

MENDOCINO

Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482
Telephone: (707) 463-4470 | E-mail: eo@mendolaafco.org | Web: www.mendolaafco.org

COMMISSIONERS

Tony Orth, Chair

Special District Member

Scott Ignacio, Vice-Chair

City Member

Gerald Ward, Treasurer

Public Member

Matthew Froneberger

Special District Member

Glenn McGourty

County Member

Maureen Mulheren

County Member

Mari Rodin

City Member

Jenifer Bazzani, Alternate

Special District Member

Gerardo Gonzales, Alternate

City Alternate Member

John Haschak, Alternate

County Alternate Member

Richard Weinkle, Alternate

Public Alternate Member

STAFF

Executive Officer

Uma Hinman

Analyst

Larkyn Feiler

Commission Clerk

Kristen Meadows

Counsel

Scott Browne

REGULAR MEETINGS

First Monday of each month
at 9:00 AM in the
Mendocino County
Board of Supervisors
Chambers
501 Low Gap Road, Ukiah

A G E N D A

Regular Meeting of **Monday, March 7, 2022 at 9:00 AM**

Special Notice

On September 16, 2021, Governor Newsom signed AB 361, which modified the Brown Act to allow for teleconferencing participation at local legislative body public meetings during a proclaimed state of emergency. As urgency legislation, this law took effect immediately. Pursuant to Government Code §54953(e)(1)(B), the Commission will conduct its March 7, 2022 meeting by Zoom. Therefore, Commissioners, staff and members of the public will attend this meeting via teleconference, as provided below.

Instructions for Meeting Participation

Join Meeting Live: Please click the following Zoom link below to join the meeting or utilize the telephone option for audio only.

1. Zoom meeting link: <https://mendocinocounty.zoom.us/j/84256330334>

2. Telephone option (audio only):

Dial: **(669) 900-9128** (Please note that this is not a toll-free number)

Meeting ID: **842 5633 0334**

Public Participation is encouraged and public comments are accepted:

1. Live: via the Zoom meeting link or telephone option above

2. Via Email: eo@mendolaafco.org by 8:30 a.m. the day of the meeting

3. Via Mail: Mendocino LAFCo, 200 S School Street, Ukiah, CA 95482

Meeting Participation

To provide comments, please use the raise hand function in Zoom.

a) For those accessing from a computer, tablet, or smartphone, the raise hand function may be selected by clicking or tapping it from the reactions options. When joining the Zoom meeting, please enter your name so that you can be identified to speak.

b) For those utilizing the telephone option (audio only), please use the raise hand feature by pressing *9 on your keypad to raise your hand, and *6 to unmute yourself. When it is your turn to speak, you will be called on by the last four digits of your phone number, if available, and asked to identify yourself for the record.

All comments received will be conveyed to the Commission for consideration during the meeting. All meetings are live-streamed, recorded and available through the link below.

The Commission appreciates the public's flexibility and patience during this health crisis.

Live web streaming and recordings of Regular Commission meetings are available via the [Mendocino County YouTube Channel](#).

Links to recordings, approved minutes, and meeting documents are available on the LAFCo website: <https://www.mendolaafco.org/commission-meetings>

1. CALL TO ORDER and ROLL CALL

2. AB 361 REMOTE TELECONFERENCING ACTION

Pursuant to AB 361, the Commission will consider the status of the ongoing emergency and facts related to health and safety of meeting attendees due to COVID-19 and consider Resolution No. 2021-22-10 making further findings related to holding this Commission meeting by teleconference pursuant to the provisions of Government Code Section 54953(e).

3. PUBLIC EXPRESSION

The Commission welcomes participation in the LAFCo meeting. Any person may address the Commission on any subject within the jurisdiction of LAFCo which is not on the agenda. There is a three-minute limit and no action will be taken at this meeting. See public participation information above.

4. CONSENT CALENDAR

The following consent items are expected to be routine and non-controversial, and will be acted on by the Commission in a single action without discussion, unless a request is made by a Commissioner or a member of the public for discussion or separate action.

4a) February 7, 2022 Regular Meeting Summary

4b) February 2022 Claims & Financial Report

4c) Report out of February 7, 2022 Closed Session – Contract Staff Evaluation

5. PUBLIC HEARING ITEMS

None

7. MATTERS FOR DISCUSSION AND POSSIBLE ACTION

7a) Proposed Revised Approach for the City of Ukiah and Ukiah Valley Sanitation District Studies

The Commission will consider staff's proposal to shift the approach to development of the MSR/SOI Updates for the City of Ukiah and Ukiah Valley Sanitation District to in-house preparation by staff with agency support.

7b) Ukiah Valley Sanitation District Sphere of Influence Review and Out-of-Agency Services Request

The Commission will hear an informational report from staff on the Ukiah Valley Sanitation District's request for clarification on Sphere of Influence status and coordination efforts to address an out-of-agency services request.

7c) Proposed Amendment No. 2 to the Executive Officer Services Agreement

The Commission will consider Amendment No. 2 to the Executive Officer Services Agreement adjusting Hinman & Associates Consulting, Inc.'s staff hourly rates.

7d) Proposal to Establish Service Rates

The Commission will consider the Executive Committee's recommendation to establish weighted service rates to be applied to services subject to the LAFCo Fee Schedule and that will recover a portion of administrative overhead and long-term planning costs.

7e) Senate Bill 938

The Commission will consider submitting a support letter for Hertzberg's Senate Bill 938.

6. WORKSHOP ITEMS

6a) Preliminary Fiscal Year 2022-23 Budget and Work Program

Commission workshop to consider the Preliminary Fiscal Year 2022-23 Budget and Work Program, directing staff to revise as necessary and notice a Proposed FY 2022-23 Budget and Work Program for a public hearing on April 4, 2022 or May 2, 2022.

8. INFORMATION AND REPORT ITEMS

The following informational items are reports on current LAFCo activities, communications, studies, legislation, and special projects. General direction to staff for future action may be provided by the Commission. No immediate action will be taken on any of the following items.

8a) Work Plan, Current and Future Proposals (Written)

8b) Correspondence (Copies provided upon request)

- Executive Officer comment letter regarding Mendocino County Board of Supervisor's March 1, 2022 Agenda Item 4e regarding CSA 3 and the Sherwood Road Pilot Project

8c) CALAFCO Business and Legislative Report

8d) Executive Officer's Report (Verbal)

8e) Committee Reports (Executive Committee, Policies & Procedures, Work Plan Ad Hoc) (Verbal)

8f) Commissioner Reports, Comments or Questions (Verbal)

ADJOURNMENT

The next Regular Commission Meeting is tentatively scheduled for Monday, **April 4, 2022** at 9:00 AM. *Meeting will be held remotely only due to current State and local mandates related to the COVID-19 pandemic.*

Notice: This agenda has been posted at least 72 hours prior to the meeting and in accordance with the temporary Brown Act Guidelines instated by State Executive Order N-29-20 and AB 361.

Participation on LAFCo Matters: All persons are invited to testify and submit written comments to the Commission on public hearing items. Any challenge to a LAFCo action in Court may be limited to issues raised at a public hearing or submitted as written comments prior to the close of the public hearing.

Americans with Disabilities Act (ADA) Compliance: Because the meeting is being held by teleconference, if you are hearing impaired or otherwise would have difficulty participating, please contact the LAFCo office as soon as possible so that special arrangements can be made for participation, if reasonably feasible.

Fair Political Practice Commission (FPPC) Notice: State Law requires that a participant in LAFCo proceedings who has a financial interest in a Commission decision and who has made a campaign contribution to any Commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission before the hearing.

MENDOCINO
Local Agency Formation Commission
Staff Report

MEETING March 7, 2022
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Authorizing Continued Remote Meetings per Assembly Bill 361**

RECOMMENDATION

Commission adopt Resolution No. 2021-22-11 making continued findings pursuant to Assembly Bill 361 to conduct public meetings remotely for the Commission and its standing committees during the proclaimed State of Emergency due to the COVID-19 pandemic.

BACKGROUND

Pursuant to Assembly Bill 361 (AB 361), which was signed into order on September 21, 2021, in order for the Commission to continue to conduct its meetings remotely, it must adopt a resolution confirming that a Gubernatorial State of Emergency continues to exist and the Commission has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, Commissioners or staff.

AB 361 provides local agencies with the ability to continue to meet remotely under modified Brown Act requirements during proclaimed state emergencies with the adoption of resolution finding that either:

- 1) Open physical meetings present imminent risks to the health or safety of attendees; *or*
- 2) State/local officials recommend/require measures to promote social distancing.

These criteria permit a local agency to schedule a remote meeting to determine whether meeting in-person during the state of emergency would pose imminent risk to the health or safety of attendees. At that remote meeting, a local agency may determine by majority vote that sufficient risks exist to the health or safety of attendees as a result of the emergency and pass a resolution to that effect. These criteria also permit a local agency to meet remotely in the event that there is a state of emergency declaration while state or local officials have recommended or required measures to promote social distancing.

Attachment: Draft Resolution 2021-22-11

Resolution No. 2021-22-11
of the Local Agency Formation Commission of Mendocino County

Making Continued Findings Pursuant to Assembly Bill 361 to Conduct Remote Public Meetings for the Commission and its Standing Committees During a Proclaimed State of Emergency Due to the COVID-19 Pandemic

WHEREAS, the Mendocino Local Agency Formation Commission, hereinafter referred to as the “Commission”, is committed to preserving and nurturing public access and participation in meetings of the Commission; and

WHEREAS, all the meetings of the Commission are open and public, as required by the Ralph M. Brown Act (“Brown Act”) (California Government Code 54950 -54963), so that any member of the public may attend, participate, and watch the Commission conduct business; and

WHEREAS, the Brown Act, Government Code Section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code Section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the boundaries of Mendocino County, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, if the legislative body meeting in person would present imminent risks to the health and safety of attendees, Commissioners and staff; and

WHEREAS, the Commission previously adopted a Resolution, Number 2021-22-06 on November 1, 2021, finding that the requisite conditions continue to exist for the legislative bodies of Mendocino Local Agency Formation Commission to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of Section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in Section 54953(e), the Commission must reconsider the circumstances of the state of emergency that exists in the County, and the Commission has done so; and

WHEREAS, such conditions now exist in the County of Mendocino, specifically, the State of Emergency proclaimed by Governor Newsom on March 4, 2020, due to the COVID 19 pandemic; and

WHEREAS, the California Department of Public Health and the Mendocino County Public Health Department continues to recommend requiring face coverings in all public indoor settings attributable to the rise in SARS-CoV-2 Delta Variant and the Commission cannot be certain that all persons in attendance at meetings will follow the guidelines or be fully vaccinated; and

WHEREAS, the Commission does hereby find that the rise in SARS-CoV-2 Delta Variant has caused, and will continue to cause, conditions of peril to the safety of persons within the County that are likely to be beyond the control of the Commission or its staff, and desires to proclaim a local emergency exists and ratify the proclamation of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Commission does hereby find that the legislative bodies of the Mendocino Local Agency Formation Commission shall continue to conduct their meetings without compliance with Government Code Section 54953(b)(3), as authorized by Section 54953(e), and that such legislative bodies shall comply with the requirements to provide the public with access to meetings as prescribed in Section 54953(e)(2); and

WHEREAS, the Commission provides written agenda that fully describes the process for the public to fully participate in the Commission's virtual meetings to include viewing, listening and commenting in real time on all agenda items; and

NOW, THEREFORE, the Mendocino Local Agency Formation Commission does hereby RESOLVE, DETERMINE, and ORDER as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Commission hereby proclaims that a local emergency now exists throughout the Commission's jurisdictional boundaries, and the rise in SARS-CoV-2 Delta Variant has caused, and will continue to cause, conditions of peril to the safety of all persons participating in the Commission's meetings that are likely to be beyond the control of the Commission or its staff, equipment, and facilities of the Commission.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Commission hereby ratifies the Governor of the State of California's Proclamation of State of Emergency for COVID 19, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The Executive Officer and the Mendocino Local Agency Formation Commission are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the next regular meeting of the Commission when the Commission shall consider renewing its findings by subsequent resolution, in accordance with AB 361 and in accordance with Government Code section 54953(e)(3).

PASSED and ADOPTED by the Local Agency Formation Commission of Mendocino County this 7th day of March, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CHARLES A. ORTH, Commission
Chair

ATTEST:

UMA HINMAN, Executive Officer

DRAFT

MENDOCINO

Local Agency Formation Commission

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COMMISSIONERS

Tony Orth, Chair
Brooktrails Township CSD

Scott Ignacio, Vice Chair
Point Arena City Council

Gerald Ward, Treasurer
Public Member

Matthew Froneberger
Special District Member

Glenn McGourty
County Board of Supervisors

Maureen Mulheren
County Board of Supervisors

Mari Rodin
City Member

Jenifer Bazzani, Alternate
Ukiah Valley Fire District

Gerardo Gonzalez, Alternate
Willits City Council

John Haschak, Alternate
County Board of Supervisors

Richard Weinkle, Alternate
Public Member

STAFF

Executive Officer
Uma Hinman

Analyst
Larkyn Feiler

Commission Clerk
Kristen Meadows

Counsel
Scott Browne

REGULAR MEETINGS

First Monday of each month
at 9:00 AM in the
Mendocino County
Board of Supervisors
Chambers
501 Low Gap Road, Ukiah

Agenda Item No. 4a

DRAFT MINUTES

Local Agency Formation Commission of Mendocino County Regular Meeting of Monday, February 7, 2022

Meeting held via Zoom due to COVID-19 Pandemic Emergency Conditions

1. CALL TO ORDER and ROLL CALL (Video Time 4:09)

Chair Orth called the meeting to order at 9:00 a.m.

Regular Commissioners Present: Tony Orth, Gerald Ward, Mari Rodin, Matthew Froneberger, Glenn McGourty, and Maureen Mulheren (*Note: Alternate Gonzalez immediately seated for Commissioner Ignacio*)

Regular Commissioners Absent: Scott Ignacio

Alternate Commissioners Present: Gerardo Gonzalez and Richard Weinkle

Alternate Commissioners Absent: John Haschak and Jenifer Bazzani

Staff Present: Uma Hinman, Executive Officer; Larkyn Feiler, Analyst; Kristen Meadows, Clerk; and Marsha Burch, Legal Counsel

2. AB 361 REMOTE TELECONFERENCING ACTION (Video Time 5:30)

The Commission adopted Resolution No. 2021-22-10 making continued findings pursuant to Assembly Bill 361 to conduct public meetings remotely due to the COVID-19 pandemic.

Motion by Commissioner Mulheren to adopt Resolution No. 2021-22-10.

Second by Commissioner Froneberger.

Approved by roll call vote: unanimous.

Ayes: (7) Froneberger, Gonzalez, Rodin, McGourty, Mulheren, Ward, Orth

3. PUBLIC EXPRESSION (Video Time 10:15)

Ernie Wipf, Ukiah Valley Sanitation District Board Chair, requested discussion regarding Out of Area Service Agreements for the Sanitation District.

Chair Orth recommended adding the topic to the March 7, 2022 agenda.

4. OTHER BUSINESS (Video Time 13:20)

4a) Announcements of Commission Appointments

The Mendocino County Board of Supervisors met in January and affirmed the appointment of current County members for 2022: Commissioners Mulheren, McGourty, and Haschak as alternate.

The City Selection Committee met on February 1st, 2022, affirmed Commissioner Ignacio as a regular member, and selected Commissioner Rodin to serve as a regular member and Commissioner Gonzalez as the alternate, both for the four-year term ending December 2025.

4b) Selection of Officers and Appointments to Committees

EO Hinman reviewed the policies governing the selection of officers and members of the standing committees and their responsibilities. She began the selection process by inviting nominations for Chair.

Nomination by Commissioner Ward of Commissioner Orth for Chair.

Second by Commissioner McGourty.

Approved by roll call vote: unanimous.

Ayes: (7) Ward, Froneberger, Mulheren, McGourty, Gonzalez, Rodin, Orth

Nomination by Chair Orth of Commissioner Ignacio as Vice-Chair and Commissioner Ward as Treasurer.

Second by Commissioner Gonzalez.

Approved by roll call vote: unanimous.

Ayes: (7) Ward, Mulheren, Gonzalez, Froneberger, Rodin, McGourty, Orth

Chair Orth made no changes to the 2021 committee appointments:

2022 Executive Committee: Commissioners Orth, Ignacio, and Ward

2022 Policies & Procedures Committee: Commissioners Froneberger, Gonzalez, and Mulheren

2022 Ad Hoc Committee: Commissioners Froneberger, Mulheren, and Rodin

5. CONSENT CALENDAR (Video Time 19:01)

Commissioners Ward and Rodin requested items c and d be pulled for further discussion.

5a) December 6, 2021 Regular Meeting Summary

Chair Orth requested an edit to page 3 of the Meeting Summary.

5b) Ratify the December 2021 Claims & Financial Report

December 2021 Claims totaling:	\$12,353.69
Hinman & Associates Consulting	8,561.00
P. Scott Browne	900.00
CSDA	1,250.00
Newspapers	187.69
Comcast	90.04
County of Mendocino IS	672.26
Streamline	50.00
Ukiah Valley Conference Center	492.70
Commissioner Stipends	150.00

Motion by Commissioner Gonzalez: Approve items a and b of the Consent Calendar, as amended.

Second by Commissioner McGourty.

Approved by roll call vote: unanimous.

Ayes: (7) Mulheren, McGourty, Ward, Gonzalez Froneberger, Rodin, Orth

5c) January 2022 Claims & Financial Report

January 2022 Claims totaling:	\$15,953.30
Hinman & Associates Consulting	14,357.69
P. Scott Browne	900
Comcast	90.04
Streamline	50.00
Ukiah Valley Conference Center	505.57
Commissioner Stipends	50.00

Commissioner Rodin requested a status update regarding Legal Counsel Scott Browne’s medical leave of absence. Following EO Hinman’s invitation, Interim Legal Counsel Marsha Burch responded that Mr. Browne is still in on medical

leave and she is unable to give a definitive answer as to when he will return. She has worked with Mr. Browne for over 10 years, has periodically filled in for him when necessary, and is familiar with his clients.

Commissioner Rodin asked how Ms. Burch is affiliated with Mr. Browne. Ms. Burch responded that although they are not partners within the same firm, they share the same building, administrative staff and collaborate frequently. She confirmed that the Commission maintains its legal coverage.

5d) Lease with City of Ukiah for Office Space in the Ukiah Valley Conference Center

Treasurer Ward confirmed his review and approval of the lease for the new office space and invited EO Hinman to comment. EO Hinman added that the new office is closer to the lobby of the Ukiah Valley Conference Center making it more visible to the public. It is slightly larger than the previous office, allows for natural light, and provides a more comfortable space for staff to work in. In closing, she thanked Treasurer Ward for his facilitation of the process.

Commissioner McGourty requested the current office hours, to which EO Hinman responded that the office is staffed two half days a week and by appointment.

Motion by Commissioner McGourty: Approve items c and d of the Consent Calendar.

Second by Commissioner Mulheren.

Approved by roll call vote: unanimous.

Ayes: (7) Rodin, Froneberger, Ward, Gonzalez, Mulheren, McGourty, Orth

6. PUBLIC HEARING ITEMS None

7. WORKSHOP ITEMS None

8. MATTERS FOR DISCUSSION AND POSSIBLE ACTION (Video Time: 27:12)

8a) Status Determination for County Service Area 3 in Response to State Controller's Office Inactive District Notice

In November, the State Controller's Office (SCO) sent notification that CSA 3 was identified as an inactive district. Pursuant to Government Code §56879, the Commission has 90 days from receipt of the notice to initiate disincorporation or determine that the district is still active based on the criteria in GC §56042.

Staff coordinated with the County Executive Office and County Counsel regarding the SCO's notice and was provided current financial documentation of the CSA assets. Substantial planning efforts by the County and several agencies and organizations have been underway for the past two years and LAFCo Staff is in the process of developing the first MSR/SOI Study for the district.

Questions and Comments from the Commission:

Commissioner Ward reminded the Commission of Legal Counsel Browne's advice to clearly define the intended powers for CSA 3. He asked what services, in addition to the Sherwood Road Pilot Project, an emergency secondary access for Brooktrails, are being explored for activation.

Chair Orth responded that the Brooktrails Township CSD Board has requested the CSA 3 Board to apply for fire, water, and transportation powers.

Commissioner McGourty added, like the Sherwood Road Pilot Project, emergency access for the East Hills Neighborhood in Ukiah is also being explored. Applications for grant funding are in progress and one landowner has expressed interest in participating.

Chair Orth said that the MSR/SOI process for CSA 3 will allow for discussion and education on CSAs in general and how CSA 3 can best serve the unincorporated areas of Mendocino County.

Commissioner Ward expressed concern that the CSA 3 MSR/SOI Update project is overbudget. He also asked how the district's assets will be utilized.

Chair Orth responded that the funds are, in part, for the application process and he invited EO Hinman to comment further. EO Hinman responded that Staff has been working with the County regarding activation of powers and facilitating communication for the service review and update in hopes that they will track concurrently. The administrative draft for the MSR is nearing completion and staff is working with the County to prepare it for presentation.

Commissioner McGourty asked for the scope of work for an MSR. EO Hinman responded that service reviews assess the overall health of an agency by reviewing the services provided, financials, cost sharing, and governance. Based on the findings, Staff will make recommendations for the Commission's consideration in adopting the Study by resolution. As this is the first for CSA 3, the results of the review process will aid in establishing the county-wide district's sphere of influence. The two studies provide a foundation for determining utilization of services and future annexations or detachments.

Commissioner Ward asked when the administrative draft will be complete and asked about the budget. EO Hinman responded that she will know more following the next coordination meeting and will provide an update on both items at the March meeting.

Comments from the Public: (Video time 37:13)

Tamara Alaniz, General Manager of Brooktrails Township CSD, expressed her interest in activation of CSA 3's water and fire powers. She believes they will provide opportunities to secure grant funding and coordination of common goals to best serve the residents of the County.

Motion by Commissioner Gonzalez determining that CSA 3 is an active district pursuant to Government Code Section 56042(c) and directing staff to notify the State Controller's Office of the Commission's determination.

Second by Commissioner Mulheren.

Approved by roll call vote: unanimous.

Ayes: (7) Ward, Mulheren, Gonzalez, Froneberger, Rodin, McGourty, Orth

8b) Mid-Year Financial Report (Video time 41:56)

EO Hinman provided a summary report on the status of the budget and work plan.

- The adopted budget for fiscal year 2021-22 is \$227,000.
- As of December 31, 2021, expenses totaled \$86,030, approximately 40%.
- As of December 31, 2021, reserves totaled \$81,030: \$50,000 for legal and \$31,030 for operations.

Two of the of the five work plan projects are complete. CSA 3's administrative draft is nearing completion, and the two largest agency studies, the Ukiah Valley Sanitation District (UVSD) and the City of Ukiah, are in the initial phases of development. Regular coordination meetings have been established with the City of Ukiah and meetings with the Sanitation district will be established in the coming weeks. Delays to work plan progress were due to application processing, which are prioritized. Staff anticipates the submission of two to three applications in the coming months.

Questions from the Public:

Mr. Wipf asked for a timeframe for completion of the MSR/SOI for the UVSD. EO Hinman responded that a coordination meeting with the District's general manager is scheduled for the following week and anticipates a timeline will be developed at that time.

Commissioner Ward referenced Mr. Wipf's first question regarding the District's out of area services agreements and asked about the correlation between Out of Area Services and the Sphere of Influence. EO Hinman responded that, typically, completing the MSR/SOI update is necessary before moving forward with any consideration of extending services.

Mr. Wipf asked if the existence of sewer lines indicates that an area is within the District's sphere of influence. Chair Orth responded that his questions would be addressed at the next meeting.

Questions from the Commission:

Commissioner Rodin asked how LAFCo responds to development applications processed by the County and if the planning department waits for a determination by LAFCo before moving forward with permit approvals. EO Hinman responded that development within the County that goes through discretionary review is analyzed through the CEQA documentation process and LAFCo should be provided an opportunity to comment if service extensions or annexations are needed. Any need for municipal services is typically included as a condition of approval and the developer then submits application to LAFCo. Additionally, in the case of out of agency extensions of service, there are LAFCo policies regarding the premature extension of services that would need to be considered.

9. INFORMATION AND REPORT ITEMS

9a) Work Plan, Current, and Future Proposals (Video Time: 52:58)

EO Hinman summarized staff's workload, providing an update on current and potential future proposals and the status of Fiscal Year 2021-22 Work Plan tasks.

Comments from the Commission and Public:

Commissioner Ward commented that he received a complaint from a City Council member regarding the delays and asked if any additional resources or support are needed to move the City's MSR/SOI forward. EO Hinman responded that one of the issues is tracking the MSR/SOI with the City's General Plan update. The Cortese-Knox Hertzberg Act (CKH) recommends the best planning approach for multiple service cities is coordinating SOI updates with the General Plan Update process. It will also be beneficial when adopting the SOI and completing the corresponding CEQA document. Including the SOI in the CEQA document for the General Plan Update will provide significant cost savings and allow for an efficient and thorough long-range planning process.

Commissioner Mulheren commented that the initial delays were due to the City and District's efforts to work together on the issues surrounding the provision of services. Despite the delay, the collaboration was imperative to effectively provide services to the community and she expressed appreciation to EO Hinman and both agencies for their efforts. She offered to facilitate communication to elected officials.

Wing-See Fox, General Manager of the UVSD, thanked Commissioner Mulheren for her comments and acknowledged the efforts of the City and District. She said that the challenge is weighing LAFCo's mandated responsibilities against the urgent need for out of area service agreements. She confirmed that the City and District are working together and want to partner with LAFCo to find a solution.

Craig Schlatter, Community Development Director for the City of Ukiah, commented that direct collaboration and coordination between the agencies is necessary to ensure the best outcomes for Valley-wide planning. Now that a productive relationship has been established with LAFCo staff, the City projects can effectively be completed and a long-term planning strategy for service provision for the Ukiah Valley can be developed.

Chair Orth commented that he is looking forward to next month's discussion and finding a way expedite provision of services.

Commissioner Ward thanked Commissioner Mulheren for her offer and will facilitate communication with the concerned Council member.

Commissioner Ward encouraged EO Hinman to provide more detail of behind-the-scenes collaboration on work plan items. EO Hinman responded that much of the delay has been coordinating the development of the studies. These specific studies are more complicated than most and have a significant amount of overlapping information that requires careful review and discussions. The coordination meetings are extremely important to development of the studies and will ultimately provide the Commission with the information it will need to make sound determinations.

Chair Orth commented that he is dedicated to helping to resolve some of the 40-year-old issues that the Commission and Staff are facing and believes that positive changes are happening.

Commissioner Rodin suggested utilizing the Work Plan Ad Hoc Committee. EO Hinman responded that she looks forward to working with the committee and hopes to schedule a meeting following the next coordination meeting with the UVSD.

9b) Correspondence (Video Time: 1:10:56)

A letter was received from BBK, special attorneys for the Sanitation District, requesting the status of the district's sphere of influence. Both the letter and staff's response were included in the agenda packet.

9c) CALAFCO Business and Legislation Report (Video Time: 1:12:04)

- CALAFCO Membership dues were adopted by the Board in January.
- Two legislative reports were included in the agenda packet for information: Office of Planning and Research and the Senate Committee on Governance and Finance summaries.
- The CALAFCO Board has selected a successor for the Executive Director position.

9d) Executive Officer's Report (Video Time: 1:13:59)

EO Hinman thanked the Commission for approving the move to the new office.

9e) Committee Reports (Executive Committee/Policies & Procedures)

None

9f) Commissioners Reports, Comments or Questions (Video Time: 1:14:58)

Commissioner Gonzalez asked if he should remain on the Ad Hoc Committee now that he is an Alternate. Chair Orth responded that the Commission keeps its Alternates fully engaged.

Commissioner Rodin requested a few weekdays to review the agenda packet. EO Hinman responded that Staff will continue to strive to distribute the packet as early in the week as possible.

Commissioner Ward asked for access to the recording of a CALAFCO Webinar that he missed. EO Hinman provided a summary and instructions on how to access it from the website.

EO Hinman announced that because Mendocino LAFCo is a member of CALAFCO, its member agencies are also considered CALAFCO members and can access the resources and tools available on the website.

10. CLOSED SESSION (Video Time: 1:20:41)

The Commission entered closed session at 10:17 a.m. to perform a contract Executive Officer performance evaluation in accordance with Government Code Section 54957(b)(1). The Commission will report out at the next regular meeting of the Commission.

ADJOURNMENT

Upon exiting closed session, the meeting immediately adjourned at 11:16 a.m.

The next regular meeting of the Commission will be held on Monday, March 7, 2022 at 9:00 a.m. and will be conducted remotely due to the continued state of emergency, guidelines adopted by the Mendocino County Public Health Officer, and Executive Orders regarding the COVID-19 pandemic.

Live web streaming and recordings of Commission meetings are available via the County of Mendocino's YouTube Channel. [February 7, 2022, YouTube meeting recording](#). Links to recordings and approved minutes are also available on the [LAFCo website](#).

MENDOCINO Local Agency Formation Commission Staff Report

DATE: March 7, 2022
 TO: Mendocino Local Agency Formation Commission
 FROM: Uma Hinman, Executive Officer
 SUBJECT: **Claims and Financial Report for February 2022**

RECOMMENDED ACTION

Approve the February 2022 claims and financial report.

Name	Account Description	Amount	Total
Hinman & Associates Consulting, Inc.	5300 Basics Services	\$ 9,707.50	\$ 17,742.38
	5601 Office Supplies (QB)	\$ 259.88	
	6200 Bookkeeping	\$ 1,000.00	
	7000 Work Plan (Ukiah City, UVSD, CSA 3,)	\$ 4,630.00	
	8025 City of Ukiah Annex City Properties	\$ 420.00	
	8601 SALC Project (grant reimbursed)	\$ 1,725.00	
P. Scott Browne	6300 Legal Counsel - General Services	\$ 900.00	\$ 900.00
Comcast	5700 Internet	\$ 109.07	\$ 109.07
Streamline	5700 Website Hosting	\$ 50.00	\$ 50.00
Ukiah Valley Conf. Center	5600 Postage & Copies	\$ 2.12	\$ 532.12
	5502 Office Space	\$ 530.00	
Total:			\$ 19,333.57

Deposits: County of Mendocino: \$100,000; Mendocino County Resource Conservation District: \$1,725

Attachments:

- Budget Tracking Spreadsheet
- Work Plan Tracking
- Invoices: Hinman & Associates Consulting, P. Scott Browne

Please note that copies of all invoices, bank statements, and petty cash register were forwarded to the Treasurer.

**Mendocino Local Agency Formation Commission
FY 2020-21 Budget and Application Tracking**

Acct #	Task	FY 21-22 Adopted Budget	1st Qtr Subtotals	2nd Qtr Subtotal	January	February	March	3rd Qtr Subtotal	Year to Date	Remaining Budget	% of Budget Expended
EXPENSES											
5300	Basic Services - EO/Analyst/Clerk	\$108,000	\$25,936.00	\$22,359.00	\$12,127.50	\$9,707.50		\$21,835.00	\$71,082.00	\$36,918.00	66%
	Unfunded Mandates (Public Records Requests)	\$0	\$952.00	\$0.00				\$0.00			
5500	Rent	\$5,775	\$1,392.00	\$1,414.00	\$502.92	\$530.00		\$1,032.92	\$3,838.92	\$1,936.08	66%
5600	Office Expenses	\$3,300	\$797.26	\$430.89	\$405.34	\$262.00		\$667.34	\$1,895.49	\$1,404.51	57%
5700	Internet & Website Costs	\$2,500	\$622.97	\$420.12	\$140.04	\$159.07		\$299.11	\$1,342.20	\$1,157.80	54%
5900	Publication & Legal Notices	\$2,000	\$275.71	\$0.00				\$0.00	\$275.71	\$1,724.29	14%
6000	Televising Meetings	\$2,000	\$180.69	\$896.91				\$0.00	\$1,077.60	\$922.40	54%
6100	Audit Services	\$3,500	\$1,760.00	\$0.00				\$0.00	\$1,760.00	\$1,740.00	50%
6200	Bookkeeping	\$4,500	\$690.00	\$930.00	\$385.00	\$1,000.00		\$1,385.00	\$3,005.00	\$1,495.00	67%
6300	Legal Counsel (S Browne)	\$19,000	\$3,565.50	\$2,430.00	\$900.00	\$900.00		\$1,800.00	\$7,795.50	\$11,204.50	41%
6400	A-87 Costs County Services	\$2,100	\$0.00	\$0.00				\$0.00	\$0.00	\$2,100.00	0%
6500	Insurance - General Liability	\$2,450	\$2,600.87	\$0.00				\$0.00	\$2,600.87	\$-150.87	106%
6600	Memberships (CALAFCO/CSDA)	\$3,525	\$2,220.00	\$1,250.00				\$0.00	\$3,470.00	\$55.00	98%
6670	GIS Contract with County	\$2,500	\$0.00	\$620.12				\$0.00	\$620.12	\$1,879.88	25%
6740	In-County Travel & Stipends	\$4,000	\$126.45	\$150.00	\$50.00			\$50.00	\$326.45	\$3,673.55	8%
6750	Travel & Lodging Expenses	\$6,250	\$0.00	\$0.00				\$0.00	\$0.00	\$6,250.00	0%
6800	Conferences (Registrations)	\$4,100	\$0.00	\$0.00				\$0.00	\$0.00	\$4,100.00	0%
7000	Work Plan (MSRs and SOIs)	\$51,500	\$0.00	\$5,152.00	\$1,302.50	\$4,630.00		\$5,932.50	\$19,942.50	\$31,557.50	39%
Monthly/ Year to Date Totals		\$227,000.00	\$49,977.45	\$36,053.04	\$15,813.30	\$17,188.57	\$0.00	\$33,001.87	\$119,032.36	\$107,967.64	52%
APPLICATIONS											
		DEPOSIT (total by application)	1st Qtr Subtotals	2nd Qtr Subtotal	January	February	March	3rd Qtr Subtotal	Project Total to Date	Remaining Budget	Notes
D-2014-8010	City of Ukiah Detachment of UVSD lands	\$19,032.75	\$0.00	\$0.00				\$0.00	\$15,080.75	\$3,952.00	
P-2020-01 (8022)	City of Ukiah North Annexation Pre-Application	\$1,500.00	\$0.00	\$0.00				\$0.00	\$1,122.00	\$378.00	
P-2020-04 (8024)	Millview CWD Annexation Pre-Application	\$3,500.00	\$0.00	\$748.00	\$140.00			\$140.00	\$3,609.50	\$-109.50	
A-2021-01 (8025)	City of Ukiah Annexation of City-Owned Properties	\$5,000.00	\$34.00	\$0.00		\$420.00		\$420.00	\$2,235.00	\$2,765.00	
A-2021-02 (8026)	UVFD Annexation of City of Ukiah	\$24,570.86	\$5,335.00	\$19,120.36				\$0.00	\$24,863.36	\$0.00	
O-2021-03 (8027)	Fort Bragg Extension of Water Service to Minnesota Ave	\$500.00	\$500.00	\$0.00					\$500.00	\$0.00	
8601	Sustainable Ag Lands Committee Grant Project	\$5,100.00	\$850.00	\$75.00		\$1,725.00		\$1,725.00	\$3,225.00	\$1,875.00	
Application Totals		\$59,203.61	\$6,719.00	\$19,943.36	\$140.00	\$2,145.00	\$0.00	\$2,285.00			
EXPENSES AND APPLICATION TOTALS		\$286,203.61	\$56,696.45	\$55,996.40	\$15,953.30	\$19,333.57	\$0.00	\$35,286.87			

DEPOSITS		
2/11/2022	County of Mendocino	\$ 100,000.00
3/4/2022	Mendocino County Resource Conservation District (SALC Grant)	\$ 1,725.00

ACCOUNT BALANCES			
County of Mendocino Account Balance	\$	165,188	MUNIS Balance as of 2/28/2022
Operations (Checking) Account Balance	\$	116,522	Quickbooks Balance as of 2/11/2022
Legal Reserve Balance	\$	50,000	Bank Statement as of 1/31/2022
Operations Reserve Balance	\$	31,040	Bank Statement as of 1/31/2022
Total	\$	362,750	

Mendocino LAFCo
FY 2021-22 Estimated Work Plan Implementation Schedule and Cost Tracking
 February 2022

Subject to Change: The estimated schedule and costs for the Fiscal Year 2021-22 Work Plan are subject to change based on agency responsiveness, timely provision of requested information, complexity of issues, level of public and affected agency controversy, and changing needs and priorities.

CEQA: Based on LAFCo practice, the work plan assumes minimal costs for CEQA compliance related to preparing a Notice of Exemption, unless an agency proposes a non-coterminous SOI and pays for any necessary studies and preparation of a Negative Declaration or Environmental Impact Report.

Rolling Work Plan: It is difficult to completely contain staff activities in a single fiscal year; therefore, completion of a study may roll over to the next fiscal year. This estimated work plan implementation schedule and cost tracking table is intended to enhance communication and transparency.

Agency	Coordination/ Request for Information	Admin Draft	Public Workshop	Public Hearing	Final Study	Cost Estimate ¹	FY 2021-22 Budget	FY 2021-22 Expenses	Cost to Date ²
Ukiah Valley Sanitation District	Ongoing	Pending	TBD	TBD	TBD	\$40,000	\$20,000	\$2,871	\$6,612
City of Ukiah	Ongoing	Pending	TBD	TBD	TBD	\$25,000	\$12,500	\$475	\$2,844
County Service Area 3	Ongoing	In progress	Tentative 4/4/22	TBD	TBD	\$10,000	\$6,000	\$9,277	\$13,374
Ukiah Valley Fire District	Complete	Complete	9/13/21	10/4/21	10/8/21	\$7,000	\$6,000	\$5,991	\$9,068
Covelo CSD	Complete	Complete	7/12/21	9/13/21	9/24/21	\$8,000	\$3,000	\$1,329	\$8,769
Estimated Total						\$90,000	\$51,500	\$19,943	\$40,667

¹ Column indicates the initial cost estimated for each study and accounts for in process studies rolled over from prior fiscal years.

² Column indicates a running total for actual expenses incurred to date for each study in process and is not limited to a specific fiscal year.



Hinman & Associates Consulting

PO Box 1251 | Cedar Ridge, CA 95924
 (916) 813-0818 | uhinman@comcast.net

Date March 1, 2022
To Mendocino LAFCo
Project Executive Officer Services
Work Period February 1 - February 28, 2022

Invoice No. 636
Invoice Total \$ 17,742.38

Account Description	Staff/Hours			Assist Planner	Other (At Cost)	Totals
	Executive Officer \$100	Analyst \$70	Clerk \$40			
5300 Basic Services	64.25	13.75	58.00			\$ 9,707.50
5601 Office Supplies						
Quickbooks Online Fee					\$ 80.00	\$ 259.88
Adobe Acrobat annual fee					\$ 179.88	
6200 Bookkeeping	9.00		2.50			\$ 1,000.00
7000 Work Plan (MSR/SOI/Special Studies)						
City of Ukiah	2.00					\$ 200.00
Ukiah Valley Sanitation District						\$ -
UVSD	4.75	4.25		25.00		\$ 1,897.50
CSA 3	9.75	22.25				\$ 2,532.50
8010 City of Ukiah Detachment Application						\$ -
8022 City of Ukiah North Annex Pre-App						\$ -
8024 Millview CWD Annex Pre-App						\$ -
8025 City of Ukiah Annex City Properties		6.00				\$ 420.00
8601 SALC Project (grant reimbursed)	17.25					\$ 1,725.00
Totals	\$ 10,700.00	\$ 3,237.50	\$ 2,420.00	\$ 1,125.00	\$ 259.88	\$ 17,742.38

5300 Basic Services

Administrative tasks and Clerk duties. File research and maintenance. December claims. Communications with Commissioners, public inquiries, etc. Agenda packet development for March 2nd Executive Committee meeting. Participation in coordination meetings with the City of Ukiah, Ukiah Valley Sanitation District and County. FY 2022-23 budget and work program development. Office move and setup.

6200 Bookkeeping

Prepared and coordinated with Treasurer regarding claims. Entered claims into Quickbooks and prepared checks. Reconciled Quickbooks. Bookkeeping related to budget development for FY 2022-23.

7000 Work Plan (Sphere of Influence Updates, Municipal Service Reviews, and Special Studies)

Development of Administrative Draft CSA 3 MSR/SOI and coordination meetings with County staff on MSR and activation of latent powers. Development of Administrative Draft UVSD MSR/SOI Update and coordination meetings with UVSD staff. Coordination meetings with City of Ukiah staff on MSR/SOI Update approach and timeline.

8010 City of Ukiah Detachment of UVSD Area

No activity.

8022 City of Ukiah North Annex Pre-App

No activity.

8025 City of Ukiah Annexation of City-owned Properties

Coordinated meetings with City staff and review of updated application submittals. Prepared documents for referral.

8024 Millview County Water District Pre-Application

No activity.

8601 Sustainable Agricultural Lands Committee Grant Project

Attend monthly SALC Team meetings (October 2020 - January 2021). Meetings with City and district staff regarding Spheres of Influence and extension of municipal services to Ukiah Valley areas and potential impacts to agriculture. Review and development of conservation informational flyers and preparation of meeting summaries.

From: Intuit QuickBooks Team <intuit@notifications.intuit.com>
Sent: Monday, February 21, 2022 10:43 AM
To: eo@mendolafco.org
Subject: We received your QuickBooks subscription payment!



Payment success

Executive Officer, thank you for your payment.

Invoice number:
10001143356786
Invoice date: 02/19/2022
Total: \$80.00
Payment method: VISA ending in

Sign in to QuickBooks where you can see your billing history and view, save, and print your invoice.

[View billing history](#)

Account details

Billed to: Mendocino LAFCo
Company ID ending:
Items on this invoice: QuickBooks Online Plus

(1) For subscriptions, your payment method on file will be automatically charged monthly/annually at the then-current list price until you cancel. If you have a discount it will apply to the then-current list price until it expires. To cancel your subscription at any time, go to [Account & Settings](#) and cancel the subscription. (2) For one-time services, your payment method on file will reflect the charge in the amount referenced in this invoice. Terms, conditions, pricing, features, service, and support options are subject to change without notice.



Adobe Inc.
 345 Park Avenue
 San Jose CA 95110-2704
 United States
 Federal Tax ID: 77-0019522

ORIGINAL

Invoice Information

Invoice Number 1567558789
 Invoice Date 12-JAN-2022
 Payment Terms Credit Card
 Purchase Order ADD059607682
 Order Number 7032500207
 Customer Number 1219979539
 Currency USD

Bill To

Uma Hinman
 Mendocino LAFCo
 PO Box 1251
 CA 95924

INVOICE

Item Details

Service Term: 12-JAN-2022 to 11-JAN-2023

PRODUCT NUMBER	PRODUCT DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	NET AMOUNT	TAX RATE	TAXES	TOTAL
65232746	Acrobat Pro DC	1	EA	179.88	179.88	0.00%	0.00	179.88

Invoice Total

NET AMOUNT (USD)	179.88
TAXES (SEE DETAILS FOR RATES)	0.00
GRAND TOTAL (USD)	179.88

Comments:

Billing Contact

<https://helpx.adobe.com/contact.html>

Thank you for your business!

**MENDOCINO
Local Agency Formation Commission**

Staff Report

MEETING March 7, 2022
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Report out of February 7, 2022 Closed Session – Contract Staff Evaluation**

RECOMMENDATION

Commission accept and file report.

DISCUSSION

In accordance with Government Code Section 54947(b)(1), the Commission entered into Closed Session at 10:17 a.m. on February 7, 2022 for purposes of conducting an evaluation of the contract Executive Officer.

The Commission exited the Closed Session at 11:16.

The report out is that the Commission conducted a contract staff evaluation for the Executive Officer.

**MENDOCINO
Local Agency Formation Commission**

Staff Report

DATE: March 7, 2022
TO: Mendocino Local Agency Formation Commission
FROM: Uma Hinman, Executive Officer
SUBJECT: **Proposed Revised Approach for the City of Ukiah and Ukiah Valley Sanitation District Studies**

RECOMMENDATION

The Commission consider staff's proposal to prepare the Municipal Service Reviews (MSRs) and Spheres of Influence (SOI) studies for the City of Ukiah and Ukiah Valley Sanitation District in-house with agency support, and provide direction to staff as needed.

BACKGROUND

In 2020, a Request for Proposals (RFP) was released to solicit proposals for consultant-prepared MSR/SOI studies for the City and UVSD, due to limited LAFCo staff capacity. The cost estimates received significantly exceeded the Work Plan budget. In order to expedite the process, the City offered to fund the City's study and the Commission approved consultant selection and directed staff to negotiate and execute agreements. The contract negotiation process stalled out in 2021. A tentative plan for UVSD upfront funding with multi-year reimbursement for the District's consultant-prepared study also stalled out in 2021.

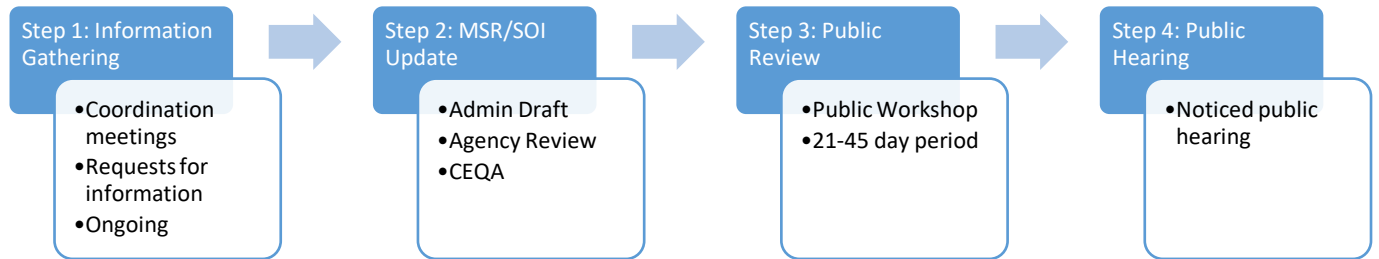
However, LAFCo, District, and City staff have been supporting each other through coordination meetings and have a good team assembled for the collaborative development of both studies that will need to address the coordinated provision of sewer services in the areas surrounding the City. In addition, the District and City have on-going and regular Ad Hoc Committee meetings to vet ideas and develop plans for efficient provision of services to these areas in both the near and long terms. This process will ultimately result in better planning for the communities these agencies serve.

Furthermore, the City's General Plan Update is proceeding on a schedule that supports the MSR/SOI Update schedule in 2022. Coinciding with a General Plan update is clearly supported by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) as LAFCo is required to know the proposed land uses within an SOI so as to accurately assess the probable service levels of the proposed SOI territory. Additionally, through the General Plan Update process, much of the information and data required for our studies has been collected and analyzed by the General Plan consultants and will be applicable for both the City and UVSD MSR/SOI Updates.

LAFCo staff will continue working with City staff to coordinate on the City's General Plan Update process for efficiency and an overall more comprehensive planning process. Additionally, the coordination of planning processes, including CEQA, will result in significant time, public outreach, and cost efficiencies.

Staff is requesting Commission approval to shift from consultant-prepared studies to the in-house development of the MSR/SOI Updates for both the City and UVSD. Both agencies have committed staff to work with LAFCo on the process and ongoing communications will facilitate a coordinated approach that will build relationships. Staff is proposing to complete the studies this calendar year, dependent on City General Plan progress and CEQA studies.

The following flowchart summarizes the general process for MSR/SOI development process.



**MENDOCINO
Local Agency Formation Commission**

Staff Report

DATE: March 7, 2022
TO: Mendocino Local Agency Formation Commission
FROM: Uma Hinman, Executive Officer
SUBJECT: **Ukiah Valley Sanitation District Sphere of Influence Review and Out-of-Agency Services Request**

RECOMMENDATION

The Commission will consider staff's informational report on the Ukiah Valley Sanitation District's request for clarification on Sphere of Influence status and coordination efforts to address an out-of-agency services request and provide direction to staff as needed.

BACKGROUND

On February 7, 2022, the Commission heard questions and concerns from the Ukiah Valley Sanitation District (UVSD or District) during the Public Expression Agenda Item regarding the attached correspondence between the District's Attorney and LAFCo staff related to a request for clarification on the District's existing Sphere of Influence and a potential request for out-of-agency services on Ford Road in the Old Masonite Area. The Chair directed staff to return with an item to address this matter in greater detail.

As detailed in the attached response to the District, LAFCo staff performed exhaustive research of our files dating back to the 1984 Zion Study, and there is no clear record of the UVSD's 1984 adopted SOI boundary or the outcome of subsequent requests for clarification on this matter. Further, the 1984 Zion Study is outdated and no longer provides a reliable or relevant basis of information for Commission consideration of applications. LAFCo staff encouraged working together towards completion of the MSR/SOI study for clarity on the District's potential future service expansion areas.

In working with District staff since the February Commission meeting, it is clear that there is considerable frustration because the District has received new service requests for areas outside their boundary that they cannot annex or serve until their MSR/SOI Update is completed, their current sphere is unclear and has not been successfully updated since 1984, and the lack of a current District SOI is delaying development proposals.

Big Daddy Garden Supply on Ford Road is a good example for illustrating the fundamental issue at hand. Most would agree that this scale of development on Industrial-zoned property located near a floodplain is best served by sewer service. This naturally begs the question of why this property has an on-site septic system when it is so close to the boundary of the City of Ukiah and the Ukiah Valley Sanitation District. The answer to this question is complicated and has been roughly 40-years in the making. Below is an attempt to outline the complex and interconnected nature of how we reached this point in order to better address next steps.

How LAFCo Works

- LAFCo regulates the boundaries and services of local government agencies based on a Municipal Service Review (MSR) and Sphere of Influence (SOI) study. The MSR is a study of a local agency's capacity, financial ability, accountability, anticipated growth, and government structure options. The SOI is a policy decision of

how urban growth will occur for a particular area and who will provide public services within that area. Applications for changes to an agency's boundaries or services must be consistent with their SOI. LAFCo works towards preparing MSR/SOI studies for each local municipal service provider every 5-years as budget allows and as needed.

How Agencies Annex/Add Areas

- When the Commission determines through an MSR study which local agency is the most appropriate municipal service provider for an area, ideally that agency is the only one with an SOI boundary for that area and the only agency eligible for annexation of that area when appropriate.
- Once development needing urban-type services is proposed for an SOI area, a developer files an application for a land use permit with the Planning Authority (County or City) and conducts CEQA review with LAFCo involvement related to the proposed annexation. As a condition of approval, the Planning Authority requires proof of public services to the site, which triggers the annexation process if not already initiated.
- For the area north of Ford Road, there are multiple local agencies that offer competing services with overlapping and/or unclear spheres, including the City of Ukiah (City), Ukiah Valley Sanitation District (UVSD or District), and Millview County Water District (MCWD).
- In the absence of updated SOIs and with a duplication of service providers, each time a property owner proposes development requiring urban-type services (sewer or water), the decision of which agency should serve the property becomes a battleground before the Commission instead of being based on good planning principles that are implemented in establishing appropriate SOIs.
- When development may proceed with an administrative building permit instead of a discretionary land use permit, which can be the case for certain types of development on Industrial-zoned property within the County, then the application for annexation process occurs alongside the building permit process.
- Annexation is the most appropriate way to provide urban-type services to a new service area; however, this process takes a minimum of 6-months and more realistically closer to a year to complete. Without a reliable sphere to make the necessary findings for annexation, this process can take longer because it may require concurrent MSR/SOI updates.
- When there is high pressure for development to occur sooner than the annexation process can be completed, a developer must decide between proceeding with on-site sewer and water or waiting for public services through the annexation process.
- LAFCo law allows for an extension of public services outside an agency's boundary by agreement in limited circumstances and is subject to future annexation or an existing public health and safety need. This approach is not intended for new development except in extraordinary circumstances and with special consideration for precedent-setting impacts and the ability to make future findings for annexation approval.

MSR/SOI History

- The 1984 Zion Study established SOIs for most of the cities and special districts in the County. There is no clear record of the UVSD's 1984 adopted SOI boundary and the City's 1984 SOI boundary has not been updated since. The MCWD SOI was last updated in 2016 and is tentatively scheduled for a MSR/SOI Update in Fiscal Year 2022-23.
- While the 1984 Zion Study established the most recent SOI for the District and City, this study is nearly 40-years old and no longer provides a reliable or relevant basis of information needed by the Commission to consider applications involving service expansion or new development.
- The last MSR process for the District was in 2014 and for the City was in 2012. In 2013, there was an effort to update the City's sphere that was initiated through a City SOI amendment application and stalled out at the CEQA stage of the process when the preparation of an EIR was required.
- The SOI update is intended to closely follow the MSR study to ensure that agency information remains accurate and reliable. When too much time lapses between the MSR and SOI process, an updated MSR is

often needed in addition to the SOI update. Therefore, a 2012 or 2014 MSR needs to be updated for a 2022 SOI Update.

- There were years of litigation between the District and City from 2013 to 2018, which was not the best time to conduct an MSR study since things were in a state of flux.
- There have been multiple LAFCo staffing changes since 2012 and an associated learning curve each time to understand this complex history and build interagency relationships necessary to move forward.
- In 2020, a Request for Proposals (RFP) was released to solicit proposals for consultant-prepared MSR/SOI Update studies for the City and UVSD, due to limited LAFCo staff capacity. The cost estimates received significantly exceeded the Work Plan budget. In order to expedite the process, the City offered to fund the City's study and the Commission approved consultant selection and directed staff to negotiate and execute agreements. The contract negotiation process stalled out in 2021. A tentative plan for UVSD upfront funding with multi-year reimbursement for the District's consultant-prepared study also stalled out in 2021.
- In-house prepared District and City MSR studies are again in process, subject to Commission support, and the City SOI is tentatively scheduled to track with the City's General Plan Update currently underway.
- Without recent clarity on the District and City spheres, there has been a state of limbo for many years, which has created confusion for property owners about public service availability in planning for future use of their property.

Next Steps

- There is current development proposed in the Ford Road area that will likely occur with a septic system similar to Big Daddy Garden Supply unless an arrangement can be reached for sewer service as an interim step before annexation and completion of the MSR/SOI Update for the District and City.
- LAFCo staff shares the frustration of the Commission, local agencies, and property owners that the MSR/SOI Update has not been completed for the District and City yet and assures that this is not an attempt to delay the development process. Completion of these studies is a high priority.
- LAFCo could rush the MSR/SOI Update process and not effectively address these long-standing issues, but that will just perpetuate the historical conflict that brought us all here in the first place. A far superior outcome is for the agencies involved to reach agreement on how to resolve these issues than for the Commission to make the difficult decision for them.
- LAFCo, District, and City staff have been supporting each other in coordination meetings and have a good team assembled to dig in and develop a solution to address these long-standing issues. In addition, the District and City have on-going and regular Ad Hoc Committee meetings to vet ideas and develop plans for efficient provision of services to these areas. This interagency collaboration will take time and patience, but ultimately it will yield more lasting results to the benefit of the public whom we all serve.

Draft Proposal

The District and City Ad Hoc Committee has provided the following draft proposal for extending sewer services to the Ford Road/Masonite Properties Area as an interim step before annexation. LAFCo staff is reviewing this proposal and looks forward to working with agency staff in determining the feasibility of moving forward with this approach.

Potential Approach – Sewer Service to Ford Road/Masonite Properties Area

1. City of Ukiah (City) develops Out of Area Service Agreement (OASA) for serving Ford Road/Masonite Properties Area (Area) with municipal sewer services.
2. Concurrent to #1, City and Ukiah Valley Sanitation District (UVSD) develop agreement for interim sewer service provided by UVSD. Such an agreement would be an addendum to the City's OASA to serve the Area.

- The agreement would stipulate that UVSD provide sewer service to the Area until such time that LAFCo approves the City's annexation of the Area.
3. Also concurrent to #1, City to work with Mendocino County to develop tax-sharing agreement for Area. Such an agreement would be an addendum to the City's OASA to serve the Area.

Attachment(s): LAFCo Correspondences with UVSD Attorney

Bend OR
(541) 382-3011
Indian Wells
(760) 568-2611
Irvine
(949) 263-2600
Los Angeles
(213) 617-8100
Ontario
(909) 989-8584



BEST BEST & KRIEGER 
ATTORNEYS AT LAW

500 Capitol Mall, Suite 1700, Sacramento, CA 95814
Phone: (916) 325-4000 | Fax: (916) 325-4010 | www.bbklaw.com

Riverside
(951) 686-1450
Sacramento
(916) 325-4000
San Diego
(619) 525-1300
Walnut Creek
(925) 977-3300
Washington, DC
(202) 785-0600

Joshua Nelson
(916) 551-2859
joshua.nelson@bbklaw.com
File No. 83741.00001

January 20, 2022

VIA EMAIL [EO@MENDOLAFCO.ORG]

Uma Hinman, Executive Officer
Mendocino LAFCo
200 S School St # 2
Ukiah, CA 95482

Re: Sphere of Influence Determination for Ukiah Valley Sanitation District

Dear Ms. Hinman:

The Ukiah Valley Sanitation District (“District”) has received multiple out of area service requests. The District may provide new sewer service outside its jurisdictional boundaries within its sphere of influence, subject to LAFCO approval. There are certain developers and commercial businesses that would like to connect to sewer rather than develop septic systems. However, since these properties are located outside of the District’s service area, an Out of Area Service Agreement needs to be approved by LAFCO in order for these businesses to connect to sewer lines. However, LAFCO has not confirmed the District’s sphere of influence, and there appears to be no records of a final determination regarding the District’s current sphere of influence.

Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCO must “develop and determine the sphere of influence of ... each special district ... within the county and enact policies designed to promote the logical and orderly development of areas within the sphere.” (Gov. Code, § 56425.) Consistent with Government Code section 56425(g), LAFCO Policy 10.1.3 provides that LAFCO “will review all spheres of influence every five years for each governmental agency providing municipal services. Municipal services include ... wastewater.”



BEST BEST & KRIEGER 
ATTORNEYS AT LAW

Uma Hinman
January 20, 2022
Page 2

The District reiterates its prior requests LAFCO confirm the District's current sphere of influence as soon as possible. Please let us know when this will be accomplished. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JN'.

Joshua Nelson
of BEST BEST & KRIEGER LLP

JN:jg

cc: P. Scott Browne

MENDOCINO

Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482
Telephone: (707) 463-4470 | E-mail: eo@mendolaafco.org | Web: www.mendolaafco.org

February 2, 2022

VIA EMAIL [joshua.nelson@bbklaw.com]

Mr. Joshua Nelson, Attorney
BBK Attorneys at Law
500 Capitol Mall, Suite 1700
Sacramento, CA 95814

Re: Sphere of Influence for Ukiah Valley Sanitation District

Dear Mr. Nelson:

We are in receipt of your correspondence dated January 20, 2022, requesting clarification of the Ukiah Valley Sanitation District's (UVSD) existing Sphere of Influence (SOI). We have performed exhaustive research of our files dating back to the 1984 Zion Study, which established SOIs for most of the cities and special districts in the County. There is no clear record of the UVSD's 1984 adopted SOI boundary or the outcome of subsequent requests for clarification on this matter.

We understand the District's desire for clarity regarding their potential future service expansion areas; however, any SOI that was established with the 1984 Zion Study is outdated and no longer provides a reliable or relevant basis of information needed by the Commission to carry out its responsibilities in consideration of applications involving service expansion or new development. An updated Municipal Service Review (MSR) and SOI Study is the necessary first step to move forward.

We are developing the MSR/SOI Update Study that will pave the way for Commission consideration of District proposals for annexations and/or extensions of service. We have initiated the study development process for the District as outlined in the attached orientation document and are preparing the Administrative Draft MSR based on available information and your Request for Information (RFI) response. As we prepare the MSR, we will identify further information needs and collaborate with District staff on development of SOI options for the SOI Update.

In order facilitate effective communication with the District throughout the MSR/SOI Update process, we will be working with Wing-See Fox, UVSD General Manager, to establish regularly scheduled coordination meetings. These meetings will serve to coordinate information needs, keep the District informed on the status and next steps, and to collaborate on development of SOI options for the SOI Update. We look forward to working together to complete this process.

Please do not hesitate to contact me with any further questions. The best methods for contacting me are by email (eo@mendolaafco.org) or cell phone at (916) 813-0818.

Sincerely,



Uma Hinman
Executive Officer

Attachment MSR/SOI Update Process

cc: Wing-See Fox, UVSD General Manager

MENDOCINO LAFCo

MUNICIPAL SERVICE REVIEW • SPHERE OF INFLUENCE

Municipal Service Review

A Municipal Service Review (MSR) is a study of a local agency's governance and operations. MSRs are conducted for all cities and special districts prior to or concurrently with SOI Updates.

- Provides inventory and analysis of agency services (capacity, financial ability, accountability, and anticipated growth)
- Based on existing information and trend analysis
- Evaluates service delivery structure and opportunities for improvement and/or interagency coordination
- Provides information and analysis to support SOI Update
- Seven required "determinations" per state law (GC §56430)

What an MSR is not:

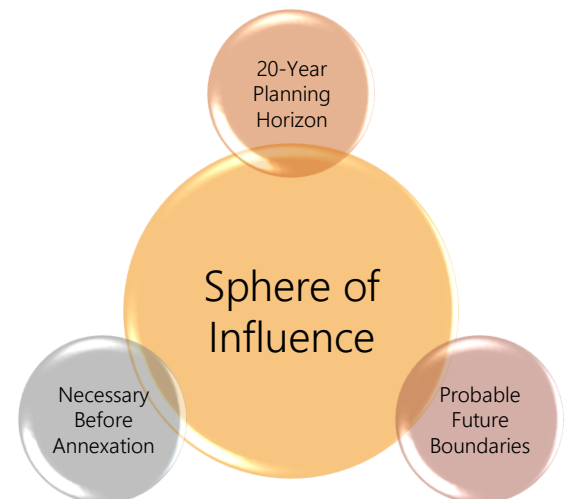
- An audit or investigation
- An enforcement method
- A complaints forum
- A mandate for changes (no affect to current fees/rates)

Input is always welcome and MSRs may recommend future changes to the delivery of agency services.

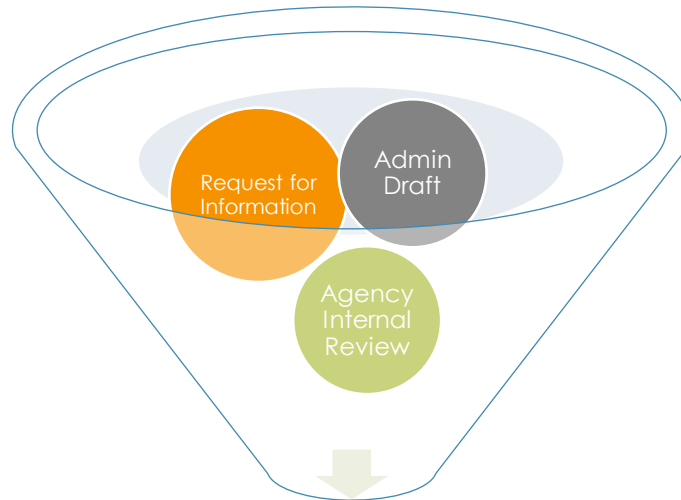
Sphere of Influence

A Sphere of Influence (SOI) is a planning boundary adopted by LAFCo that indicates the probable 20-year growth boundary for a jurisdiction's physical development. LAFCo reviews and updates SOIs every five years, or as needed.

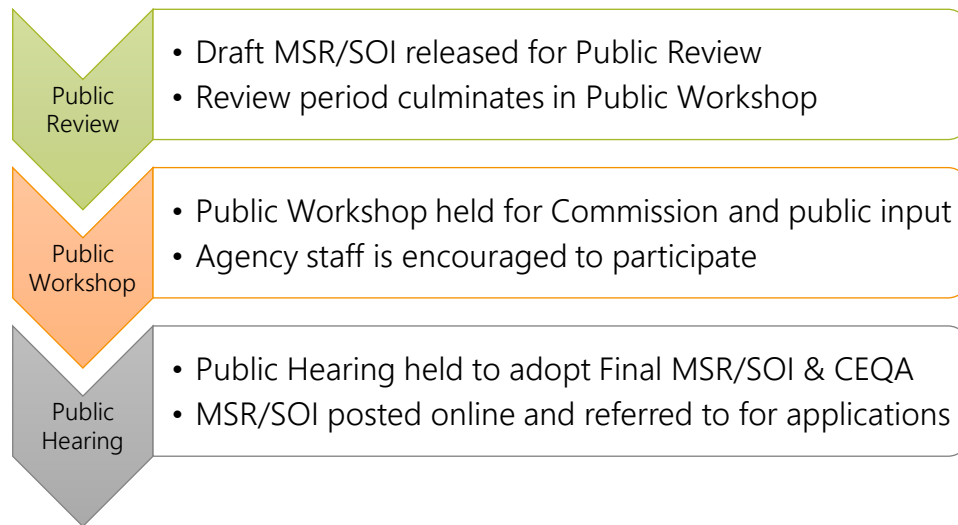
- Promote orderly growth and development within and adjacent to communities
- Promote cooperative planning efforts among cities, the County and special districts
- Address premature conversion of agriculture and open space lands and efficient provision of services
- Guide future local government reorganization encouraging efficiency, economy and orderly changes
- Assist property owners in anticipating availability of services in planning for future use of their property
- Five required "determinations" per state law (GC §56425)



MUNICIPAL SERVICE REVIEW • SPHERE OF INFLUENCE DEVELOPMENT PROCESS



Public Review Draft MSR/SOI



Commission adopted Municipal Service Reviews and Spheres of Influence are posted on our website: www.mendolafco.org/studies

Contact: Uma Hinman, Executive Officer
Email: eo@mendolafco.org | Phone: (707) 463-4470

**MENDOCINO
Local Agency Formation Commission**

Staff Report

DATE: March 7, 2022
TO: Mendocino Local Agency Formation Commission
FROM: Uma Hinman, Executive Officer
SUBJECT: **Proposed Amendment No. 2 to the Executive Officer Services Agreement**

RECOMMENDATION

The Commission approve and authorize Chair signature for Amendment 2 to the Executive Officer Services Agreement with Hinman & Associates Consulting, Inc.

BACKGROUND

In 2016, Hinman & Associates Consulting, Inc., entered into contract with Mendocino LAFCo to provide Executive Officer Services, including staffing of Executive Officer, Analyst and Clerk positions. One rate increase was approved by the Commission in 2018; no increases have since been requested.

The Executive Committee considered Hinman & Associates Consulting, Inc.'s proposed change in hourly rates at its March 2, 2022 meeting and supports the proposal for Commission consideration.

Table 1. Proposed Staff Rates

Staff/Role	Current Rate	Proposed Rate
Uma Hinman, Executive Officer	\$100.00	\$110.00
Larkyn Feiler, Analyst	\$70.00	\$75.00
Clerk/Support Staff	\$40.00	\$40.00

The new rates would go into effect on July 1, 2022 and are accommodated in the Fiscal Year 2022-23 Preliminary Budget.

Attached is the Draft Amendment 2 to the Executive Officer Services Agreement with Hinman & Associates Consulting, Inc.

Attachment: Draft Amendment 2 to the Executive Officer Services Agreement

**Mendocino Local Agency Formation Commission
Executive Officer Services Agreement**

AMENDMENT NO. 2

This Amendment No. 2 to the Agreement, dated as of March 7, 2022, is by and between the Mendocino Local Agency Formation Commission, hereinafter referred to as "COMMISSION", and Hinman & Associates Consulting, Inc., hereinafter referred to as "CONTRACTOR".

WITNESSETH

WHEREAS, pursuant to Government Code Section 56375(k) COMMISSION may contract for professional or consulting services; and,

WHEREAS, the COMMISSION maintains a contract for professional services with CONTRACTOR to provide Executive Officer Services; and

WHEREAS, CONTRACTOR agrees to the amendment included herein as "Exhibit A" Payment Terms Item 2 Staff Hourly Rates as were contained in the Executive Officer Services Agreement, Exhibit C, dated July 1, 2018.

NOW, THEREFORE it is agreed that COMMISSION does hereby amend the Executive Officer Services contract to include Amendment No. 2 as stated in the attached "Exhibit A" effective July 1, 2022.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Mendocino LAFCo

Contractor

By: _____
Charles A. Orth, Chair

Uma Hinman, President/CEO

“EXHIBIT A”

(CONTRACT EXHIBIT C)

PAYMENT TERMS

1. COMMISSION shall pay CONTRACTOR for actual time spent in completion of BASIC SERVICES at the rates and within task payment limits shown below. COMMISSION shall also reimburse CONTRACTOR for allowable costs incurred in the performance of those services. Office overhead, preparation of invoices, travel time by CONTRACTOR and incidental expenses other than the allowable costs set forth below will not be compensated.
2. The following designated contract personnel and their hourly rates are specified under this Agreement as follows:

Uma Hinman, Executive Officer	\$110.00 per hour
Larkyn Feiler, Analyst	\$75.00 per hour
Clerk/Assistant Planner	\$40.00 per hour

3. CONTRACTOR will submit monthly invoices to COMMISSION on the first day of each subsequent month. Said invoices shall identify the task completed and payment due for such task, and provide an itemization of allowable costs incurred, accompanied by receipts for all expenditures and an explanation of same. Except as otherwise set forth in this Agreement, payment for services and reimbursement of allowable costs will be made by COMMISSION within 30 days of approval of the invoice by COMMISSION.
4. Payment for BASIC SERVICES, as outlined in Exhibit A, shall not exceed Fiscal Year budgeted amount, except as is consistent with budget and financial policies. In addition, CONTRACTOR may not bill for more than \$10,000 for BASIC SERVICES in any one month without prior approval from COMMISSION.
5. COMMISSION shall pay CONTRACTOR for completion of Municipal Service Reviews, Sphere of Influence Updates, and/or special studies, in accordance with the annual work plan and budget. Work plan billing will be on a time and materials basis and consistent with adopted budget and financial policies. Progress payments for MSRs will be included in monthly invoices. Final payment to be made within 30 days of acceptance of the MSR and/or SOI by COMMISSION.
6. COMMISSION from time to time may authorize the CONTRACTOR, as Executive Officer, to undertake or manage special or complex projects including but not limited to complex issues such as environmental reviews, Municipal Service Reviews, Sphere of Influence Updates and studies, or other special studies or applicant initiated changes of organization or Sphere Amendments pursuant to LAFCo’s purpose and authority as stated in LAFCo’s adopted bylaws. Compensation and expenses for said activities shall be on a project or hourly basis and shall be in addition to the Executive Officer’s regular budgeted compensation. All such special projects costs shall be paid after they have been approved by the COMMISSION or by the LAFCo Chair where there is no COMMISSION meeting during the month. If the COMMISSION has approved a project budget for the special project, CONTRACTOR billings consistent with the budget shall be deemed approved and budgeted, previously authorized, and payment authorized by the COMMISSION or by the LAFCo Chair where there is no COMMISSION meeting during the month. The CONTRACTOR may use COMMISSION Legal Counsel, and subcontractors or staff as CONTRACTOR deems appropriate to complete the work and shall base any such project or hourly charges on the hourly service rates set forth in Exhibit “C”.

7. In addition, CONTRACTOR shall be entitled to reimbursement for any costs which are directly reimbursable by the applicant, such as public notice costs, photocopy costs, property owner lists, GIS mapping, mileage, registered voter or property owner mailings, costs and time, for special meetings requested by the applicant, reconsideration requests, and conducting authority proceedings and costs and time involved in litigation. Any such expense reimbursement shall be itemized and approved by the COMMISSION as part of warrant approvals prior to payment.

[END OF PAYMENT TERMS]

DRAFT

**MENDOCINO
Local Agency Formation Commission**

Staff Report

DATE: March 7, 2022
 TO: Mendocino Local Agency Formation Commission
 FROM: Uma Hinman, Executive Officer
 SUBJECT: **Proposal to Establish Service Rates**

RECOMMENDATION

The Commission will consider the Executive Committee’s recommendation to establish weighted service rates to be applied to services subject to the LAFCo Fee Schedule and direct staff to schedule a public hearing to adopt service rates and update the Fee Schedule accordingly.

BACKGROUND

On March 2, 2022, the Executive Committee heard staff’s proposal to develop weighted service rates to offset a portion of overhead and long-term planning costs.

To date, Mendocino LAFCo has relied solely on apportionment fees paid by member agencies to fund its operations and fulfill its statutory responsibilities. Additional revenue includes application processing which is currently zero-sum. Currently, services are billed to applicants at cost and according to the current hourly staff rates for contract staff including Legal Counsel.

In an effort to offset overhead and long-term planning expenses currently born solely by member agencies, staff has developed a proposal to establish weighted service rates. Weighted service rates are applied to services subject to LAFCo’s Fee Schedule, which primarily consists of application processing.

In developing the proposal, staff researched comparable LAFCos’ methodology and adopted service rates, all of which include a portion of overhead costs and long-range planning costs (Table 1). Of the following, Lake and Sutter LAFCos utilize contract staff (not including Legal Counsel); the remaining have an employee model.

Table 1. Current Service Rates of Comparable LAFCos				
LAFCo	EO (\$)	Analyst (\$)	Clerk (\$)	Legal (\$)
Lake	160	N/A	N/A	Unavailable
Mendocino	100	70	40	225
Napa	150	150	150	Unavailable
Nevada	155	75	60	280 ¹
Solano	200	158	N/A	Unavailable
Sutter	151	116	N/A	246
Yolo ¹	204	114	N/A	Unavailable

¹ Service rates approximated based on data available.

Methodology

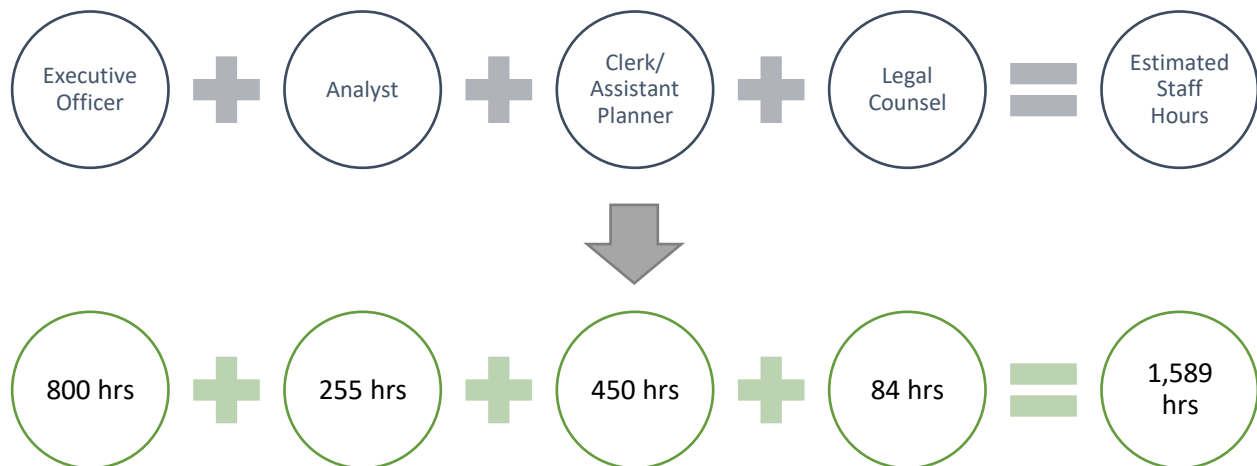
Whether an employee or contract staff model is utilized, the majority of LAFcos have established fully burdened or weighted service rates to capture a portion of costs related to overhead (OH) or long-term planning (MSRs/SOIs) or both. The methodology used in developing the proposed service rates for Mendocino LAFco has been modified from various other LAFco staff rate development processes.

The calculations are based on the proposed FY 2022-23 staff rates and the FY 2022-23 preliminary budget.

Step 1: Calculate hourly input rates

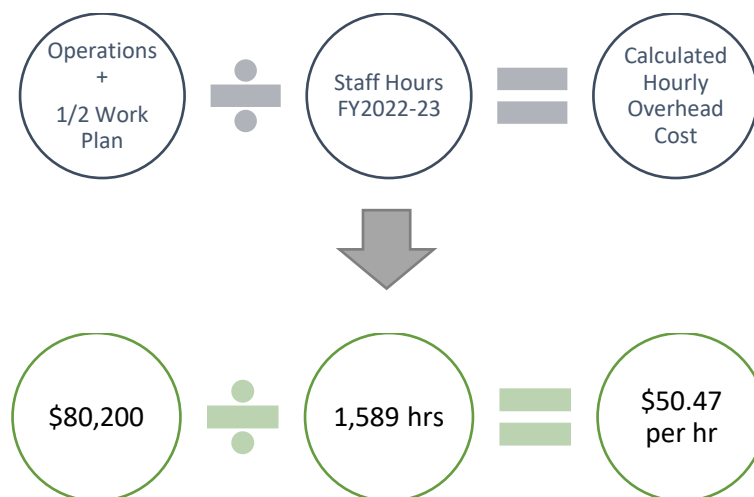
Input 1: Hourly staff rates

Estimated hours for all staff is 1,589 in FY 2022-23.



Input 2: Hourly overhead cost

The weighted overhead cost is the sum of the budgeted operations expenses and half of the Work Plan costs divided by the total estimated hours budgeted for Basic Services and Legal Counsel.



Step 2: Calculated Hourly Service Rates Per Budgeted Position

The hourly service rates per budgeted position is the sum of the staff rate and hourly overhead cost.



The implementation of the methodology results in the following hourly service rates based on the proposed FY 2022-23 staff rates and preliminary budget (Table 2).

Contract Staff	Staff Rate	Proposed Service Rates
Executive Officer	\$110.00*	\$160.00
Analyst	\$75.00*	\$125.00
Clerk/Assistant Planner	\$40.00	\$90.00
Legal Counsel	\$225.00	\$275.00

*Rate proposed for FY 2022-23

Based on application processing for FY 2021-22, it is anticipated that approximately \$22,000 could be recovered to offset operational and Work Plan costs in Fiscal Year 2022-23.

Attachment: Proposed Weighted Rate Methodology and Calculations

PROPOSED Weighted Service Rate Calculation for FY 22-23

Step One: Calculate Hourly Input Rates

Input One: Hourly Staff Rates

Year	Clerk/ Assistant				Legal
	Executive Officer	Analyst	Planner		
2022-23 (Proposed Rates)	\$ 110.00	\$ 75.00	\$ 40.00	\$ 225.00	
Estimated Hours	800	255	450	84	

Input Two: Hourly Overhead Costs

Category	Budget	OH Costs/Hr
Rent	\$ 6,500.00	\$ 4.09
Office Expenses	\$ 3,300.00	\$ 2.08
Internet & Website Costs	\$ 2,500.00	\$ 1.57
Publication and Legal Notices	\$ 2,000.00	\$ 1.26
Televising Meetings	\$ 2,000.00	\$ 1.26
Audit Services	\$ 3,800.00	\$ 2.39
A-87 Costs County Services	\$ 2,100.00	\$ 1.32
Insurance-General Liability	\$ 3,200.00	\$ 2.01
Memberships (CALAFCO/CSDA)	\$ 3,700.00	\$ 2.33
GIS Contract with County (Counsel training,	\$ 2,000.00	\$ 1.26
In-County Travel & Stipends	\$ 4,000.00	\$ 2.52
Travel & Lodging Expense	\$ 6,000.00	\$ 3.78
Conferences (Registrations)	\$ 4,100.00	\$ 2.58
Work Plan (1/2 long term planning costs)	\$ 35,000.00	\$ 22.03
Total	\$ 80,200.00	\$ 50.47

Step Two: Calculate Hourly Service Rates Per Budgeted Position

Input	Clerk/ Assistant			
	Executive Officer	Analyst	Planner	Legal
Hourly Staff Rates (Proposed)	\$ 110.00	\$ 75.00	\$ 40.00	\$ 225.00
Hourly Overhead Costs	\$ 50.47	\$ 50.47	\$ 50.47	\$ 50.47
Calculated Hourly Service Rate	\$ 160.47	\$ 125.47	\$ 90.47	\$ 275.47
Proposed Hourly Service Rate	\$ 160.00	\$ 125.00	\$ 90.00	\$ 275.00

**MENDOCINO
Local Agency Formation Commission**

Staff Report

DATE: March 7, 2022
TO: Mendocino Local Agency Formation Commission
FROM: Uma Hinman, Executive Officer
SUBJECT: **Senate Bill 938**

RECOMMENDATION

Staff recommends that the Commission take a support position on SB 938 and authorize the Chair to sign the draft letter of support for submittal.

BACKGROUND

CALAFCO is sponsoring SB 938 (Hertzberg) which seeks to amend the protest provisions. Senator Hertzberg introduced SB 938 on February 8, 2022 (copy attached), and it has been assigned to the Senate Governance & Finance Committee. As drafted, the bill will consolidate various sections of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 addressing protest proceedings into one section of the Act, make conforming changes, and remove obsolete provisions. The author plans to amend the bill to change the protest threshold for a Commission-initiated dissolution of a special district, from the current ten-percent (10%) to twenty-five percent (25%), consistent with a dissolution proposal for which a proposal has been filed with LAFCO.

The bill is a culmination of 3 years of collaborative work by the 18-member protest provision rewrite working group. The bill will likely be set for hearing on March 31 in Senate Governance & Finance. The bill has been introduced with the redraft of existing language as agreed upon by the working group and unanimously approved by the CALAFCO Board and Legislative team.

Consistent with agreements made in this three-year effort, SB 938, as proposed to be amended, creates specific conditions under which a LAFCo may initiate dissolution of a special district with a 25 percent protest threshold, including:

- Determinations for the proposed action must be documented in a Municipal Service Review and presented at a 21-day noticed public hearing;
- The district in question must be granted a minimum 12-month remediation period and an opportunity to provide a progress report to the LAFCo prior to taking any action;
- A second 21-day public hearing must be held to determine if the identified issues are mitigated, resulting in the LAFCo either terminating the dissolution, or moving forward under the standard protest hearing process outlined in existing law with a public notice period of 60 days.”

While Commission-initiated dissolutions are relatively rare, the lower threshold (10% vs. 25%) can and does deter LAFCOs from acting (this was a contributing factor to delays associated with the dissolution of Sativa, and why special legislation (AB 1577) was required).

Attachments:

1. Mendocino LAFCo Draft Support Letter
2. SB 938 CALAFCO Fact Sheet
3. SB 938 Hertzberg Fact Sheet
4. SB 938 Proposed Protest Threshold Process

MENDOCINO

Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482
Telephone: (707) 463-4470 | E-mail: eo@mendola Alco.org | Web: www.mendola Alco.org

COMMISSIONERS

Tony Orth, Chair

Special District Member

Scott Ignacio, Vice-Chair

City Member

Gerald Ward, Treasurer

Public Member

Matthew Froneberger

Special District Member

Glenn McGourty

County Member

Maureen Mulheren

County Member

Mari Rodin

City Member

Jenifer Bazzani, Alternate

Alternate Special District

Gerardo Gonzalez, Alternate

Alternate City Member

John Haschak, Alternate

Alternate County Member

Richard Weinkle, Alternate

Alternate Public Member

STAFF

Executive Officer

Uma Hinman

Analyst

Larkyn Feiler

Commission Clerk

Kristen Meadows

Counsel

Scott Browne

REGULAR MEETINGS

First Monday of each month
at 9:00 AM in the
Mendocino County
Board of Supervisors
Chambers
501 Low Gap Road, Ukiah

March 7, 2022

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

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

Dear Senator Hertzberg:

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

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

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

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

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

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

Yours sincerely,

Charles A. Orth
COMMISSION CHAIR

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



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

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

BACKGROUND

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



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

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

The working group agreed on three main deliverables:



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



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



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



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



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



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



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



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



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

SUMMARY

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

CONTACT:

CALAFCO:
Pamela Miller
pmiller@calafco.org
916-442-6536

Jean Kinney Hurst
Hurst Brooks Espinosa, LLC
jkh@hbeadvocacy.com
916-803-4754

Senator Hertzberg:
Martin Bui
martin.bui@sen.ca.gov
916-651-4018



Senate Bill 938

Cortese-Knox-Hertzberg Local Government Reorganization Act: LAFCO Protest Reforms

As Proposed to Be Amended

SUMMARY

SB 938 clarifies existing statutory provisions regarding consolidations and dissolutions of special districts, and creates new conditions under which a Local Agency Formation Commission (LAFCO) may initiate dissolution of a special district.

BACKGROUND

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

ISSUE

In 2017, the Little Hoover Commission released a [report](#) reviewing the state's 58 LAFCOs and recommended several measures to strengthen their oversight of special districts. Notably, the report highlighted a complicated and inconsistent set of rules for the dissolution or consolidation of a special district. If a LAFCO initiates an action, the action must go to a public vote if only 10 percent of the district's constituents protest; for a non-LAFCO initiation of the very same action, a public vote is only required if 25 percent of the affected constituents protest the action. These disparate protest thresholds make necessary special district consolidations and dissolutions considerably more difficult when initiated by a LAFCO. Further, they serve as a deterrent for LAFCOs to initiate action in the first place, even if meaningful efficiencies in the provision of public services could be achieved, or if a district is failing to meet its statutory requirements.

SB 938 (HERTZBERG)

Following the Little Hoover Commission report, the California Association of Local Agency Formation Commissions (CALAFCO) formed a working group to discuss the consolidation and dissolution process and to provide LAFCOs with the tools they need to carry out their statutory obligations. Consistent with agreements made in this three-year effort, SB 938, as proposed to be amended, creates specific conditions under which a LAFCO may initiate dissolution of a special district with a 25 percent protest threshold, including:

- Determinations for the proposed action must be documented in a Municipal Service Review and presented at a 21-day noticed public hearing;
- The district in question must be granted a minimum 12-month remediation period and an opportunity to provide a progress report to the LAFCO prior to taking any action;
- A second 21-day public hearing must be held to determine if the identified issues are mitigated, resulting in the LAFCO either terminating the dissolution, or moving forward under the standard protest hearing process outlined in existing law with a public notice period of 60 days.

SUPPORT

California Association of Local Agency Formation Commissions (Sponsor)



PROTEST THRESHOLD RESOLUTION PROPOSAL (To be amended into SB 938)

PROCESS OUTLINE

Commission Proceedings LAFCo Initiated Dissolution		
	Current Process	Proposed Process
<p>Step 1: Resolution of application</p> <p>NEW Proposed process Step 1: Adoption/acceptance/approval of MSR with any determinations described in the required conditions list.</p>	<p>Commission adopts a resolution of application for dissolution of district (§ 56375(a)(2))</p>	<p>Commission approves, adopts or accepts the MSR and determinations in a 21-day noticed public hearing.</p> <p>(Changes to be made in 56375)</p>
<p>Step 2:</p> <p>NEW Proposed process step 2: Adopt resolution of intent to initiate dissolution.</p>		<p>Should the determinations point to a condition described in the required conditions list, the LAFCo may also adopt a resolution of intent to initiate dissolution of the district. Resolution must contain the prescribed remediation period (of not less than 12 months). This does not trigger the dissolution process. Instead, it gives the district the remediation period to resolve. This can be done at the same hearing, a separate 21-day noticed public hearing following the previous action, or at a later time.</p>
<p>Step 3:</p> <p>NEW Remediation Period Mid-Point Check-In</p>		<p>Remediation period – district takes steps to remedy deficiencies in the time frame identified by commission.</p> <p>District provides LAFCo a progress report at the half-way point of the remediation period (as adopted in the resolution) at a regularly scheduled commission meeting.</p>
<p>Step 4:</p> <p>NEW Public Hearing to determine final action at end of remediation period</p>		<p>Public Hearing – Commission holds 21-day noticed public hearing at the end of the remediation period to determine</p>

		<p>if district has remedied deficiencies.</p> <p>If district has resolved issues, commission rescinds the resolution of intent to dissolve the district and the matter is dropped.</p> <p>If not, commission adopts a resolution making determinations to dissolve the district</p>
Step 5:	Reconsideration - Approval of dissolution begins 30-day reconsideration period (§ 56895)	Same
Step 6:	Protest – Initiate protest proceedings (can be initiated prior to end of reconsideration period)	Same
Conducting Authority (Protest) Proceedings		
	Current Process	Proposed Process
Step 6: Protest process	Protest hearing is scheduled, and public notice given. Public notice begins protest period of 21 to 60 days (§ 57002). Protest hearing must be held in affected territory (§ 57008)	60 days only for these specific instances. (All others remain at 21-60 days.)
Step 7: Protest hearing	Protest hearing is held and amount of qualified protests determined, pursuant to § 57113 (10% threshold)	Protest hearing is held and amount of qualified protests determined, pursuant to § 57077.1 (at 25% threshold)
Step 8: Dissolution ordered	Order dissolution, election, or termination	Same

REQUIRED CONDITIONS

If a final MSR approved by the Commission in an open and public meeting per the process above includes findings, based on a preponderance of the evidence, that one or more of the following conditions have been met, then the LAFCO may utilize a new LAFCO-initiated dissolution process with a 25 percent protest threshold:

1. The agency has one or more documented chronic service provision deficiencies that substantially deviate from industry or trade association standards or other government regulations and its board or management is not actively engaged in efforts to remediate the documented service deficiencies.
2. The agency spent public funds in an unlawful or reckless manner inconsistent with the principal act or other statute governing the agency and has not taken any action to prevent similar future spending.
3. The agency has consistently shown willful neglect by failing to consistently adhere to the California Public Records Act and other public disclosure laws the agency is subject to.
4. The agency has failed to meet the minimum number of times required in its governing act in the prior calendar year and has taken no action to remediate the failures to meet to ensure future meetings are conducted on a timely basis.
5. The agency has consistently failed to perform timely audits in the prior three years, or failed to meet minimum financial requirements under Government Code section 26909 over the prior five years as an alternative to performing an audit, or the agency's recent annual audits show chronic issues with the agency's fiscal controls and the agency has taken no action to remediate the issues.

**MENDOCINO
Local Agency Formation Commission**

Staff Report

DATE: March 7, 2022
TO: Mendocino Local Agency Formation Commission
FROM: Uma Hinman, Executive Officer
SUBJECT: **Workshop on Preliminary Budget and Work Program for FY 2022-23**

RECOMMENDATION

Commission hold a Workshop on the Executive Committee’s recommended Preliminary FY 2022-23 Budget and Work Program and provide direction to staff regarding changes and scheduling of a Public Hearing for the Proposed Budget and Work Program.

BACKGROUND

The Executive Committee met on March 2, 2022 and reviewed the proposed preliminary budget and work program for Fiscal Year (FY) 2022-23.

Per the [Cortese-Knox-Hertzberg Local Government Act of 2000 \(CKH\)](#) (Section 56381(a)), at a minimum, the proposed and final budget shall be equal to the budget adopted for the previous fiscal year unless the Commission finds that reduced staffing or program costs will nevertheless allow the Commission to fulfill the purposes and programs of this chapter.

The Executive Officer prepares a Preliminary Budget and Work Program for the ensuing fiscal year, which is submitted to the Executive Committee during March for review, input and comment. The Preliminary Budget shows anticipated revenues and expected expenditures by line item in sufficient detail to allow for Commission, member agency, and public review. The Work Program provides a narrative of the expected work products to be accomplished during the fiscal year, and likewise shall be in sufficient detail to allow for Commission, member agency, and public review.

Proposed Operating Expenses

The proposed operating expenses for Fiscal Year (FY) 2022-23 are \$268,800 and reflect the anticipated staffing services for day-to-day operations and for conducting the proposed Work Plan for FY 2022-23 (Attachment 1 and 2). The expenses represent an increase of \$36,800 above the previous fiscal year (Attachment 3).

The following table provides a summary of the adopted FY 2021-22 budget and the proposed Preliminary Budget for FY 2022-23 (Table 1).

Table 1. Summary of FY 2021-22 and Proposed Preliminary FY 2022-23 budgets			
Estimated Budget Summary	FY 2021-22		FY 2022-23 Proposed Preliminary Budget (\$)
	Adopted (\$)	Projected (\$)	
<i>Anticipated Cash Balance</i>	0	0	0
Apportionment	265,000	265,000	265,000
Interest	100	100	100
Estimated Revenues Total	265,100	265,100	263,800
Basic Services (Staffing)	108,000	108,000	125,100
Services and Supplies	67,500	46,133	68,700
Work Plan	51,500	45,000	70,000
Estimated Operations Total	227,000	200,675	268,800
<i>Difference</i>	<i>38,100</i>	<i>64,425*</i>	<i>1,300*</i>

** See Proposed Work Plan Contingency (below under Revenues and Reserves)*

Services and Supplies

Services and supplies consist of operating expense for typical office functions, membership fees, insurance, contracted Legal Counsel, Commissioner and staff trainings and conferences, and Commissioner stipends and travel expenses. No significant changes from FY 2021-22 are proposed. See Attachment 1 for details by account.

Work Program

The Work Program is a summary of the expected work products to be accomplished during the fiscal year and is funded through the Basic Services and Work Plan budget accounts.

Basic Services

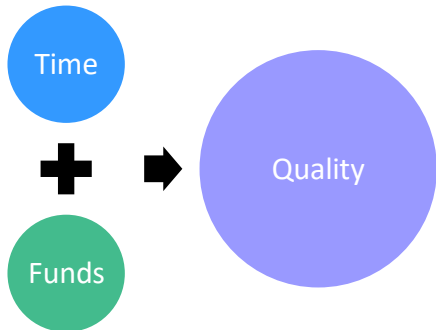
The current Basic Services budget supports approximately a 0.69 full time equivalent (FTE) employee shared between the Executive Officer, Analyst and Clerk. The proposed FY 2022-23 Basic Services budget will support a 0.72 FTE and represents an increase of 16%, in part a result of the proposed increase in staff rates. In addition, applications are processed at cost (zero-sum) and there is a separate budget line for the Work Plan tasks, which may either be prepared in-house or by an outside consultant. See Attachment 2 for a summary of tasks proposed under Basic Services.

Work Plan

The Cortese-Knox-Hertzberg Act (CKH) requires that “On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence (GC Section 56425(g)).

To meet that mandate, Mendocino LAFCo has until recently focused its efforts on updating the municipal services reviews (MSRs) and sphere of influence (SOI) updates with the local policy-supported goal of meeting that five-year mark for agencies providing water, sewer, fire and police services (Mendocino LAFCo Policy 10.1.3(a)).

SOI studies can range in scope from abbreviated to comprehensive or in-depth. The less comprehensive the study, the faster and less costly the product. The more in-depth a study is, the more coordination occurs, the longer it will take, and the more it will cost.



Between 2012 and 2018, under pressure to catch up on the mandated sphere updates, the Commission understandably adopted the more abbreviated model and directed staff to develop and implement a work plan as quickly and inexpensively as possible. The result was the completion of a large number of first round MSRs and SOI studies in a relatively short period of time and within a very limited budget.

However, the escalating pressures of drought, water, fire and housing – all of which are of great concern to municipal service providers – warrants another look at our approach to the work plan. Ever more frequently, local and state legislative and regulatory agencies and officials are turning to LAFCo studies for detailed service information and substantiated determinations that are used to guide and support planning and actions affecting agencies locally and throughout the state.

The question is whether we move to (1) a model of good/fast studies that are not inexpensive (requiring a budget increase for consultant-prepared studies or slowing down the overall pace of the work plan to complete fewer in-house studies each year) or (2) a model of good/inexpensive studies that are not fast (keeping the budget stable and requiring in-house preparation at lower service rates).

While not every special district necessitates a comprehensive review, particularly every time, those that provide municipal services as defined in the CKH and our local policies greatly benefit from a comprehensive and foundational MSR and SOI study. This is especially true for cities and other multi-service providers. Regardless of the approach, good studies do not necessarily require updates every 5-years and could allow for checklist reviews in the interim between updates.

The proposed preliminary work plan represents a shift in the model away from fast, abbreviated, and inexpensive studies that do not sufficiently address real issues facing our communities or lay meaningful groundwork for creating efficiencies of services and government restructure options.

The proposed establishment of a work plan contingency (see below), which would allow unutilized work plan budget to accumulate between fiscal years, would support flexibility in implementing the work plan (e.g., shifting to consultant-prepared studies or expanding efforts to address unanticipated issues or need) as well as fund compliance with CEQA, beyond an exemption, for proposed non-coterminous spheres.

The proposed focus in the next fiscal year will remain on the continued development of the City of Ukiah and Ukiah Valley Sanitation District studies that will continue into the first half of the next FY. Additionally, in response to the drought conditions and emergency coordination that started last year, the preliminary work plan includes two MSR/SOI Updates addressing all municipal water districts separated into coastal and inland agencies; the water agencies were last reviewed in 2013-2016. See Table 2.

Table 2. Proposed FY 2022-23 Work Plan	
Agency	Last MSR and/or SOI Update
City of Ukiah ¹	MSR 2012
Ukiah Valley Sanitation District ²	N/A
Coastal Water Districts (6)	MSR 2014; SOI 2015 and 2016
Inland Water Districts (8)	MSR 2013 and 2014; SOI 2015-16
Work Plan Notes:	
¹ The MSR/SOI Update was initiated in FY 2021-22. The study is anticipated to track with the City's General Plan Update and associated CEQA document.	
² The MSR/SOI Update was initiated in FY 2021-22. Plans for CEQA analysis is unknown at this time.	

While it is the intent to implement the entire identified Work Plan within one fiscal year, actual completion of a specific study may span multiple fiscal years. Work Plan implementation can change due to various factors, such as: (a) agency responsiveness and timely provision of requested information, (b) complexity of issues involved, (c) level of public and affected agency controversy, (d) changing needs and priorities, (e) overall staff workload, and (f) higher than anticipated costs.

Attachment 2 also identifies an estimated cost for each agency; however, cost allocations are an estimate only and may change as noted above. Further, the Work Plan budget assumes minimal costs for CEQA compliance related to filing a Notice of Exemption (NOE). As an option, agencies requesting a non-coterminous SOI may expedite a potential multi-fiscal year process by contributing to the cost of preparing an Initial Study and associated environmental document (i.e., Negative Declaration, Environmental Impact Report, etc.).

Revenue and Reserves

Apportionment Fees

The CKH mandates operating costs for LAFcos shall be annually funded by the affected counties, cities, and independent special districts on a one-third apportionment process (Section 56381(b)). Apportionments for cities and independent special districts are further divided and proportional to each agency's total revenues as a percentage of the overall revenue amount collected in the county. The proposed preliminary budget recommends the apportionments remain at \$265,000 for FY 2022-23.

Proposed Weighted Service Rates

Under Government Code Sections 56383 and 66016 LAFcos are authorized to establish and collect fees to offset agency contributions. Under a separate agenda item, staff has proposed to establish weighted service rates for the purpose of processing public requests and applications that are subject to the Fee Schedule. Currently, staff rates are billed to applicants at cost and according to the current contract rates for Executive Officer, Analyst, Clerk and Legal Counsel. The proposed weighted service rates include a portion of overhead (administrative) and long-term planning (Work Plan) costs. Based on application processing for FY 2021-22, it is anticipated that the establishment of service rates could result in approximately \$22,000 in revenue towards operational and Work Plan costs in the coming fiscal year.

Reserves

Mendocino LAFco Policy 5.1.5 directs maintenance of reserves for fiscal stability, unforeseen operating or capital needs, cash flow requirements, revenue source stability from revenue shortfalls, and unanticipated legal fees. The reserves consist of an operating reserve of 25% of the annual operating budget and a legal reserve of \$50,000 as directed by the Commission.

The Executive Committee recommends apportionment fees remain constant for the next FY. The following table summarizes an analysis of impacts on reserves resulting from apportionment fee for the Preliminary FY 2022-23 budget.

Policy and Commission direction specify reserves for FY 2022-23 to be \$115,950. With apportionment fees remaining constant, target reserves will be met and there will remain an end of FY anticipated cash balance of \$30,815.

Proposed Work Plan Contingency

A Work Plan Contingency is proposed that will allow for a buffer to accommodate unanticipated or higher than estimated expenses associated with issues arising during the preparation of MSR/SOI Updates and for associated environmental reviews required under the California Environmental Quality Act (CEQA). Unanticipated costs may include the need for consultant-prepared MSR/SOI studies, which are generally calculated at higher hourly rates than in-house staff prepared studies.

SOI Updates are subject to CEQA and can run from a Notice of Exemption (approximately \$500) to an Environmental Impact Report (EIR) that can be upwards of \$100,000 or more depending on the complexity of the agency and sphere. To date, Mendocino LAFCo has had insufficient funds to prepare CEQA documents above Exemptions for LAFCo-initiated SOI Updates. A Work Plan Contingency will allow some flexibility for SOI Update CEQA-related costs, which will better position staff and the Commission for emphasizing good planning principles rather than establishing SOIs limited by the costs of CEQA analysis.

The contingency would function like a reserve in that money not used in a fiscal year would accumulate for subsequent years in the Work Plan Contingency Account. This approach also allows for a buffer to support Work Plan efforts that are by nature not limited to a single fiscal year.

The Executive Committee recommends the apportionment fees remain at \$265,000 with the intent of allocating the cash balance of approximately \$30,815 to a Work Plan Contingency for FY 2022-23 (Table 3).

	Projected FY 2021-22 (\$)	Preliminary FY 2022-23 (\$)
Budget	200,675	263,800
Revenue/Funds		
<i>Anticipated Cash Balance Use</i>	0	0
Apportionment fees	265,000	265,000
Difference	64,425	1,300
Reserves		
Balance at beginning of FY	81,040	106,750
<i>Target Reserves balance per policy</i>	<i>\$106,750</i>	<i>115,950</i>
Estimated Remainder	38,715	(7,900)
<i>Proposed Work Plan Contingency</i>	<i>38,715</i>	<i>30,815</i>

NEXT STEPS

Budget development steps and schedule are set forth in the Mendocino LAFCo Policies and Procedures (Chapter 5) and Government Code Section 56381(a) and states that the Proposed Budget must be adopted by May 1st and the Final Budget by June 15th. The budget is based on a July 1 to June 30 fiscal year.

Budget Phase	Schedule
Preliminary Budget and Proposed Work Plan – Workshop	March 7
Proposed Budget and Work Plan – Public Hearing	April 4 or May 2
Final Budget and Work Plan – Public Hearing	May 2 or June 6

- Attachments: (1) Proposed Preliminary FY 2022-23 Budget
 (2) Proposed Preliminary Work Program
 (3) Summary of Changes from FY 2021-22 to FY 2022-23

Attachment 1

Mendocino Local Agency Formation Commission Proposed Preliminary Budget for FY 2022-2023

7-Mar-22

ACCOUNT #	DESCRIPTION	FY 2021-22		FY 2022-23
		Final	Projected	Prelim
REVENUE				
	<i>Anticipated Cash Balance</i>			
4000	LAFCO Apportionment Fees	\$ 265,000	\$ 265,000	\$ 265,000
4100	Service Charges			
4800	Miscellaneous			
4910	Interest Income	\$ 100	\$ 100	\$ 100
	Revenue Subtotal	\$ 265,100	\$ 265,100	\$ 265,100
EXPENSES				
5300	Basic Services (<i>EO, Analyst, Clerk</i>)	\$ 108,000	\$ 108,000	\$ 125,100
5500	Rent	\$ 5,775	\$ 5,904	\$ 6,500
5600	Office Expenses	\$ 3,300	\$ 3,300	\$ 3,300
5700	Internet & Website Costs	\$ 2,500	\$ 2,500	\$ 2,500
5900	Publication and Legal Notices	\$ 2,000	\$ 1,200	\$ 2,000
6000	Televising Meetings	\$ 2,000	\$ 1,500	\$ 2,000
6100	Audit Services	\$ 3,500	\$ 3,500	\$ 3,800
6200	Bookkeeping	\$ 4,500	\$ 4,500	\$ 4,500
6300	Legal Counsel	\$ 19,000	\$ 15,000	\$ 19,000
6400	A-87 Costs County Services	\$ 2,100	\$ 2,100	\$ 2,100
6500	Insurance-General Liability	\$ 2,450	\$ 2,601	\$ 3,200
6600	Memberships (<i>CALAFCO/CSDA</i>)	\$ 3,525	\$ 3,470	\$ 3,700
6670	GIS Contract with County (<i>Counsel training, IT support</i>)	\$ 2,500	\$ 1,500	\$ 2,000
6740	In-County Travel & Stipends	\$ 4,000	\$ 600	\$ 4,000
6750	Travel & Lodging Expense	\$ 6,250	\$ -	\$ 6,000
6800	Conferences (<i>Registrations</i>)	\$ 4,100	\$ -	\$ 4,100
7000	Work Plan (<i>MSRs and SOIs</i>)	\$ 51,500	\$ 45,000	\$ 70,000
	Operating Expense Total	\$ 227,000	\$ 200,675	\$ 263,800
	REVENUE/EXPENSE DIFFERENCE <i>(Negative balance indicates use of fund balance and/or reserves)</i>	\$ 38,100	\$ 64,425	\$ 1,300
RESERVES / CONTINGENCIES				
	Legal Reserves		\$ 50,000	\$ 50,000
	Operations Reserves @ 25% Annual Operating Budget		\$ 56,750	\$ 65,950
	Total Reserves		\$ 106,750	\$ 115,950
	<i>Anticipated Cash Balance</i>		\$ 38,715	\$ 30,815
	Proposed Work Plan Contingency			\$ 30,815

Attachment 2

Work Program (Basic Services and Work Plan) FY 2022-23 Preliminary Budget

Tasks	Description & Assumptions	Estimated Budget
Basic Services		
Office Hours & Administrative Duties	Clerk duties not related to projects; office hours; public assistance; PRA requests; budget development, tracking, amendments; accounts payable, QuickBooks; annual audit; EO correspondence; response to requests for Agency Comments for projects and/or environmental documents routed to LAFCo for review, etc.; carrying out Commission direction.	\$ 75,000
Commission & Committee Meetings	Commission & Committee meeting attendance (12 Regular and 8 Committee); agenda packet development, staff reports, presentations, minutes.	\$ 34,000
Work Plan Support	Prepare and distribute Public Notices, development of staff reports specifically related to MSR/SOI studies, presentation at Commission meetings for Public Workshops and Public Hearings.	\$ 5,000
Consult Legal Counsel	Contract allows for a minimum of 5 hours per month.	Current Contract
Application Processing	Process change of organization or reorganization applications initiated by landowner petition or resolution of application from Cities and Special Districts to modify existing powers, annex and/or detach territory from agency boundaries, and create, dissolve, or consolidate/merge local agencies.	Paid by applicant
Policy Development	Prepare expedited process for out-of-area water services; outreach and update SOI policy; policy amendment and development as needed.	\$ 10,000
Transparency Improvements to Website	Assess/implement website improvements (JPAs, maps, etc.); Post JPA Agreements on website (SB 1266).	\$ 1,100
Total		\$ 125,100
Work Plan		
MSR/SOI Update	Prepare and adopt combined Municipal Service Review and Sphere of Influence (MSR/SOI) Update studies pursuant to GOV §56425 and §56430, either in-house or by contract.	\$ 70,000
<p>The agencies listed below have priority for preparation of a LAFCo-initiated MSR/SOI Update in Fiscal Year 2022-23. The actual completion of a specific study may span multiple fiscal years. The budget allocation for each agency is based on estimated costs. Actual costs for study completion may be higher or lower than estimated below.</p> <p>Work Plan implementation is subject to change due to various factors, such as: (a) agency responsiveness and timely provision of requested information, (b) complexity of issues involved, (c) level of public and affected agency controversy, (d) changing needs and priorities, (e) overall staff workload, and (f) higher than anticipated costs.</p> <p>The Work Plan budget assumes minimal costs for CEQA compliance related to filing a Notice of Exemption (NOE). Agencies requesting a non-coterminous SOI may expedite a potential multi-fiscal year process by contributing to the cost of preparing an Initial Study and associated environmental document (ND/MND, EIR, etc.).</p>		
The total Work Plan Budget of \$70,000 is not limited to the following designations. These budget allocations may shift to other agencies as needed during the year.	City of Ukiah	\$ 15,000
	Ukiah Valley Sanitation District	\$ 10,000
	Coastal Water Districts (6)	\$ 20,000
	Inland Water Districts (8)	\$ 25,000
	Total	

Attachment 3

The proposed FY 2022-23 expenses are an increase of \$36,800 above the previous fiscal year as detailed in the table below.

Account No.	Account Description	FY 2021-22 (\$)	FY 2022-23 (\$)	Difference (\$)	Notes
5300	Basic Services	108,000	125,100	17,100	Anticipated increases in staffing needs for enhanced interagency coordination and regional collaborative efforts.
5500	Rent	5,775	6,500	725	Increase in rent of new office space and annual cost increment per contract (up to 5% per year)
6100	Audit Services	3,500	3,800	300	Increase per contract
6500	Insurance-General Liability	2,450	3,200	750	Anticipated increase
6600	Memberships (CALAFCO/CSDA)	3,525	3,700	175	Slight increase in CALAFCO and CSDA dues
6670	GIS Contract County	2,500	2,000	(500)	Decrease based on past few years of expenses and projected need
6750	Travel & Lodging Expenses	6,250	6,000	(250)	The 2022 CALAFCO Conference will be in Newport Beach; assumes expenses for three Commissioners
7000	Work Plan (MSR/SOI)	51,500	70,000	18,500	City of Ukiah, UVSD, all water districts
Difference				36,800	

MENDOCINO Local Agency Formation Commission

Staff Report

MEETING March 7, 2022
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Applications and Work Load**

RECOMMENDATION

Informational report.

BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 delegates Local Agency Formation Commissions (LAFCo) with regulatory and planning duties to coordinate the logical formation and development of local government agencies. This includes approving or disapproving proposals for reorganizations (i.e., annexations, detachments, dissolutions, etc.), activation of latent powers, sphere of influence amendments, and outside service agreements.

ACTIVE PROPOSALS

Following is a description of the status of each of the proposals currently on file with LAFCo. Also, see Attachment 1 Summary Table – Application Activity and Potential Future Proposals.

City of Ukiah Annexation of City-Owned Properties (File No. A-2021-01)

On February 22, 2021, LAFCo received an application from the City of Ukiah proposing to annex City-owned parcels that are used for government purposes and consisting of approximately 446 acres in total. Parcels include the City’s Wastewater Treatment Plant, solid waste transfer station, a portion of the municipal airport and open space. The application referral and notice to the County to initiate the tax share negotiation were routed and comments received. A revised application was submitted to LAFCo on February 25, 2022 and is being referred to affected agencies and County Auditor and Assessor. LAFCo and City staff have established regularly scheduled coordination meetings for the proposal.

City of Ukiah Detachment of UVSD Served Areas (File No. D-2020-01)

In April 2020, the City of Ukiah submitted a request to restart a 2014 application for detachment of Ukiah Valley Sanitation District (UVSD) served areas from the City that had been deemed incomplete and placed on-hold by the City in 2015. LAFCo staff responded to the City in May, requiring a new application submittal due to the lapse of time and change in conditions, as well as noting the application as premature pending completion of the UVSD SOI Update. The application will be processed concurrently with the City of Ukiah Municipal Service Review and Sphere of Influence Update. The City submitted an Appeal to the Commission of the Executive Officer’s determination that the application is incomplete (letter dated April 26, 2021). The Commission continued the item to June 7, 2021 (Item 5d). The Appeal has been temporarily placed on hold by the City.

City of Ukiah Pre-Application: Annexation of Areas North of the City (File No. P-2020-02)

Pre-Application request for consultation on the process and potential issues regarding the City's proposal to annex the Brush Street Triangle and Masonite area properties. Staff is coordinating with City staff regarding next steps in the process and timing of application processing.

Millview County Water District Pre-Application: Annexation of Masonite Properties (File No. P-2020-04)

Pre-Application request for consultation on process and draft documents associated with the MCWD's proposal to annex the Masonite area properties. LAFCo staff have participated in several conference calls with the District and its consultants regarding the proposal and has provided feedback on draft CEQA and application materials. LAFCo, as a Responsible Agency, submitted comments on the District's Draft Initial Study/Mitigated Negative Declaration on December 6, 2021.

POTENTIAL FUTURE PROPOSALS

LAFCo staff has been made aware of the following potential future proposals that may come before the Commission for consideration. Also see Attachment 1 Summary Table – Application Activity and Potential Future Proposals.

City of Ukiah Annexation of Western Hills (Hull Properties)

The City has routed a project referral package stating its intent to acquire and annex approximately 695 acres in the Western Hills for open space preservation, while allowing the potential for future low density residential development on the approximately 55 easternmost acres, consistent with existing development in the Western Hills within the City of Ukiah limits. On August 25, 2021, the City of Ukiah Planning Commission considered and recommended to the City Council approval of the Western Hills Open Land Acquisition and Limited Development Agreement Project and adoption of the Draft Initial Study and Mitigated Negative Declaration. The City Council adopted the project's CEQA document at its September 15, 2021.

Elk Community Services District Activation of Latent Powers for Wastewater Services

The ECSD is preparing an application to activate latent powers for the provision of wastewater services. The District will be assuming ownership and operation of a community leach field within the community of Elk. It is anticipated that the application will be submitted within the next month. Staff has been coordinating with District representatives in development of the application materials.

County Services Area 3 Activation of Latent Powers

County and LAFCo staff are coordinating on the proposed services to be offered through CSA 3, which is anticipated to be processed concurrently with the MSR/SOI Study for the district. The initial proposal is expected to be the Sherwood Road Pilot Project, a secondary access for the community of Brooktrails.

WORK PLAN

Local policy directs the Commission to annually adopt a Work Plan for purposes of providing a comprehensive overview of municipal service reviews and sphere of influence updates over the course of the fiscal year. This report provides an update on progress made in terms of accomplishing the activities scheduled in the Work Plan. This report also serves to inform the Commission of any changes in circumstances or priorities. See also Attachment 2 Summary Table – Work Plan Tracking and Status.

Attachments

1. Summary Table – Application Activity and Potential Future Proposals
2. Summary Table – Work Plan Tracking and Status

Attachment 1. Summary Table – Application Activity and Potential Future Proposals

APPLICATION ACTIVITY								
<i>Project status as of March 2, 2022</i>								
LAFCo File No.¹	Applicant	Project Name	Date Application Received	Certificate of Filing	LAFCo Hearing Date	Certificate of Completion	BOE Submittal Date	Additional Comments
A-2021-01	Ukiah	City of Ukiah Annexation of City-Owned Properties	3/1/2021 2/25/2022					Revised application received 2/25/2022
D-2020-01	Ukiah	City of Ukiah Detachment of UVSD Served Areas	2014; 4/29/2020					Incomplete
P-2020-02	Ukiah	City of Ukiah Pre-Application for Annexation of Areas North of the City	8/12/2020	N/A	N/A	N/A	N/A	Incomplete
P-2020-04	MCWD	Millview County Water District Pre-Application for Annexation of Masonite Properties	10/23/2020	N/A	N/A	N/A	N/A	Draft IS/MND comments submitted December 6, 2021
Potential Future Proposals								
N/A	Ukiah	City of Ukiah Annexation of Western Hills (Hull Properties)						City Council adopted CEQA MND in September 2021
N/A	ECSD	Elk Community Services District Activation of Latent Powers for Wastewater Services						
N/A	County	County Service Area 3 Activation of Latent Powers						

¹Key: A – Annexation
C – Consolidation
D – Detachment
F – Formation

L – Activation of Latent Powers
O – Out of Agency Service Agreement
P – Pre-application Review Request
R – Reorganization

Attachment 2. Summary Table – Work Plan Tracking and Status

FY 2021-22 ESTIMATED WORK PLAN IMPLEMENTATION SCHEDULE AND STATUS						
<i>Work Plan status as of March 2, 2022</i>						
Subject to Change: The estimated schedule and costs for the Fiscal Year 2021-22 Work Plan are subject to change based on agency responsiveness, timely provision of requested information, complexity of issues, level of public and affected agency controversy, and changing needs and priorities.						
CEQA: Based on LAFCo practice, the work plan assumes minimal costs for CEQA compliance related to preparing a Notice of Exemption, unless an agency proposes a non-coterminous SOI and pays for any necessary studies and preparation of a Negative Declaration or Environmental Impact Report.						
Rolling Work Plan: It is difficult to completely contain staff activities in a single fiscal year; therefore, completion of a study may roll over to the next fiscal year. This estimated work plan implementation schedule is intended to enhance communication and transparency.						
Agency	Request for Information	Admin Draft	Public Workshop	Public Hearing	Final Study	Status/Notes
Covelo CSD	Complete	Complete	7/12/21	9/13/21	9/24/21	Project complete and posted to website.
Ukiah Valley Fire District	Complete	Complete	9/13/21	10/4/21	10/8/21	Project complete and posted to website.
County Service Area 3	In progress	In progress	4/4/22 (Tentative)	5/2/22 (Tentative)	5/31/22 (Tentative)	<p>This will be the first MSR/SOI study for the CSA.</p> <p>Staff is coordinating with County staff on a weekly basis on development of the Administrative Draft. Also included in the coordination is advising the County on process and policy regarding activating latent powers for the CSA.</p> <p>The County is considering utilizing CSA 3 for a number of local and regional needs including Sherwood Road emergency access routes for the Brooktrails area. Other community needs and planning efforts are also being discussed among agencies such as fire and water services; however, the County is currently focused on implementing the Sherwood Road Pilot Project.</p>

Ukiah Valley Sanitation District	Ongoing	Pending	TBD	TBD	TBD	LAFCo and District staff have been meeting regularly to discuss approach and process for development of the MSR/SOI Update. Initially the intent was to utilize consultants to prepare the UVSD MSR/SOI Update; however, due to cost estimates submitted and budget limitations, LAFCo staff is proposing the in-house preparation of the Administrative Draft MSR, with UVSD staff support.
City of Ukiah	Pending	Pending	TBD	TBD	TBD	LAFCo and City staff have been meeting regularly to discuss approach and process for development of the MSR/SOI Update. LAFCo staff are proposing the in-house preparation of the study, which will coincide with the City's General Plan Update that is proceeding on a schedule that compliments the MSR/SOI Update schedule for 2022. Additionally, the coordination of planning processes will result in both being addressed in the General Plan EIR.

**MENDOCINO
Local Agency Formation Commission**

Staff Report

MEETING March 7, 2022
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **Correspondence**

RECOMMENDATION

Informational report.

Attachment: Executive Officer's Comment Letter to the Mendocino County Board of Supervisor's
 March 1, 2022 Board Meeting, Item 4e

MENDOCINO

Local Agency Formation Commission

Ukiah Valley Conference Center | 200 South School Street | Ukiah, California 95482
Telephone: (707) 463-4470 | E-mail: eo@mendolafco.org | Web: <http://mendolafco.org>

March 1, 2022

Honorable Mendocino County Board of Supervisors
501 Low Gap Road, Room 1010
Ukiah, CA 95482

RE: Request to Postpone Agenda Item 4e and Commence LAFCo Application Process

Dear Board of Supervisors,

I am writing to request that you postpone Agenda Item 4e related to next steps for implementing the County Service Area (CSA) 3 Zone of Benefit (ZOB) Pilot Project for the Sherwood Firewise Community and direct County staff to proceed with filing a LAFCo application to activate latent emergency access powers for the CSA 3 Sherwood Firewise Community service area.

While LAFCo does not have authority over ZOB creation, LAFCo does have authority over the powers, or services, of a CSA pursuant to GOV 25213.5(a). Services must be activated in order for the CSA Board of Directors to establish a valid zone of benefit and assessment for those services.

Providing emergency access is a critical fire safety need and I commend the efforts of the Sherwood Firewise Community and County staff to address this important issue. While I support addressing emergency access needs, I must express concern regarding the order of activities underway.

It is strongly recommended that the LAFCo application process occur before the public hearing to consider creation and assessment for the Sherwood Firewise Community ZOB, scheduled on March 17, 2022.

The LAFCo application process takes approximately 6-months to one-year and could result in changes to the proposed project scope or estimated service cost which could invalidate a ZOB creation and Prop 218 assessment process that occurs in advance. Further, there is no guarantee that the Commission will approve the proposal, and the LAFCo protest process may result in an election which could potentially be combined with the County Prop 218 process and enhance overall public transparency on the proposal.

Therefore, I respectfully request that you postpone the public hearing scheduled in the coming weeks and direct County staff to proceed with filing a LAFCo application to activate latent powers. Please feel free to contact me for additional information or with any questions.

Sincerely,



Uma Hinman
Executive Officer

Cc: Steve Dunncliff, Deputy CEO, Mendocino County
Nathaniel Raff, Deputy County Counsel, Mendocino County
Howard Dashiell, Department of Transportation Director, Mendocino County

**MENDOCINO
Local Agency Formation Commission**

Staff Report

MEETING March 7, 2022
TO Mendocino Local Agency Formation Commission
FROM Uma Hinman, Executive Officer
SUBJECT **CALAFCO Business and Legislative Report**

RECOMMENDATION

Informational report.

DISCUSSION

CALAFCO Business

CALAFCO's new Executive Director is Rene LaRoche who transitioned into the position at the beginning of the March.

Legislative Reports

The 2021 ALGC Legislative Summary is attached.

Attachment: AGLC 2021 Legislative Summary

2•0•2•1 LEGISLATIVE SUMMARY



Members:

Cecilia M. Aguiar-Curry, Chair
Tom Lackey, Vice Chair
Richard Bloom
Tasha Boerner Horvath
James C. Ramos
Luz M. Rivas
Robert Rivas
Randy Voepel

Consultants:

Angela Mapp
Jimmy MacDonald
Hank Brady

Secretary:

Marisa Lanchester

Assembly Fellow:

Brooke Pritchard

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0117
(916) 319-2083
FAX (916) 319-2099

MEMBERS
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ANGELA MAPP
PRINCIPAL CONSULTANT
JIMMY MACDONALD
CONSULTANT
HANK BRADY
COMMITTEE SECRETARY
MARISA LANCHESTER

December 15, 2021

TO ALL INTERESTED PARTIES:

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

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

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

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

Sincerely,

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

CALIFORNIA LEGISLATURE

Assembly Local Government Committee

2021 Legislative Bill Summary

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CONTRACTING AND PROCURMENT

AB-36 (Gallagher) - Design-build contracting: Town of Paradise

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

Status: Chapter 689, Statutes of 2021

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

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

Status: Chapter 48, Statutes of 2021

AB-394 (Arambula) - Fresno Metropolitan Flood Control District: contracts.

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

Status: Assembly-In Committee Process - Local Government

AB-577 (Gallagher) - County drainage districts: levee districts: reclamation districts.

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 95, Statutes of 2021

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

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

Status: Chapter 414, Statutes of 2021

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

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

Status: Chapter 32, Statutes of 2021

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

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

Status: Chapter 217, Statutes of 2021

ELECTIONS

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

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

Status: Chapter 462, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Elections

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

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

Status: Chapter 145, Statutes of 2021

ENERGY AND TELECOMMUNICATIONS

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

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

Status: Chapter 658, Statutes of 2021

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

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

Status: Chapter 467, Statutes of 2021

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

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

Status: Chapter 235, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 677, Statutes of 2021

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

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

Status: Vetoed

FINANCE

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 22, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 25, Statutes of 2021

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

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

Status: Chapter 120, Statutes of 2021

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

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

Status: Chapter 121, Statutes of 2021

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

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

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

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

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

Status: Chapter 233, Statutes of 2021

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

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

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

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Senate-In Committee Process - Appropriations

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

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

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

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

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

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

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 216, Statutes of 2021

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

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

Status: Chapter 35, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Appropriations

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

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

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

Status: Assembly-Failed Passage in Committee - Local Government

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

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

Status: Chapter 391, Statutes of 2021

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

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

Status: Chapter 36, Statutes of 2021

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

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

Status: Chapter 37, Statutes of 2021

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

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

Status: Chapter 38, Statutes of 2021

GOVERNANCE

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

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

Status: Chapter 22, Statutes of 2021

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

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

Status: Chapter 462, Statutes of 2021

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

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

Status: Senate-In Committee Process - Governance and Finance

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

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

Status: Assembly-In Committee Process - Local Government

AB-1021 (Mayes) - Imperial Irrigation District.

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

Status: Vetoed

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

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

Status: Assembly - Floor - Inactive File

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

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

Status: Chapter 272, Statutes of 2021

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

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

Status: Chapter 761, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Rules

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 342, Statutes of 2021

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

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

Status: Chapter 343, Statutes of 2021

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

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

Status: Chapter 346, Statutes of 2021

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

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

Status: Chapter 347, Statutes of 2021

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

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

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

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

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

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

AB-634 (Carrillo) - Density Bonus Law.

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

Status: Chapter 348, Statutes of 2021

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

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

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

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

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

Status: Assembly-In Committee Process - Local Government

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

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

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

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

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

Status: Chapter 120, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 350, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Natural Resources

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

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

Status: Chapter 154, Statutes of 2021

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

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

Status: Chapter 27, Statutes of 2021

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

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

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

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

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

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

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

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

Status: Assembly-In Committee Process - Natural Resources

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

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

Status: Chapter 710, Statutes of 2021

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

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

Status: Senate Floor

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

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

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

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

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

Status: Chapter 353, Statutes of 2021

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

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

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

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

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

Status: Chapter 235, Statutes of 2021

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

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

Status: Chapter 160, Statutes of 2021

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

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

Status: Chapter 62, Statutes of 2021

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

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

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

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 357, Statutes of 2021

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

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

Status: Senate-In Committee Process - Environmental Quality

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

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

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

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

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

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

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

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

Status: Chapter 358, Statutes of 2021

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

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

Status: Senate-In Committee Process - Appropriations

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

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

Status: Chapter 481, Statutes of 2021

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

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

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

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

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

Status: Chapter 718, Statutes of 2021

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

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

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

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

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

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

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

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

Status: Assembly – In Committee Process – Natural Resources

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

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

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

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

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

Status: Chapter 161, Statutes of 2021

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

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

Status: Chapter 162, Statutes of 2021

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

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

Status: Chapter 163, Statutes of 2021

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

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

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

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

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

Status: Chapter 307, Statutes of 2021

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

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

Status: Chapter 340, Statutes of 2021

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

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

Status: Chapter 385, Statutes of 2021

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

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

Status: Chapter 106, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Vetoed

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

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

Status: Chapter 363, Statutes of 2021

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

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

Status: Vetoed

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

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

Status: Chapter 644, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 365, Statutes of 2021

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

Allows local agencies to modify specified redevelopment passthrough agreements.

Status: Chapter 221, Statutes of 2021

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

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

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

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

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

Status: Chapter 366, Statutes of 2021

LOCAL AGENCY FORMATION COMMISSIONS

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

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

Status: Senate-In Committee Process - Governance and Finance

AB-1021 (Mayes) - Imperial Irrigation District.

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

Status: Vetoed

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

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

Status: Chapter 31, Statutes of 2021

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

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

Status: Chapter 482, Statutes of 2021

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

Repeals several obsolete statutes related to court reunification.

Status: Chapter 117, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 268, Statutes of 2021

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

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

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

Status: Senate-In Committee Process - Appropriations

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

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

Status: Chapter 33, Statutes of 2021

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

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

Status: Chapter 137, Statutes of 2021

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

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

Status: Chapter 291, Statutes of 2021

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

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

Status: Chapter 224, Statutes of 2021

TRANSPARENCY AND ACCOUNTABILITY

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Vetoed

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

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

Status: Chapter 165, Statutes of 2021

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

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

Status: Chapter 406, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Assembly-In Committee Process - Local Government

[SB-274 \(Wieckowski\) - Local government meetings: agenda and documents.](#)

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

Status: Chapter 763, Statutes of 2021

[SB-480 \(Stern\) - Metropolitan Water District of Southern California: rules: inappropriate conduct.](#)

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

Status: Assembly-In Floor Process

TRANSPORTATION

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

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

Status: Chapter 89, Statutes of 2021

[AB-476 \(Mullin\) - Department of Transportation: state highways: part-time transit lane pilot program.](#)

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

Status: Assembly-In Committee Process - Transportation

[AB-773 \(Nazarian\) - Street closures and designations.](#)

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

Status: Chapter 587, Statutes of 2021

[AB-784 \(Quirk\) - Alameda-Contra Costa Transit District.](#)

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

Status: Chapter 200, Statutes of 2021

[AB-970 \(McCarty\) - Planning and zoning: electric vehicle charging stations: permit application: approval.](#)

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

Status: Chapter 710, Statutes of 2021

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

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

Status: Assembly - Floor - Inactive File

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

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

Status: Chapter 272, Statutes of 2021

WATER

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

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

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

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

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

Status: Chapter 705, Statutes of 2021

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

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

Status: Senate-In Committee Process - Environmental Quality

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

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

Status: Chapter 241, Statutes of 2021

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

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

Status: Chapter 216, Statutes of 2021

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

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

Status: Chapter 242, Statutes of 2021

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

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

Status: Chapter 245, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Local Government

WILDFIRES

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

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

Status: Chapter 225, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Natural Resources

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

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

Status: Assembly-In Committee Process - Local Government

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

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

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

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