

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF DECEMBER 1, 2021

REGULAR MEETING

TO: John Hidahl, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: Erica Sanchez, Interim Executive Officer

AGENDA ITEM #10A: OTHER BUSINESS – LEGISLATION

RECOMMENDATION

Staff recommends that the Commission receive the following update on LAFCO-related legislation from the 2021-2022 Legislative Session. No Commission action is requested.

REASON FOR RECOMMENDED ACTION AND BACKGROUND

The State Legislature recently completed the first year of the current two-year legislative cycle and will reconvene on January 3, 2022 to begin the second year. The following is a summary of bills chaptered in 2021, as well as two-year legislation that will be addressed in 2022:

Chaptered Bills

Unless otherwise noted, chaptered bills will become effective January 1, 2022.

[AB 361](#) (Rivas) Remote Meetings During State Emergencies

Approved by the Governor September 16, 2021—Chapter 165, Statutes of 2021.

Urgency clause, effective immediately; two-year sunset provision to January 1, 2024.

Allows local agencies to continue to conduct meetings using teleconference methods without complying with certain teleconferencing requirements imposed by the Ralph M. Brown Act if they are meeting during a declared state of emergency, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees.

[AB 1581](#) (Committee on Local Government) Cortese-Knox-Hertzberg Omnibus

Approved by the Governor June 28, 2021—Chapter 31, Statutes of 2021.

Annual CKH Omnibus bill, sponsored by CALAFCO, includes non-substantive, technical changes to CKH which are necessary to help clarify and streamline the LAFCO process, ultimately resulting in less ambiguity in the law.

SB 10 (Wiener) Housing Development Density

Approved by the Governor September 16, 2021—Chapter 163, Statutes of 2021.

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, until January 1, 2029. Specifies 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.

SBs 810-812 (Committee on Governance and Finance) Validations

Approved by the Governor June 28, 2021—Chapters 36-38, Statutes of 2021.

Urgency clause, effective immediately.

Annual validating acts, enact the First, Second and Third Validating Acts of 2021, which validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

AB 1250 (Calderon) Water and Sewer System Corporations Consolidation

Approved by the Governor October 8, 2021—Chapter 713, Statutes of 2021.

Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the Public Utilities Commission through an order authorizing the water or sewer system corporation to consolidate with a small community water system or state small water identified as failing or at risk of failing by the state board.

SB 403 (Gonzalez) Drinking Water Consolidation

Approved by the Governor September 23, 2021—Chapter 242, Statutes of 2021.

Authorizes the state board to also order consolidation where a water system serving a disadvantaged community is "at risk" of failing to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that are at risk of failing to provide an adequate supply of safe drinking water. At-risk is defined as a system that services a disadvantaged community, and has less than 3,300 connections.

AB 473 & AB 474 (Chau) California Public Records Act

Approved by the Governor October 7, 2021—Chapters 614 and 615, Statutes of 2021.

These bills recodify and reorganize the provisions of the California Public Records Act and are intended to be entirely non-substantive in effect. AB 473 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. The bills would become operative on January 1, 2023.

SB 13 (Dodd) Napa and San Bernardino Pilot Program

Approved by the Governor October 4, 2021—Chapter 482, Statutes of 2021.

Reestablishes a pilot program allowing Napa and San Bernadino LAFCOs, upon making specified determinations at a noticed public hearing, to 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. The bill 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.

SB 273 (Hertzberg) Municipal Wastewater Agencies Water Quality

Approved by the Governor September 23, 2021—Chapter 241, Statutes of 2021.

Authorizes municipal wastewater agencies to enter into voluntary agreements with entities responsible for storm water management including municipal, industrial, and commercial storm water dischargers to more effectively manage storm water and dry weather runoff. Any agreement made under these provisions is voluntary and must comply with the Cortese-Knox-Hertzberg Act.

SB 274 (Wieckowski) Agendas and Documents

Approved by the Governor October 9, 2021—Chapter 763, Statutes of 2021.

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).

Vetoed Bills

AB 339 (Lee) Open and Public Meetings

Vetoed by the Governor October 7, 2021.

Would have required cities and counties with more than 250,000 residents to provide a call-in or internet-based option to participate in public hearings of their governing boards.

AB 1021 (Mayes) Imperial Irrigation District

Vetoed by the Governor October 5, 2021.

Would have required Imperial and Riverside LAFCOs to conduct a joint study of options for providing continued publicly owned and managed electrical service in perpetuity to the Imperial Irrigation District's electrical service area customers and options for alternative governance structures that would extend voting rights to registered voters who reside within the Imperial Irrigation District electrical service area to provide for proportional representation on a governing board that would have primary jurisdiction on all electrical service matters.

Two-Year Bills

The following are bills of interest that failed to meet a deadline in the first year of the legislative session but still may be acted upon in 2022.

AB 11 (Ward) Regional Climate Change Authorities

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. The regional authorities would assist local agencies with coordination, capacity building, and technical assistance activities to promote regional alignment and to create and implement plans addressing climate impacts and risks.

AB 703 (Rubio, Blanca) Open meeting teleconferences

Would require local agencies to allow for public participation during meetings of the legislative body both in-person and remotely via a call-in or internet-based option and that a quorum of members participate in person from a singular physical location open to the public and within the jurisdiction.

AB 897 (Mullin) Regional Climate Networks and Regional Climate Adaptation Action Plans

Authorizes eligible entities, including special districts and LAFCOs, to establish and participate in a regional climate network and would require a regional climate network to develop an adaptation action plan for submission to the Governor's Office of Planning and Research. The bill would require OPR to develop guidelines, establishing how a regional climate network must develop a regional climate adaptation action plan by January 1, 2023, and would require OPR to provide technical assistance to eligible entities.

AB 1195 (Garcia) Drinking Water

Enacts the Southern Los Angeles County Human Right to Water Collaboration Act, requires the Water Board to appoint a Los Angeles based Commissioner to develop and submit to the state Water Board a plan for the long-term sustainability of public water systems in southern Los Angeles County, and expend moneys from the Safe and Affordable Drinking Water Fund on behalf of the state board for eligible purposes and recipients in southern Los Angeles County only. Would prohibit a public water system from transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed. Establishes a pilot program where the commissioner would be required to submit an application to the Los Angeles LAFCO proposing a plan for extension of service or reorganization of public water systems. The bill would require the Los Angeles LAFCO, to hold 2 public hearings and make final its approval, approval with condition, or denial of the reorganization or extension of service without any protest process.

AB 1295 (Muratsuchi) Very High Fire Risk Areas

Prohibits a city or county from entering into a residential development agreement for property located within a very high fire risk area as of January 1, 2022.

SB 12 (McGuire) Wildfires

Would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into a clearinghouse for climate adaptation information for use by state, regional, and local entities.

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

Would prohibit the creation or approval of a new development 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. Provides a qualifying developer a supplemental height bonus and a supplemental density bonus, 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.

SB 96 (Dahle) Fallen Leaf Lake Community Services District Fire Department Protection Act of 2021

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

SB 261 (Allen) Sustainable Communities Strategies

Would require that a sustainable communities strategy adopted within a regional transportation plan be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 (current targets exist for 2020 and 2035) and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the State Air Resources Board.

SB 475 (Cortese) Sustainable Communities Strategies

Would require the State Air Resources Board, on or before June 30, 2023 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 Collaborative 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.

SB 499 (Leyva) General Plan Land Use Element Health Outcomes

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.