to superintend, control, and make available to all the inhabitants of the district all public recreation lands and facilities, as provided. Existing law authorizes the board to adopt regulations. Current law provides that a violation of an ordinance, rule, or regulation adopted by the board is a misdemeanor punishable by a fine or imprisonment in the county jail, as provided. This bill would authorize the board of directors to adopt regulations relating to nuisances and establish a procedure for the abatement of the nuisances, including administrative abatement.

**Attachments:**

[AB 959 Fact Sheet](#)



**Position:** Watch

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

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

**Current Text:** Amended: 4/21/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 4/21/2021

**Status:** 4/22/2021-Re-referred to Com. on APPR.

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

**Calendar:**

5/5/2021 9 a.m. - State Capitol, Assembly Chamber ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

**Summary:**

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

**Position:** Watch

**Subject:** FPPC

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

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

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

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

**Introduced:** 2/18/2021

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

**Status:** 4/20/2021-Re-referred to Com. on APPR.

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

**Calendar:**

5/5/2021 9 a.m. - State Capitol, Assembly Chamber ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

**Summary:**

Would require the commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet websites a joint study of voting rights in the Imperial Irrigation District, options for providing electricity in the Imperial Irrigation District, and options for alternative governance structures for the Imperial Irrigation District board of directors, as specified. The bill would make the joint study contingent upon funding by the Legislature and would require the study to be published no later than 18 months after receipt of funds from the Legislature.

**Position:** Watch

**Subject:** Special Districts Governance

**CALAFCO Comments:** As amended on 3/18/21, the bill focuses on the Imperial Irrigation District. The bill requires Imperial and Riverside LAFcos to conduct a special study of voting rights and options for



providing electricity in the district area should the district decide it no longer desires to provide that serve, to be completed by December 31, 2022, as an unfunded mandate. The bill also requires membership of the district board to increase from 5 to 8 members, with the additional 3 members residing in Riverside County in the area being serviced by the district and appointed by the County Supervisor of that County district. The three new members will be non-voting members.

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

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

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

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

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

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

**Introduced:** 2/18/2021

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

**Status:** 4/21/2021-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:**

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

**Attachments:**

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

[CALAFCO Oppose Unless Amended April 2021](#)

**Position:** Watch

**Subject:** Other

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

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

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

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

**AB 1246 (Nguyen R) Community services districts.****Current Text:** Introduced: 2/19/2021 [html](#) [pdf](#)**Introduced:** 2/19/2021**Status:** 2/22/2021-Read first time.

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

**Summary:**

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

**Position:** Watch**CALAFCO Comments:** This is a spot bill.**SB 10 (Wiener D) Planning and zoning: housing development: density.****Current Text:** Amended: 4/27/2021 [html](#) [pdf](#)**Introduced:** 12/7/2020**Last Amended:** 4/27/2021**Status:** 4/30/2021-Set for hearing May 10.

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

**Calendar:**

5/10/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, PORTANTINO, Chair

**Summary:**

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

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

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

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

**SB 13 (Dodd D) Local agency services: contracts: Counties of Napa and San Bernardino.****Current Text:** Amended: 4/29/2021 [html](#) [pdf](#)**Introduced:** 12/7/2020**Last Amended:** 4/29/2021

**Status:** 4/29/2021-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							

**Calendar:**

5/6/2021 Upon adjournment of Session - Senate Chamber SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

**Summary:**

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

**Position:** Watch

**Subject:** CKH General Procedures

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

UPDATE: As amended on 4/29/21, the bill now adds 56133.6 which seeks to address several projects in the City of St. Helena, and resolve a current law suit between the winery and the city. The amendments authorize Napa LAFCo to consider new or extended service by the city to specific parcels with certain conditions. The bill requires the Napa LAFCo make certain determinations if approving, include any decision in their required report to the Legislature and has a sunset of 1-1-26.

CALAFCO has made a request for several technical amendments to the version dated 4-29-21, and has concern this addition strays too far from the original intent of the pilot program. Requested amendments on the table now include: (1) Rewording of both sections 56133.5(a)(2) and 56133.6(a)(3) to explicitly state both (A) and (B) are required; (2) Reword the new addition to 56133.5(d) so that it does not presume Napa LAFCo will authorize the new or extension of service; and (3) Rewrite 56133.6(a)(1) to clarify that (A) must apply to both (B) and (C).

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

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

**Introduced:** 12/21/2020

**Status:** 1/28/2021-Referred to Coms. on GOV. & F. and E. & C.A.

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

**Summary:**

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

**Position:** Watch

**Subject:** Special Districts Governance

**CALAFCO Comments:** This bill is the same as SB 1180 from 2020 which did not move through the legislature. It is a local El Dorado County/district bill. This bill does several things. (1) Provides that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property

interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services. (2) The bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on their behalf, regardless of the number of parcels in the district owned by the nonresident voter. (3) This bill would prohibit the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection and medical services, including emergency response and services, as well as parks and recreation services and facilities.

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

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

**Introduced:** 1/27/2021

**Status:** 4/19/2021-April 27 hearing postponed by committee.

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

**Summary:**

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

**Position:** Watch

**Subject:** Sustainable Community Plans

**CALAFCO Comments:** CALAFCO is currently reviewing the bill.

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

**Current Text:** Introduced: 1/29/2021 [html](#) [pdf](#)

**Introduced:** 1/29/2021

**Status:** 4/22/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

**Summary:**

Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, 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. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.

**Attachments:**

[SB 273 Fact Sheet](#)

**Position:** Support

**Subject:** Municipal Services

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

CALAFCO is requesting an amendment to add a requirement that upon entering into the agreement, the agency has 30 days to file a copy of that agreement or amended agreement with the LAFco.

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

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

**Current Text:** Amended: 4/5/2021 [html](#) [pdf](#)

**Introduced:** 1/29/2021

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

**Status:** 4/22/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

**Summary:**

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

**Attachments:**

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

[SB 274 Fact Sheet](#)

**Position:** Support

**Subject:** Public Records Act

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

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

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

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

**Introduced:** 2/17/2021

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

**Status:** 4/27/2021-From committee: Do pass and re-refer to Com. on TRANS. (Ayes 6. Noes 0.) (April 26). Re-referred to Com. on TRANS.

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

**Summary:**

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

**Position:** Watch

**Subject:** Sustainable Community Plans

**SB 499 (Levy D) General plan: land use element: uses adversely impacting health outcomes.**

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

**Introduced:** 2/17/2021

**Status:** 3/25/2021-April 8 set for first hearing canceled at the request of author.

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

**Summary:**

Would prohibit the land use element from designating land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes in disadvantaged communities to be located, or to materially expand, within or adjacent to a disadvantaged community or a racially and ethnically concentrated area of poverty. By expanding the duties of cities and counties in the administration of their land use planning duties, the bill would impose a state-mandated local program.

**Attachments:**

[SB 499 Fact Sheet](#)

**Position:** Watch

**Subject:** Disadvantaged Communities

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

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

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

**Current Text:** Amended: 3/4/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

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

**Status:** 3/25/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

**Summary:**

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

**Position:** Watch

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

As amended on 3/4/21, the bill requires cities/counties to file annual maps on Act lands; and removes the requirement for state approval for the amount of security to be paid when paying cancellation fee. CALAFCO will continue to watch this bill to ensure no detrimental changes are made to the Act through future amendments.

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

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

**Introduced:** 2/23/2021

**Last Amended:** 4/12/2021

**Status:** 4/30/2021-Set for hearing May 10.

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

**Calendar:**

5/10/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, PORTANTINO, Chair

**Summary:**

Current law requires the officer of each local agency, who has charge of the financial records of the local agency, to furnish to the Controller a report of all the financial transactions of the local agency during the preceding fiscal year within 7 months of the close of each fiscal year in a form required by the Controller. Current law requires the report to include, among other things, the annual compensation of a local agency's elected officials, officers, and employees, as specified. This bill would specify that the reports shall be furnished at the time prescribed by the Controller and would revise the amount of time in which the report is required to be furnished to either 7 months or within the time prescribed by the Controller, whichever is later

**Position:** Watch

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

Total Measures: 32

Total Tracking Forms: 32



# **INFORMATIONAL**

**11. Commissioner Announcements and Requests for Future Agenda Items**

**12. Executive Officer oral status report on pending proposals**

**13. Adjourn to next regular meeting on June 10, 2021, unless cancelled by Commission Chair**

