



**THIS MEETING WILL BE CONDUCTED UTILIZING TELECONFERENCING AND ELECTRONIC MEANS  
PURSUANT TO THE PROVISIONS OF AB 361.**

This meeting will be held remotely, please use the following link and directions:

<https://us06web.zoom.us/j/84499076833?pwd=MXR5WXNDdmhRbmd2KzNQdktSNTJwdz09>

Webinar ID: **844 9907 6833**

Password: **735462**

Call in number: **1 669 900 6833**

1. Submit **written** comment on any matter within the Commission's subject matter jurisdiction, regardless of whether it is on the agenda for Commission consideration or action. Submit your comment via email or U.S. mail. You may submit comments via email to [imarquez@slolafco.com](mailto:imarquez@slolafco.com). All correspondence is distributed to each Commissioner and will become part of the official record of the Commission meeting.
2. Submit **verbal** comment by calling (805) 781-5795; state and spell your name, mention the agenda item number you are calling about and leave your comment. Your comments will be distributed to each Commissioner and will become part of the official record of the Commission meeting.
3. Submit **live** comment by joining the meeting and press the "raise a hand" button or if joining by phone only, press \*9 to indicate a desire to make comment. The chair or staff will call you by name or phone number when it is your turn to comment; limited to 3 minutes per item.

\* If you are joining by Zoom & phone, still use the Zoom raise hand button as \*9 will **not** work.



# SAN LUIS OBISPO LAFCO

## Local Agency Formation Commission

### Meeting Agenda

March 17, 2022, at 9:00 a.m.

#### MISSION STATEMENT

The Local Agency Formation Commission is committed to serving the residents of San Luis Obispo County and the State of California by discouraging urban sprawl and encouraging the orderly formation and development of local agencies based on local conditions and circumstances.

#### COMMISSIONERS

Ed Waage, Chair, City  
Debbie Arnold, Vice-Chair, County  
Marshall Ochylski, Special District  
Robert Enns, Special District

Steve Gregory, City  
Lynn Compton, County  
Heather Jensen, Public

#### ALTERNATES

Ed Eby, Special District  
Charles Bourbeau, City  
David Watson, Public  
Dawn Ortiz-Legg, County

#### MEETING LOCATION

Zoom meeting information is provided on the Agenda Cover, our website, and down below in Meeting Access and Comments.

#### CONTACT INFORMATION

Rob Fitzroy, Executive Officer  
Phone: (805) 781-5795  
Fax: (805) 788-2072  
www.slolafco.com

#### MEETING ACCESS AND COMMENTS

##### LAFCO Commission Meetings Can be Viewed at:

<https://us06web.zoom.us/j/84499076833?pwd=MXR5WXNDdmhRbmd2KzNQdktSNTJwdz09>

Webinar ID: **844 9907 6833**

Password: **735462**

Call-in Number: **1 669 900 6833**

Public Comments: On the agenda cover page

#### MEETING AGENDA

##### Call to Order/Roll Call

##### Approval of the Minutes:

January 20, 2022 (Page 4 -11)



### **Non-Agenda Public Comment Period**

This is the period in which the Commission Clerk will read out loud all non-agenda public comments that were submitted on or before 1 p.m. on the Wednesday before the Commission meeting. Following, there will be an opportunity to provide live comments; each speaker will be limited to a three-minute presentation. Go to the Agenda cover for more details on how to submit public comment.

### **Regular Matters**

- A-1:** Resolution Regarding Commission Meetings Held by Teleconference as Provided by AB 361 (Recommend Review and Approve) (Page 12 - 17)
- A-2:** Outside User Agreement between City of Pismo Beach and Coastal Christian School (Emergency Water) LAFCO File No. 1-O-22 (Recommend Review and Approve) (Page 18 - 52)
- A-3:** California Association of Local Agency Formation Commissions (CALAFCO) Legislative Update and Letter of Support (Recommend Review and Approve) (Page 53 - 124)

### **Informational Matters**

- B-1:** Receive Notice of Submittal for Petition of Application for Annexation #12 to County Service Area 18 - LAFCO File No. 1-O-22 (Receive and File) (Page 125)

### **Commissioner Comments**

### **Legal Counsel Comments**

### **Executive Officer Comments**

### **Adjournment**

**Note:** 1.) In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate at this meeting, please contact the Clerk at 805-781-5795. Notification provided a minimum of 48 hours prior to the meeting will enable the Clerk to make reasonable arrangements to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically disabled. 2.) It is required by Government Code Section 84308 that a participant in a LAFCO proceeding who has a financial interest in the decision and who has made a campaign contribution of more than \$250 to any Commissioner within (12) months prior, must disclose the contribution. If you are affected, please notify Commission Staff before the hearing.



**SAN LUIS OBISPO  
LOCAL AGENCY FORMATION COMMISSION  
JANUARY 20, 2022, MEETING MINUTES**

**Call to Order**

The San Luis Obispo Local Agency Formation Commission (LAFCO) meeting was called to order at 1:03 p.m. on Thursday, May 20, 2021, by Chairperson Robert Enns pursuant to the COVID-19 provisions of the Governor's Executive Order AB 361.

**Roll Call**

**Present:** Chairperson Robert Enns, Vice-Chair Ed Waage, Commissioners Debbie Arnold, Lynn Compton, Steve Gregory, and Alternate Commissioners Ed Eby and Heather Jensen.

**Absent:** Commissioner Marshall Ochylski and Alternate Commissioners Charles Bourbeau and Dawn Ortiz-Legg.

**Staff:** Rob Fitzroy, LAFCO Executive Officer  
Brian Pierik, LAFCO Legal Counsel  
Imelda Marquez, LAFCO Analyst  
Celine Vuong, LAFCO Commission Clerk

**Ms. Vuong** announced that Alternate Commissioner Heather Jensen and Ed Eby would be sitting in as regular members.

**Selection of the 2022 Chair and Vice-Chair**

**Commissioner Arnold** nominated Commissioner Waage as Chair to the Commission for 2022.

**Commissioner Compton** seconded the motion.

**AYES:** Commissioners Arnold, Compton, Gregory, Jensen, Waage, Eby and Chairperson Enns

**NAYS:** None

**ABSTAINING:** None

The motion was passed with a unanimous roll call vote.

**Commissioner Enns** nominated Commissioner Arnold as Vice-Chair to the Commission for 2022.

**Commissioner Compton** seconded the motion.



AYES: Commissioners Enns, Compton, Arnold, Gregory, Jensen, Eby and Chairperson Waage

NAYS: None

ABSTAINING: None

The motion was passed with a unanimous roll call vote.

**Presentation of a Certificate of Appreciation to Chair Robert Enns for his service as Chair**

**Commissioners** thanked former Chairperson Enns for a great year of service.

**Approval of the Minutes:** November 18, 2021, (Regular & Special Meeting)

**Chairperson Waage** requested certain corrections to the minutes and announced the consideration of approval for the November 18, 2021, Regular and Special Meeting Minutes.

**Chairperson Waage** asked if any written or live non-agenda public comment requests were received.

**Ms. Marquez** reported that no written public comments were received and one public member attending the meeting wished to comment.

**Greg Greywall** expressed his frustration with trying to connect to the zoom meeting.

**Chairperson Waage** closed public comment and asked for a motion to approve the Minutes.

**Vice-Chair Arnold** motioned to approve the minutes.

**Commissioner Gregory** seconded the motion.

AYES: Commissioners Arnold, Gregory, Compton, Eby, Jensen, Enns, and Chairperson Waage

NAYS: None

ABSTAINING: None

The motion was passed with a unanimous roll call vote.

**Non-Agenda Public Comments**

**Chairperson Waage** asked if any written or live non-agenda public comment requests were

received.

**Ms. Marquez** reported that no written public comments were received and one public member attending the meeting wished to comment.

**Greg Greywall** provided the Commission with his perspective on the Shandon San Juan Water District.

**Consent**

**A-1:** Resolution Regarding Commission Meetings Held by Teleconference as Provided by AB 361 (Recommend Review and Approve)

**Chairperson Waage** asked if any written or live non-agenda public comment requests were received.

Seeing none, **Chairperson Waage** closed public comment and asked for a motion.

**Vice-Chair Arnold** motioned to approve the resolution.

**Commissioner Compton** seconded the motion.

AYES: Commissioners Arnold, Compton, Eby, Enns, Gregory, Jensen, and Chairperson Waage

NAYS: None

ABSTAINING: None

The motion was passed with a unanimous roll call vote.

**Informational Matters**

**B-1:** Notice of Petition of Application for Annexation #1 to Shandon-San Juan Water District (Receive and File)

**Mr. Fitzroy** presented the item.

**Commissioners** asked clarifying questions followed by **Chairperson Waage** opening public comment.

**Ms. Marquez** reported that no written public comments were received and one public member attending the meeting wished to comment.

**Greg Greywall** shared his perspective on the new annexation application and the recent detachments to the Shandon San Juan Water District.

**Chairperson Waage** closed public comment and announced the item was received and filed.

**Regular Matters**

**C-1:** Second Quarter Fiscal Year 2021-2022 LAFCO Budget Status Report (Recommend Review and Approve)

**Mr. Fitzroy** presented the item.

**Chairperson Waage** opened the item for Commissioner comments or questions, hearing none.

**Chairperson Waage** asked if any written or live comments from the public were received.

**Ms. Marquez** reported that there were no submitted or live public comment requests.

**Chairperson Waage** asked for any Commissioner questions or a motion.

**Commissioner Arnold** made a motion to approve staff recommendation.

**Commissioner Enns** seconded the motion.

AYES: Commissioners Arnold, Enns, Compton, Eby, Gregory, Jensen, and Chairperson Waage

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

**C-2:** 2021 Annual Report and 2022 Proposed Work-Plan (Recommend Review and Approve)

**Mr. Fitzroy** presented the item.

**Chairperson Waage** opened the item for Commissioner comments.

**Commissioner Jensen** and **Chairperson Waage** expressed support for the new approach.

**Commissioner Enns** asked whether LAFCO has adequate staff for the workload.

**Mr. Fitzroy** responded to Commissioners.

**Chairperson Waage** asked if any written or live comments from the public were received.

**Ms. Marquez** reported that there were no submitted or live public comment requests.

**Chairperson Waage** asked for any Commissioner questions or a motion.

**Commissioner Arnold** made a motion to approve staff recommendation.

**Commissioner Gregory** seconded the motion.

AYES: Commissioners Arnold, Gregory, Compton, Eby, Enns, Jensen, and Chairperson Waage

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

**C-3:** Sphere of Influence Amendment for the City of Morro Bay (Panorama Lots)  
LAFCO File No. 1-S-21 (Recommend Review and Approve)

**Mr. Fitzroy** and **Ms. Marquez** presented the item.

Following staff's presentation **Scot Graham**, City of Morro Bay Community Development Director, presented on behalf of the City.

**Chairperson Waage** opened the item for Commissioner comments.

**Commissioner Eby, Enns** and **Jensen** asked clarifying questions.

**Mr. Fitzroy** responded to questions and concerns.

**Chairperson Waage** mentioned he had a similar question to Commissioner Enns but that it had already been answered and that it appeared that the project would be more restricted under the City.

**Chairperson Waage** announced that a written public comments had been received and asked if there were any live comments from the public.

**Ms. Marquez** reported that there were several live public comment requests.

**Residents of Morro Bay** (listed below) provided public comment to the Commission. In

summary, two expressed support on moving the lots into the Sphere of influence and the remaining comments expressed concern on the following topics; land slide risks, hazards, easements, Environmental Impact Report, LAFCO mission statements, history of landslides, urban sprawl. List of commenters on item C-3: Susan Hammond, Tina Metzger, Betty Winholtz, Donald Headland, Dan Stanley, Ric Deschler, Joel Thomas, Nancy Dickenson.

**Chairperson Waage** closed public comment and asked for any additional Commissioner questions or comments.

**Commissioner Ed Eby** expressed three points of concern towards the project.

**Commissioners Compton** and **Chairperson Waage** reiterated what the action was and addressed some confusion revolving the sphere amendment.

**Chairperson Waage** asked for additional comments or a motion.

**Commissioner Arnold** made a motion to approve action 1 of staff recommendation for CEQA compliance.

**Commissioner Enns** seconded the motion.

AYES: Commissioners Arnold, Enns, Compton, Jensen, and Chairperson Waage

NAYS: Commissioner Eby

ABSTAINING: None

The motion passed with five (5) ayes and one (1) nay.

**Mr. Fitzroy** clarified that Commissioner Gregory was no longer in attendance; therefore, he did not vote on this item and any that followed.

**Commissioner Arnold** made a motion to approve action 2 of staff recommendation for approval of the resolution.

**Commissioner Compton** seconded the motion.

AYES: Commissioners Arnold, Compton, Enns, Jensen, and Chairperson Waage

NAYS: Commissioner Eby

ABSTAINING: None

The motion passed with five (5) ayes and one (1) nay.

**C-4:** Consider Appointment of a Public Member to the Commission (Consider Appointment)

**Mr. Fitzroy** presented the item.

**Chairperson Waage** allowed each of the two candidates (David Watson followed by Heather Jensen) to speak about themselves and their interest to serve on the Commission.

**Chairperson Waage** asked if any written or live comments from the public were received.

**Ms. Marquez** reported that there were no submitted or live public comment requests.

**Chairperson Waage** asked for any Commissioner questions or comments.

**Commissioner Compton, Enns, Arnold** and **Chairperson Waage** thanked both candidates and recommended Heather Jensen as the Regular Public member and David Watson as the Alternate Public Member.

**Chairperson Waage** asked for a motion.

**Commissioner Compton** made a motion to appoint Heather Jensen as the Regular Public Member.

**Commissioner Enns** seconded the motion.

AYES: Commissioners Compton, Enns, Eby, Arnold, and Chairperson Waage

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

**Commissioner Arnold** made a motion to appoint David Watson as the Alternate Public Member.

**Commissioner Compton** seconded the motion.

AYES: Commissioners Arnold, Compton, Eby, Enns, and Chairperson Waage

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

**Commissioner Comments:** None

**Legal Counsel Comments:** None

**Executive Officer Comments:** **Mr. Fitzroy** announced the recent changes to the LAFCO County Commissioner positions, and upcoming elections for the City and Special District positions.

**Adjournment:** With no further business before the Commission, the meeting adjourned at 3:27 p.m. until the next meeting of the Commission pursuant to Governor's Executive Orders, depending upon the progression of the COVID-19 pandemic.

**THESE MINUTES ARE NOT OFFICIAL NOR ARE THEY A PERMANENT PART OF THE RECORD UNTIL THEY ARE APPROVED BY LAFCO COMMISSIONERS AT THE NEXT REGULAR MEETING.**

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Respectfully submitted,  
Imelda Marquez, LAFCO Analyst



LAFCO - San Luis Obispo - Local Agency Formation Commission  
SLO LAFCO - Serving the Area of San Luis Obispo County

**COMMISSIONERS**

Chairperson  
ED WAAGE  
City Member

Vice-Chair  
DEBBIE ARNOLD  
County Member

LYNN COMPTON  
County Member

MARSHALL OCHYLSKI  
Special District Member

ROBERT ENNS  
Special District Member

STEVE GREGORY  
City Member

HEATHER JENSEN  
Public Member

**ALTERNATES**

DAWN ORTIZ-LEGG  
County Member

ED EBY  
Special District Member

CHARLES BOURBEAU  
City Member

David Watson  
Public Member

**STAFF**

ROB FITZROY  
Executive Officer

BRIAN A. PIERIK  
Legal Counsel

IMELDA MARQUEZ  
Analyst

**TO: MEMBERS, FORMATION COMMISSION**

**FROM: BRIAN PIERIK, LEGAL COUNSEL**

**DATE: MARCH 17, 2022**

**SUBJECT: RESOLUTION REGARDING COMMISSION MEETINGS HELD BY TELECONFERENCE AS PROVIDED BY AB361**

**Recommendation.** Adopt Resolution of the San Luis Obispo Local Agency Formation Commission Proclaiming the Continuing Need to Meet by Teleconference Pursuant to Government Code Section 54953 (e).

**Discussion.** All meetings of the San Luis Obispo Local Agency Formation Commission ("Commission") are open and public as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963).

Before COVID-19, Section 54953(b) of the Brown Act allowed for teleconferencing if the public agency complied with the following requirements:

1. At least a quorum of the members of the legislative body must participate from locations within the boundaries within the jurisdiction of the local agency.
2. An agenda shall be posted at all teleconference locations.
3. Each teleconference location shall be identified in the notice and agenda of the meeting.
4. Each teleconference location shall be accessible to the public.

Due to COVID-19, Governor Newsom temporarily suspended compliance with these requirements and as a result, city officials were allowed to teleconference from locations such as their homes without needing to open up those homes or other locations for entry by members of the public. However, Governor Newsom's temporary suspension of such rules expired on September 30, 2021.

AB 361 allows the modified teleconferencing rules to continue, subject to the existence of certain requirements of Government Code Section 54953 (e).



Government Code section 54953(e)(1), which was adopted by AB 361, lists the circumstances under which a local agency may use such modified teleconferencing procedures, as follows:

(1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

March 4, 2020, Governor Newsom declared a State of Emergency as a result of the COVID-19 pandemic.

The State of Emergency remains in effect and COVID-19 continues to threaten the health and lives of the public and the Delta and Omicron variants are highly transmissible in indoor settings.

For these reasons, the recommended action is for the Commission to adopt the Resolution of the San Luis Obispo Local Agency Formation Commission Proclaiming The Continuing Need To Meet By Teleconference Pursuant To Government Code Section 54953 (e), Attachment A to this Staff Report.

The attached Resolution will authorize the Commission to hold teleconference meetings within the requirements of AB 361 but does not prohibit the Commission from holding in person meetings in the future.

If the state of emergency ends or if the Commission decides to rescind the Resolution, then meetings of the Commission must comply with the pre-COVID teleconferencing rules of 54953(b) described earlier in this Staff Report.

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**Attachment A:** Resolution of the San Luis Obispo Local Agency Formation Commission Proclaiming The Continuing Need To Meet By Teleconference Pursuant To Government Code Section 54953 (e)

# **Attachment A**

Resolution of the San Luis Obispo Local Agency Formation  
Commission Proclaiming The Continuing Need To Meet By  
Teleconference Pursuant To Government Code Section  
54953 (e)

**IN THE LOCAL AGENCY FORMATION COMMISSION  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Thursday, March 17, 2022

**PRESENT:**

**ABSENT:**

**RESOLUTION NO. 2022-XX**

**RESOLUTION OF THE SAN LUIS OBISPO LOCAL AGENCY FORMATION COMMISSION  
PROCLAIMING THE CONTINUING NEED TO MEET BY TELECONFERENCE PURSUANT  
TO GOVERNMENT CODE SECTION 54953 (e)**

**WHEREAS**, all meetings of the San Luis Obispo Local Agency Formation Commission are open and public as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963); 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**, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the COVID-19 pandemic; and

**WHEREAS**, such State of Emergency remains in effect; and

**WHEREAS**, COVID-19 continues to threaten the health and lives of the public; and

**WHEREAS**, the Delta and Omicron variants are highly transmissible in indoor settings; and

**WHEREAS**, breakthrough cases are becoming more common

**WHEREAS**, on January 20, 2022, the Commission adopted a Resolution Proclaiming The Continuing Need To Meet By Teleconference Pursuant To Government Code Section 54953

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Local Agency Formation Commission of the County of San Luis Obispo, State of California (“Commission”), as follows:

1. Recitals. The Recitals set forth hereinabove are true and correct and are hereby incorporated by this reference.







**LAFCO - San Luis Obispo - Local Agency Formation Commission**  
*SLO LAFCO - Serving the Area of San Luis Obispo County*

**COMMISSIONERS**

Chairperson  
ED WAAGE  
City Member

Vice-Chair  
DEBBIE ARNOLD  
County Member

LYNN COMPTON  
County Member

MARSHALL OCHYLSKI  
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David Watson  
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**STAFF**

ROB FITZROY  
Executive Officer

BRIAN A. PIERIK  
Legal Counsel

IMELDA MARQUEZ  
Analyst

**TO: MEMBERS OF THE COMMISSION**

**FROM: ROB FITZROY, EXECUTIVE OFFICER**

**DATE: MARCH 17, 2022**

**SUBJECT: LAFCO FILE 1-O-22: OUTSIDE USER AGREEMENT BETWEEN CITY OF PISMO BEACH AND COASTAL CHRISTIAN SCHOOL (EMERGENCY WATER)**

**Recommendation.** It is respectfully recommended that the Commission consider taking the following actions.

**Action 1:**

Acting as Responsible Agency find, by motion, that the environmental documentation adopted by the County (Mitigated Negative Declaration Addendum) is adequate to meet the requirements of the California Environmental Quality Act (CEQA), as provided in Attachment C.

**Action 2:**

Approve by resolution the Outside User Agreement (Attachment D) for emergency water only between the City of Pismo Beach and Coastal Christian School, with the following conditions:

1. The final Outside User Agreement shall be provided to the LAFCO Executive Officer and shall be in substantial conformance with the draft attached hereto.
2. This condition applies to the extent allowed by law. The applicant agrees to defend, indemnify, hold harmless and release the San Luis Obispo Local Agency Formation Commission (LAFCO), its officers, employees, attorneys, or agents from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul, in whole or in part, LAFCO's action on the proposal or on the environmental documents submitted to or prepared by LAFCO in connection with the proposal. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys' fees, and expert witness fees that may be asserted by any person or entity, including the Applicant, arising out of or in connection with the application. In the event of

such indemnification, LAFCO expressly reserves the right to provide its own defense at the reasonable expense of the applicant.

## **PROJECT OVERVIEW**

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### **Project Proponents:**

City of Pismo Beach

### **Certificate of Filing:**

Issued on February 14, 2022.

### **Acreage and Location:**

The territory proposed for an outside user agreement (OUA) is the Coastal Christian School site located on 1005 N. Oak Park Boulevard in Pismo Beach. The property is approximately 23.7 acres within unincorporated County but within the City of Pismo Beach's Sphere of Influence. A vicinity map is shown in Attachment A.

### **APN:**

079-261-012

### **Timeline:**

In May 2021, the County of San Luis Obispo, as Lead Agency, approved a new Conditional Use Permit and adopted an addendum to the negative declaration for the Coastal Christian School (County File No. DRC2020-00144). As Responsible Agency, LAFCO will be relying upon the Negative Declaration for compliance with CEQA.

In November 2021, the City approved Resolution 2021-092 (Attachment B) initiating proceedings for the proposed OUA before LAFCO today.

On January 25, 2022, the City applied to LAFCO with the OUA proposal.

On February 14, 2022, within the 30-day response requirement period, staff deemed the application to be complete and a Certificate of Filing was issued to the applicant.

### **Background:**

The Coastal Christian School was granted a Conditional Use Permit by the County of San Luis Obispo in 2012 to construct private educational school buildings and ancillary outdoor facilities

for transitional kindergarten through the twelfth grade. The County conditioned the project such that it was required to obtain water from private on-site wells from within the property. Among other County conditions the school was required to obtain an OUA for municipal wastewater services from the City of Pismo Beach. This OUA application for wastewater service from the city was approved by LAFCO in August 2013. The campus opened in 2014. The master plan envisioned the school's campus being developed in two phases. Phase I has been constructed and includes the current classrooms, offices, sports courts, and supporting infrastructure. Phase II will include a multipurpose building which will house a gymnasium, twelve classrooms, an administrative office, and a kitchen, as well as sports fields. Some revisions were desired for Phase II, and the applicant obtain a new Conditional Use Permit from the County in May 2021 that included some revisions to the originally approved Phase II of the project. Overall, the revised project approved by the County in May 2021 would result in a reduction in overall development intensity. The County adopted an addendum to the previously prepared Mitigated Negative Declaration, which essentially concluded that the revised project would not have any new physical environmental impacts, refer to Attachment C.

**Proposed Emergency Water System:**

The current water system for the campus consists of five 5,000-gallon tanks which supply a total of 25,000 gallons for fire suppression and a separate tank for domestic water use. To meet fire suppression requirements for Phase II, the fire system must be able to provide 1,500 gallons per minute (gpm) for two hours. The onsite well can only provide a maximum of 70 gpm, which means the school's current water system will require a 180,000-gallon reservoir for fire suppression storage. However, if the school is able to utilize the City's water system, it would only need to construct two additional 5,000-gallon tanks for fire suppression storage.

If the OUA is approved by LAFCO, the school's fire suppression system would be connected to the City's water system via a 6-inch water meter and any water used would be billed at an outside user's rate (if emergency water is ever used), which is higher than water delivered within the City's boundaries to account for the additional costs associated with serving an outside user. Once the two new 5,000 gallon fire suppression tanks are constructed, they would be filled from the school's existing well. A float valve would be installed in the fire suppression tanks that would turn on the City's water supply only if the level in the tanks drop below a predetermined level, which would only occur if there was a fire that required the use of the onsite fire hydrants.

**Draft OUA:**

The draft OUA is provided in Exhibit A of Attachment D. In summary, the OUA stipulates the following.

1. The City will provide water service for fire suppression only as long as the Coastal Christian School install all the infrastructure needed to provide said service.



2. The location of any water improvements for fire suppression, including a water meter to ensure water is only taken during such time the on-site well is unable to provide adequate fire suppression storage and flow.
3. Terms and Conditions on use of water for fire suppression.

## **ACTION 1 | ENVIRONMENTAL DETERMINATION**

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### **Environmental Determination:**

The revised Conditional Use Permit was approved with an Addendum to the original Mitigated Negative Declaration. Per the requirements of CEQA, a Responsible Agency relies on the Lead Agencies environmental documentation to approve the portion of the project under its jurisdiction. LAFCO acting as Responsible Agency will rely upon the Mitigated Negative Declaration Addendum for compliance with CEQA with respect to the OUA for emergency water use. Staff has determined that the Mitigated Negative Declaration Addendum is adequate for the proposed action before LAFCO.

In summary, the Lead Agency may prepare an addendum to an adopted negative declaration where all of the following apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration.

Based on the County's determination all the above conditions applied. The basis for this conclusion is described in Attachment C. In addition, please refer to the original Mitigated Negative Declaration for further discussion about all potentially significant issues originally identified for the proposed project also found in Attachment C.

## **ACTION 2 | OUTSIDE USER AGREEMENT**

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The Cortese-Knox-Hertzberg Act, Government Code Section 56133, states that:

*“(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission of the county in which the affected territory is located.”*

*“(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.”*

On January 25, 2022, the City of Pismo Beach submitted the application to LAFCO. The intent of the OUA is to provide emergency water for fire suppression purposes only. Per government code section 56133, as stated above, LAFCO approval would be necessary to proceed with providing Coastal Christian the service. It is important to note that the property is within the City's SOI and by default, under the SOI, it is eligible for annexation in the future and OUA's are permissible. It should also be noted that the proposed OUA is for emergency purposes only to meet fire flow suppression requirements, it would not be a regular day to day "service" provided by the City. Water supply would continue to be provided by on-site wells as required by the County's Conditional Use Permit. For these reasons, staff has determined that the proposed OUA is consistent with Section 56133.

## **STAFF RECOMMENDATION**

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At the conclusion of its consideration, the Commission may approve the request, with or without amendment, wholly, partially, or conditionally, or disapprove the request. The Commission has discretion in light of the whole record to make its decision. If your Commission moves to approve the OUA, staff recommends that one roll call vote be taken for each of the following actions:

### **Action 1:**

Acting as Responsible Agency find, by motion, that the environmental documentation adopted by the County (Mitigated Negative Declaration Addendum) is adequate to meet the requirements of the California Environmental Quality Act (CEQA), as provided in Attachment C.

### **Action 2:**

Approve by resolution the Outside User Agreement (Attachment D) for emergency water only between the City of Pismo Beach and Coastal Christian School, with the following conditions:

1. The final Outside User Agreement shall be provided to the LAFCO Executive Officer and shall be in substantial conformance with the draft attached hereto.
2. This condition applies to the extent allowed by law. The applicant agrees to defend, indemnify, hold harmless and release the San Luis Obispo Local Agency Formation Commission (LAFCO), its officers, employees, attorneys, or agents from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul, in whole or in part, LAFCO's action on the proposal or on the environmental documents submitted to or prepared by LAFCO in connection with the proposal. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys' fees, and expert witness fees that may be asserted by any person or entity, including the Applicant, arising out of or in connection with the application. In the event

of such indemnification, LAFCO expressly reserves the right to provide its own defense at the reasonable expense of the applicant.

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**Attachment A:** Vicinity Map

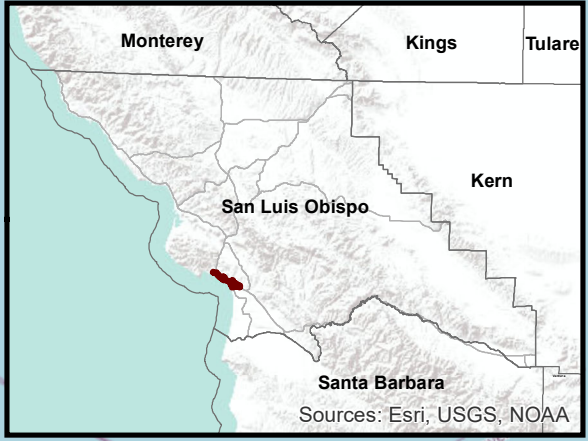
**Attachment B:** City of Pismo Beach Resolution 2021-092

**Attachment C:** County Approved Mitigated Negative Declaration & Addendum




**Attachment D:** Draft LAFCO Resolution with Outside User Agreement attached as **Exhibit A**

# Attachment A

## Vicinity Map

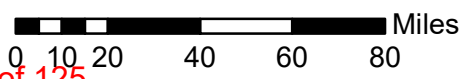


**LAFCO File No. 1-O-22 | OUA for the City of Pismo Beach**

- Legend**
-  Sphere of Influence
  -  Service Area
  -  Affected Territory

**APNs in Affected Territory: 079-261-012**

**Acres: 23.7**



Prepared By SLOLAFCO  
 Name: 1-O-22 OUA-PB-CCS  
 Date: 3/1/2022

A-2-8

# **Attachment B**

City of Pismo Beach Resolution 2021-092



**RESOLUTION NO. R-2021-092**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH, CALIFORNIA APPROVING A REQUEST BY COASTAL CHRISTIAN SCHOOL FOR THE CITY OF PISMO BEACH TO PROVIDE EMERGENCY FIRE SUPPRESSION WATER TO THE SCHOOL'S CAMPUS AT 1005 NORTH OAK PARK BOULEVARD; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH COASTAL CHRISTIAN SCHOOL FOR OFF-SITE EMERGENCY FIRE SUPPRESSION WATER SERVICE IF APPROVED BY THE SAN LUIS OBISPO LOCAL AGENCY FORMATION COMMISSION (LAFCO)**

---

**WHEREAS**, Coastal Christian School is located at 1005 North Oak Park Boulevard outside Pismo Beach city limits, but within its sphere of influence; and

**WHEREAS**, Phase I of the current campus was opened in 2014 and includes the current classrooms, offices, sports courts, and supporting infrastructure; and

**WHEREAS**, to meet fire suppression requirements for the campus's Phase II, the fire system must be able to provide 1,500 gallons per minute (gpm) for two hours, which means the school's current water system would require a 180,000-gallon reservoir for fire suppression storage; however if the school is able to utilize the City's water system, it would only need to construct two additional 5,000-gallon tanks for fire suppression storage; and

**WHEREAS**, the school's fire suppression system will be connected to City's water system via a 6-inch water meter and any water used would be billed at an outside user's rate pursuant to Pismo Beach Municipal Code Section 13.08.140(B); and

**WHEREAS**, once the two new fire suppression tanks are constructed, they will be filled from the school's existing well and a float valve will be installed that will turn on the City's water supply only if the level in the tanks drop below a predetermined level established by the Director of Public Works/City Engineer that would only occur if there was a fire that required the use of the onsite fire hydrants; and


**WHEREAS**, Coastal Christian School will be required to pay for all costs associated with permitting and construction of the proposed improvements, including any LAFCO fees.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Pismo Beach hereby approves the request by Coastal Christian School for the City of Pismo Beach to provide emergency fire suppression water to the school's campus located at 1005 North Oak Park Boulevard and authorizes the City Manager to execute an agreement (**Exhibit A**) with Coastal Christian School for off-site emergency fire suppression water service if approved by LAFCO, incorporating among other matters, the requirements set forth in the recitals herein.

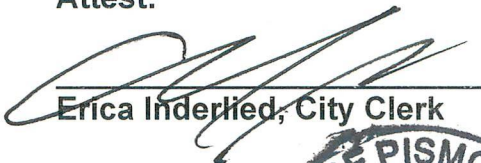
UPON MOTION OF Council Member Blake, seconded by Council Member Newton, the foregoing resolution was adopted by the City Council of the City of Pismo Beach this 16<sup>th</sup> day of November 2021, by the following vote:

AYES: 5 Blake, Newton, Guthrie, Reiss, Waage  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0  
RECUSED: 0

Approved:

  
Ed Waage, Mayor

Attest:

  
Erica Inderlied, City Clerk





# Attachment C

## County Approved Mitigated Negative Declaration & Addendum

**NOTE:** Due to file size, we have only included the Addendum and the Mitigated Negative Declaration can be on the LAFCO website at <http://www.slolafco.com/meetings-in-2022.html>



**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING & BUILDING**  
**NEGATIVE DECLARATION ADDENDUM**

**PLN-2041**  
**06/13/2019**

**ENVIRONMENTAL DETERMINATION NO.** ED21-090

**DATE:** May 18, 2021

**PROJECT/ENTITLEMENT:** Coastal Christian School Conditional Use Permit Amendment DRC2020-00144

**APPLICANT NAME:** Coastal Christian School (Tom Dobyns) **Email:** tdobyns53@gmail.com

**ADDRESS:** 1005 N Oak Park Boulevard

**CONTACT PERSON:** Carol Florence (Oasis Associates)

**Telephone:** 805.541.4509

**PROPOSED USES/INTENT:** Request by COASTAL CHRISTIAN SCHOOL for a Conditional Use Permit (DRC2020-00144) to amend the existing Conditional Use Permit (DRC2008-00021) to allow the following modifications to the previously approved campus masterplan: elimination of all eight development phases, elimination of the 12-year limit to Phase 0 (temporary campus buildings) and allow continued use of the structures, elimination of a secondary access requirement, revision to campus layout with a new (consolidated) 39,103 square foot multi-purpose building, relocation of ancillary outdoor facilities and elimination of sports field night-time lighting and turf installation prohibition. No changes are proposed to previously approved 600 students/50 staff capacity at buildout and granted height exception allowing buildings up to 40 feet (from 35 feet). Requested modifications will result in reduction to previously approved number of building structures, square footage and site disturbance. The project will result in approximately 9.6 acres of site disturbance over a 23.7-acre parcel.

**LOCATION:** The project is located on the west side of Oak Park Boulevard between James Way and Noyes Road, (at 705 North Oak Park Boulevard). The site is immediately adjacent to the city limits of Pismo Beach and Arroyo Grande. The site is in the San Luis Bay (Inland) Planning Area.

**LEAD AGENCY:** **County of San Luis Obispo**  
**Dept of Planning & Building**  
**976 Osos Street, Rm. 200**  
**San Luis Obispo, CA 93408-2040**  
**Website:** <http://www.sloplanning.org>

**Findings:** Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162), the Lead Agency may prepare an addendum to an adopted negative declaration where all of the following apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration.

Based on staff's determination that all the above conditions apply, an addendum to the adopted Negative Declaration is appropriate. The basis for this conclusion is described in the following section. In addition, please refer to the original Negative Declaration for further discussion about all potentially significant issues originally identified for the proposed project.

## ATTACHMENT 6

**Basis for Addendum:** The following describes why the proposed changes will not result in any significant additional impact.

The County adopted a Mitigated Negative Declaration (DRC2008-00021 / ED08-078) that analyzed the project's impacts and provided mitigation measures for the following issue areas: 1) aesthetics; 2) biological resources; 3) air quality; 4) noise; 5) transportation/ circulation; 6 water; 7) wastewater; and 8) land use.

Coastal Christian School has requested several amendments to the conditions of approval such as the following: 1) elimination of project phases and time-limits; 2) elimination of the 12-year limit to Phase 0 (temporary campus) and allow for continued use of the modular structures; 3) elimination of secondary access; 4) revision to campus masterplan with a new (consolidated) multi-purpose building and relocation of ancillary outdoor facilities; 5) elimination of sports field night-time lighting; and 6) elimination of turf prohibition and allow turf only on multi-use sports field.

The amended campus masterplan consolidates multiple buildings and sports fields into one multi-purpose building and one multi-use sports field. The proposed modifications result in a smaller building floor area, decreased landscaped areas, and overall development footprint and site disturbance. The conclusions and mitigation measures provided in the Mitigated Negative Declaration (MND) prepared for the original project (DRC2008-00021 / ED08-078) remain adequate for the revised project, with further discussion on several identified impact areas below.

### **Aesthetics (Light & Glare)**

Light and glare impacts from general building exterior and security lighting were identified in the previous environmental review for the DRC2008-00021 CUP and an exterior lighting plan will be required at the time of building permit (Mitigation Measure AE-4/ Condition of Approval 8). Introduction of sports field lighting may increase the identified light and glare impact previously analyzed in the adopted Mitigated Negative Declaration (2008). However, the overall light and glare impacts would not be more severe than previously analyzed due to the following reasons:

1. The amended campus layout consolidated several sports fields into one multi-use sports field, tucked at the rear of the site. Previous masterplan has several sports fields, some located adjacent to the Oak Park Road. The proposed consolidated Multi-purpose building (40' high) will provide partial screening of the night-time glare, as seen from the surrounding residential neighborhoods.
2. The consolidated, multi-use sports field is screened by existing rows of trees, providing natural light diffuser/filters that may help reduce the overall glare.
3. The proposed MUSCO LED lighting is an advanced, sophisticated system that allow uniform throw angle without 'loss' or outward glow compared to older sports field lighting technology.
4. The amended campus, with consolidated multi-use sports field at the rear is a practical site design due to the existing constraints of the site i.e. abrupt shift in terrain, identified geographical and biological concerns.
5. The school is located close to the commercial zone and away from the semi-rural residential neighborhoods. Allowing night-time sports field lighting up to 10pm will be consistent with the general exterior lighting character of the surrounding commercial parcels and school operations.

The impacts from the night-time lighting can be mitigated to a level of less than significant, with Mitigation Measure AE-4, supplemented with a comprehensive sports field lighting plan that meets standards set forth by the Illuminating Engineers Society and International Dark Sky Association (revised Condition 8).

## ATTACHMENT 6

### Water

The 2008 MND hydrogeologic analysis presented several findings; 1) the existing onsite well is adequate to serve the proposed school, 2) school water demands will not cause deep, confined aquifer to enter a state of overdraft, and 3) the school well will not significantly interfere with Arroyo Grande's municipal wells or domestic wells in the deep aquifer. The main concern identified was potential significant impact arising from assignment of the well or project site's appropriative water rights to the City of Pismo Beach or another municipal entity, which means extraction will not necessarily be limited to the school's demand only. Therefore, the project was required to enter into a restrictive covenant (mitigation agreement) recorded on title (perpetuity) that preclude municipal use of the project site's groundwater. This Mitigation Measure (W-1)/ Condition 22 has been satisfied (Recorded Doc. 2014-001929).

The approved masterplan (2012) included several landscaped areas, which are subject to water saving measures per Condition 7c. Since the previous CUP approval in 2012, the County adopted Model Water Efficient Landscape Ordinance (MWELO) in 2015. This ordinance is a state mandated requirement to increase water efficiency standards for new and retrofitted landscapes through encouraging the use of more efficient irrigation systems, graywater usage, onsite stormwater capture, and limiting usage of turf. Based on the above and additional reasons below, installation of turf in the multi-purpose sports field would not cause a significant increase in impacts to water resource because:

1. The proposed amended campus consolidated multiple sports fields and structures and as such, reduced the overall landscaping areas compared to the previously approved campus layout,
2. The existing well capacity has a production of 70 gpm and is evaluated to be capable of meeting the max day demand of 13,000 gallons/day (at max. school buildout) in less than 3.1 hours (*Water System TMF Report, Wallace Group, April 2021*),
3. The 2008 MND mitigation measure (W-1) / Condition 22 is satisfied and drought tolerant/ native planting and usage of low-flow plumbing fixtures are still valid conditions of the CUP and will be required for the amended project.
4. Installation of the sports field landscaping is estimated to increase water demand by 10,000 to 15,000 gallons/day and the school will provide a separate water storage and plumbing system for turf irrigation so water usage can be separately and closely monitored (*Water System TMF Report, Wallace Group, April 2021*),
5. In severe drought, the School has identified additional water restriction measures such as shower/water usage reduction and kitchen service suspension. Implementation of the identified measures will reduce water demand accordingly (*Water System TMF Report, Wallace Group, April 2021*).
6. The school established a small public water system to the satisfaction of County Environmental Health and is subject to ongoing operation/maintenance report requirements including water quality and serve capacity.

The impacts from the additional turf installation (only on the sports field) can be mitigated to a level of less than significant, with Mitigation Measure W-1/ Condition 22 fulfilled, and expanded water saving requirements in the revised Condition 7c.

**Traffic/ Circulation**

The previously approved project required a total of 184 car space 19 bicycle spaces by Phase 3 (full buildout campus). With the amended campus design, a new total of 98 parking spaces and 10 bicycles space will be required. The proposed project complies with the parking ordinance by providing 105 parking and 11 bicycle spaces in the revised campus masterplan.

As for the secondary access, Cal Fire code update in 2019 eliminated the need for a secondary access per Section 503.1.2.1 for Maximum Dead End Road Lengths. This is because the project site (23.7 acres) does not exceed the max road length for a parcel larger than 20 acres (*updated CalFire Fire Safety letter date Sept 9, 2020*).

The previously approved project required a traffic signal warrant study to be prepared in Phase 3 (anticipated 600 students/ 50 faculty buildout capacity). With the elimination of development phases, the applicant conducted the study at 550 and 600 student capacity, with a 2% growth rate applied to the overall traffic volume on Oak Park Boulevard. The study concluded no signalization is required at the entrance on Oak Park Boulevard at this moment, and recommends additional signal warrant analysis when enrollment exceeds 550 students (*Central Coast Transportation Consulting, Dec 4, 2020*). Public Works Dept supports the study findings and the amended project because all applicable frontage improvements satisfied till date will support the amended project as proposed (*Public Works, April 2021*).

The amendments requested will not result in any new impacts that has not been identified in the previous environmental review. With the revised project conditions, the mitigation measures in the original Mitigated Negative Dealation still adequately address the issue areas.

**Additional Information:** Additional information pertaining to this environmental determination may be obtained by contacting the Lead Agency at the above address or telephone number.

ATTACHMENT 6





# NEGATIVE DECLARATION & NOTICE OF DETERMINATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

FOR OFFICIAL USE ONLY (MTC)

DATE: October 14, 2010

ENVIRONMENTAL DETERMINATION NO. ED08-078

PROJECT/ENTITLEMENT: Coastal Christian School Conditional Use Permit and Land Use Ordinance Amendment (County File Numbers: DRC2008-00021 and LRP2008-00011)

APPLICANT NAME: Coastal Christian School

ADDRESS: 1220 Farrol Rd., Arroyo Grande, CA 93420

CONTACT PERSON: John Mack

Telephone: 805-440-8812

**PROPOSED USES/INTENT:** Request by Coastal Christian School for a Land Use Ordinance Amendment (LRP2008-00011) and a Conditional Use Permit (DRC2008-00021) to allow the phased development of a private K-12 school. The proposal would involve an amendment to Section 22.106.020F.2 of the Land Use Ordinance to allow the proposed school to be served by an on-site well, rather than municipal water service. The Conditional Use Permit would authorize grading for (with site disturbance of approximately 15.74 acres) and construction of approximately 85,852 square feet in school buildings and ancillary outdoor facilities (e.g. sports fields, pool, parking lots, gardens, etc.). The proposal also includes a request for an adjustment to the 35-foot height limitation to allow the gymnasium building to have a height of approximately 36 feet, 6 inches. Construction would occur in eight phases over a 10-year period. Upon completion of the first phase, the school will serve approximately 200 students with 20 faculty/staff members; at buildout, the school will serve approximately 600 students with 50 faculty/staff members. The project will result in approximately 15.74 acres of site disturbance over a 26.8-acre parcel. The project is within the Rural Lands land use category.

**LOCATION:** The project is located on the west side of Oak Park Boulevard between James Way and Noyes Road, (at 705 North Oak Park Boulevard). The site is immediately adjacent to the city limits of Pismo Beach and Arroyo Grande. The site is in the San Luis Bay (Inland) Planning Area.

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
976 Osos Street, Rm. 200  
San Luis Obispo, CA 93408-2040

**OTHER POTENTIAL PERMITTING AGENCIES:** LAFCO, Regional Water Quality Control Board, County Environmental Health, US Army Corps of Engineers, California Department of Fish and Game

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT** ..... 4:30 p.m. on **October 28, 2010**

**30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

## Notice of Determination

State Clearinghouse No. 2010101031

This is to advise that the San Luis Obispo County \_\_\_\_\_ as  **Lead Agency**  
 **Responsible Agency** approved the above described project on 12/14/2010, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,  
976 Osos Street, Room 300, San Luis Obispo, CA 93408-2040

*Schani Siong for*  
ssiong@co.slo.ca.us  
805.781.4374

Michael Conger

County of San Luis Obispo

# **Attachment D**

Draft LAFCO Resolution with Outside User Agreement  
attached as Exhibit A



**IN THE LOCAL AGENCY FORMATION COMMISSION**  
**COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Thursday, March 17, 2022

**PRESENT:**

**ABSENT:**

**RESOLUTION NO. 2022-XX**

**RESOLUTION APPROVING AN OUTSIDE USER AGREEMENT  
FOR THE CITY OF PISMO BEACH**

The following resolution is now offered and read:

**WHEREAS**, pursuant to Government Code Section 56133, a request was filed with this Commission to consider an Outside User Agreement (Exhibit A) between the Coastal Christian School and the City of Pismo Beach for the provision of emergency water service for fire suppression (File # 1-O-22); and

**WHEREAS**, such requested Outside User Agreement is within the Sphere of Influence established for City of Pismo Beach; and

**WHEREAS**, on November 16, 2021, the City Council of Pismo Beach considered and approved a request by Coastal Christian School subject to LAFCO approval; and

**WHEREAS**, on February 14, 2022, the Executive Officer filed a Certificate of Filing regarding a request to consider the Outside User Agreement proposal for the City of Pismo Beach; and

**WHEREAS**, following the issuance of the certificate of filing, the executive officer proceeded to set the proposal for hearing not more than 90 days after the application was deemed to have been accepted per government code section 56658. The hearing was held on March 17, 2022, consistent with government code section 56428(d); and

**WHEREAS**, the Executive Officer has determined that the proposed Outside User Agreement is consistent with government code section 56133; and,

**WHEREAS**, the public hearing was duly conducted, and a decision was made on Thursday,

March 17, 2022; and

**WHEREAS**, the Executive Officer has given the notices required by law and forwarded copies of his report to officers, persons and public agencies prescribed by law; and

**WHEREAS**, at said hearing this Commission heard and received all oral and written protests, objections and evidence, which were made, presented or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to the proposal and report; and

**WHEREAS** the Commission, acting as a Responsible Agency, determined that the environmental review and documentation adopted by the County of San Luis Obispo consisting of a Mitigated Negative Declaration and Addendum to the Coastal Christian School Conditional Use Permit Amendment DRC2020-00144 meets the requirements of the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Commission duly considered the proposal and finds that the Outside User Agreement between the Coastal Christian School and City of Pismo Beach should be approved based on the terms and conditions of the agreement such that the City will provide emergency water service only for fire suppression to the area.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Local Agency Formation Commission of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the Mitigated Negative Declaration and Addendum adopted by the County of San Luis Obispo was reviewed, considered, and determined to be adequate for purposes specified in Section 15096 of the CEQA Guidelines and for use in considering approval of the proposed Outside User Agreement.
3. That the Executive Officer of this Commission is authorized and directed to send copies of this resolution in the manner provided by law.



**APPROVED AS TO FORM AND LEGAL EFFECT:**

\_\_\_\_\_  
Brian Pierik  
LAFCO Legal Counsel

\_\_\_\_\_  
Date

DRAFT

**Exhibit A: Outside User Agreement between the City of  
Pismo Beach and Coastal Christian School**

Recording Requested by and  
When recorded return to:

City of Pismo Beach  
760 Mattie Road  
Pismo Beach, California 93449

*For Recorder's use only*

**EXTRA-TERRITORIAL SERVICE AND OFFSITE INFRASTRUCTURE  
AGREEMENT BETWEEN COASTAL CHRISTIAN SCHOOL AND CITY OF  
PISMO BEACH**

THIS AGREEMENT is made and entered into effective the \_\_\_\_\_ day of \_\_\_\_\_, 2021, ("Effective Date") by and between the CITY OF PISMO BEACH, a California municipal corporation (hereinafter referred to as "CITY"), and COASTAL CHRISTIAN SCHOOL, (hereinafter referred to as "CCS").

**RECITALS**

**WHEREAS**, CCS intends to construct a new multi-purpose building including a gym, classrooms, and administrative functions, sports fields, and related parking. The proposed school site is located near the intersection of James Way and Oak Park Boulevard at 1005 North Oak Park Boulevard, and is more specifically referred to as San Luis Obispo County Assessor's Parcel Number 079-261-012 ("Property"); and

**WHEREAS**, Phase 0 of the proposed school serves predominately grades K – 6, and the new multi-purpose building will include expanded classrooms for grades 7 – 12. The facilities are designed for approximately six hundred (600) students and fifty (50) faculty/staff members; and

**WHEREAS**, CCS anticipates the multi-purpose building will be constructed and operational on the Property by the 2023 school year. The actual timing for construction will be subject to funding availability and other factors; and

**WHEREAS**, under an existing Extra-Territorial Service and Offsite Infrastructure Agreement between CCS and the City, sewer service is currently provided to the Property; and



**WHEREAS**, there is no municipal water service currently available to the Property, which relies on well water for domestic water supply; and

**WHEREAS**, the Property is within CITY's sphere of influence, but is currently outside of CITY's limit boundary; and

**WHEREAS**, CCS does not desire to annex the Property to CITY, and City does not desire to annex the Property to CITY at this time; and

**WHEREAS**, CITY has available water service for fire suppression which may be extended to the Property, and CITY is willing to provide water service to the Property for fire suppression only, so long as CCS installs all infrastructure needed to provide CITY fire suppression service to the Property, and CCS agrees to install said infrastructure in accordance with the provisions of this Agreement.

**NOW, THEREFORE**, in consideration of the mutual covenants set forth herein and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereto agree as follows:

1. Location for Connection to CITY Municipal Water Main. CCS and CITY acknowledge the nearest CITY municipal water main to serve the Property is located at 921 Oak Park Boulevard #204 on APN 002-404-001. Connection to CITY's municipal water system by CCS shall be made at this location, or other location approved in writing by the City's director of public works.
2. Location of Water Improvements for Fire Suppression to be Constructed at CCS's Expense. CCS shall design and construct at its sole responsibility and expense, the following water improvements for fire suppression: water meter, double check detector assembly, approximately 1,760 linear feet of 12-inch diameter water main, and an air gap separation into one or more polyethylene water storage tanks ("Water Improvements"). The Water Improvements shall ensure that water from the CITY's municipal water system shall only be taken for use on the Property during such time as the well on the Property is unable to provide adequate fire suppression storage and flow to the Property, or for annual testing of fire suppression systems. The CITY's municipal water system shall not be used to fill or top off the water tank(s) except as previously described. CCS acknowledges and agrees that any use of CITY water other than for fire suppression purposes will constitute a material breach of the Agreement, entitling CITY to immediately terminate the Agreement and terminate water service to the Property. CCS shall also permit CITY to install on the Property an antenna array and associated infrastructure to support CITY's advanced metering infrastructure (AMI) system. The installation of such antenna array and associated equipment shall be at CITY's sole expense. Notwithstanding the foregoing sentence, at such time as CITY adopts a requirement for AMI water meters to be installed within the CITY, CCS shall install, at CCS's sole cost and expense, such AMI water meters as are directed by CITY to measure the water service provided under this Agreement. Furthermore, in the event of any



termination of this Agreement, City shall be entitled to maintain the antenna array and associated infrastructure after the date of termination, regardless of how the Agreement is terminated. CCS grants City a non-exclusive license to maintain the antenna array and associated infrastructure on the Property that shall only be subject to termination after CCS provides City 365 days' advance written notice of termination.

3. Water Fire Suppression Facility Improvement Plans for Water Improvements. Prior to installation of the Water Improvements, CCS shall submit engineered water improvement plans, prepared by a Registered Civil Engineer, to CITY's Department of Public Works, for review and approval by CITY. CITY approval, at CITY's sole discretion, shall be required before construction and operation of the Water Improvements by CCS.
4. Compliance with Alignments and Permits. CCS is solely responsible to ensure that construction of the Water Improvements shall follow an alignment acceptable to CITY. CCS shall obtain all necessary permits from CITY and any other applicable agencies to ensure the Water Improvements are in compliance with CITY Public Works Standard Specifications and Drawings.
5. Easements Required for Water Improvements. CCS shall secure and, if necessary, pay for all easements required for the construction and installation of the Water Improvements. Any easements and deeds for the Water Improvements shall be recorded by CCS prior to approval of improvement plans for the Water Improvements.
6. Construction of Water Improvements. The Water Improvements shall be constructed in accordance with CITY Public Works Standard Specifications and Drawings, policies, conditions and ordinances. All improvements and materials for the Water Improvements shall be done, performed and installed in strict accordance with the approved construction plans for said work, on file with the Public Works Director/City Engineer for CITY, and the CITY's Public Works Standard Specifications and Drawings, which construction plans and Public Works Standard Specifications and Drawings are incorporated herein by reference and made a part of this Agreement. In the event there are not Public Works Standard Specifications and Drawings for any of the improvements or materials associated with the construction of the Water Improvements, it is agreed that the same shall be done, performed and installed in accordance with the standards and specifications of the State of California, Department of Transportation (CalTrans). CCS agrees it will correct any and all deficiencies in the construction and installation of the Water Improvements identified by CITY's Public Works Director/City Engineer or Public Works Department.
7. Coordination of Work by CCS and Notice to CITY. It shall be the responsibility of CCS to coordinate all work done by its contractors and subcontractors, such as scheduling the sequence of operations and the determination of liability if one operation delays another. In no case shall representatives of CITY be placed in the position of making decisions that are the responsibility of CCS. It shall further be the responsibility of CCS to give CITY's Public Works Director/City Engineer written notice not less than



two (2) working days in advance of the actual date on which work is to be started on the Water Improvements. All improvements associated with the Improvements must be inspected by CITY, and CCS shall request CITY inspections in accordance with CITY polices, conditions and ordinances. Failure on the part of CCS to notify CITY's Public Works Director/City Engineer of either the actual date on which work is to be started or to request CITY inspections may cause delay for which CCS shall be solely responsible.

8. Notice for CITY Inspections. Whenever CCS varies the period during which work is carried on each day, it shall give due notice to CITY's Public Works Director/City Engineer so that proper inspection by CITY may be provided. If CCS fails to duly notify CITY as herein required, any work done in the absence of CITY's Public Works Director/City Engineer will be subject to rejection. The inspection of the improvements and materials associated with the Water Improvements shall not relieve CCS of any of its obligations to fulfill this Agreement as prescribed. Defective work shall be repaired or otherwise made good by CCS, and unsuitable materials may be rejected by CITY, notwithstanding the fact that such defective work and unsuitable materials may have been previously overlooked by CITY's Public Works Director/City Engineer and accepted.

9. Inspection Fees and Permits. CCS shall pay all applicable inspection fees and obtain all necessary construction permits to ensure the Water Improvements are in compliance with CITY's Public Works Standard Specifications and Drawings, conditions, policies and ordinances. The Water Improvements shall comply with CITY Public Works Standard Specifications, conditions, policies and ordinances related to providing water service, including but not limited to payment by CCS to CITY of all CITY water impact and water connection charges established in CITY's Master Fee Schedule. Said fees shall be paid by CCS to CITY at the time CITY approves engineered improvements plans for the Water Improvements submitted by CCS. CCS shall also reimburse CITY its reasonable costs of staff review of the Water Improvement plans, and legal review of associated documentation supporting this Agreement.

10. Maintenance of Water Improvements Prior to Acceptance by CITY. Until the Water Improvements are dedicated to and accepted by CITY, if ever, CCS shall, at its sole cost and expense, maintain, repair and replace the Water Improvements. CCS's obligation to maintain, repair and replace the Water Improvements shall include, without limitation, any maintenance, repair, replacement or modification of the Water Improvements that may be required by CITY. Should CCS fail to maintain, repair and replace the Water Improvements required by this paragraph, CITY shall have the right, but not the obligation, to maintain, repair and replace the Water Improvements. Should CITY elect to maintain, repair and replace the Water Improvements pursuant to this paragraph, CCS shall reimburse CITY and all fees, costs and expenses incurred by CITY to maintain, repair and replace the Water Improvements within ten (10) days after the date of invoice from CITY.

11. Maintenance of Private Water Facilities. All Water facilities installed by CCS related to the Property not part of the Water Improvements, including the installation of Water facilities from the point of connection with the Water Improvements, including the



connection itself, upstream to and including facilities in the Property site or within private streets, shall be private ("Private Water Facilities"). It is the sole responsibility of CCS to repair, maintain and replace all Private Water Facilities, and CITY shall have no responsibility or liability for these Private Water Facilities. CCS shall obtain all necessary permits or other approvals necessary for constructing and connecting CCS's Private Water Facilities to the Water Improvements.

12. Dedication of Water Improvements to City: Upon completion of the Water Improvements by CCS:

- a. CCS shall make an irrevocable offer of dedication, free of charge, of the Water Improvements to CITY. CITY shall have the right, but not the obligation, to accept the offer of dedication at such time as it determines in its sole discretion, if ever.
- b. All easements necessary for the Water Improvements shall be conveyed to CITY and shall be in a form acceptable to CITY.
- c. CCS shall remedy any defective work or labor or any defective materials relating to the construction and installation of the Water Improvements and pay for any damage to other work or improvements resulting therefrom which shall occur within a period of one (1) year from the date of CITY's acceptance of the Water Improvements.

13. CITY to Provide Water Services. Upon CCS's full and complete performance of all of CCS's obligations and responsibilities under this Agreement, CITY agrees to provide CCS's Property with water services from CITY's municipal water system for fire suppression purposes only. As a result, the parties anticipate that in most months during the term of this Agreement, there shall be no water flow from the City's water system to the Property. In the event CCS uses water from CITY's municipal water system for purposes other than fire suppression or annual testing of fire suppression systems, CITY may, at its option, declare CCS to be in breach of this Agreement and terminate water service to the Property immediately without notice. CITY's obligation to provide CCS's Property with water services from CITY's municipal water system is conditioned upon CITY and CCS obtaining the consent of all applicable governmental agencies, including but not limited to LAFCo. As a condition to providing water service, to aid CITY in correctly billing CCS for water services, CITY shall have the right of access to all water meters, including any irrigation meter(s) located on the Property. CCS shall promptly repair or replace damaged water meters. In the event water meters are not present on the property, CCS agrees to install at CCS's sole expense such meters as will enable CITY to accurately determine the amount of water being taken from the CITY's water system for use on the Property.

14. Additional Provisions. The following provisions shall apply to this entire Agreement:

- a. Continuing Obligations and Responsibilities of CCS. CCS agrees to promptly pay to City any and all fees for water service supplied by City to CCS's Property. All fees



listed in CITY's Master Fee Schedule are regularly updated and amended from time to time by CITY's City Council. Notwithstanding any other section of this Agreement, the fees and rates set forth by the Master Fee Schedule, as currently in effect or as it may be amended, are incorporated herein and shall have precedence over any fees listed in this Agreement and attached exhibits, if any. CCS is responsible to pay the fees and rates as set forth by the Master Fee Schedule. CCS agrees to maintain its water service accounts with CITY in a current status.

b. CCS acknowledges that extraterritorial water service results in additional administrative expense to the CITY, both for billing and infrastructure planning purposes. Therefore, CCS acknowledges that the fees and rates charged to CCS for water service will be higher than those charged to a comparable facility within the City limits. Should CCS's Property be annexed into the City under subsection d. below, the additional administrative fees and charges charged to CCS will be eliminated.

c. CCS acknowledges and agrees that should its water service account with CITY become sixty (60) days delinquent, City shall have the right, at CITY's sole option, to discontinue water service to CCS's Property and to terminate this Agreement. Otherwise, this Agreement shall remain in effect unless and until either party gives the other party a minimum of one year's advance written notice of termination.

d. Consent to Future Annexation. In further consideration of CITY's agreement to provide water services from CITY's water system to CCS's Property in accordance with the provisions of this Agreement, CCS agrees not to oppose or protest, in any way, the future annexation of CCS's Property to CITY and to pay CCS's share of all applicable fees and charges CITY or any other governmental agency may require at the time of annexation of CCS's Property to CITY. CCS will sign a petition to annex the Property when asked by CITY.

15. Covenants Running with the Land. CCS acknowledges and agrees that all of CCS's covenants, agreements, promises, representations and warranties as set forth in this Agreement are covenants running with CCS's Property as defined in the applicable provisions of Civil Code Sections 1457 et seq. CCS's covenants, agreements, promises, representations and warranties as contained in this Agreement, shall run with CCS's Property and shall be binding on CCS and CCS's successors and assigns and all parties and persons claiming under them. Within thirty (30) days of execution by the last party to sign this Agreement, CCS agrees to record a copy of this Agreement as a covenant running with the land.

16. Successors and Assigns. The covenants and agreements contained in this Agreement shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of the parties hereto. CCS may not assign its rights and/or obligations under this Agreement without the prior written consent of City, which consent shall not be unreasonably withheld. Any such consent by CITY shall not, in any way, relieve CCS of its obligations and responsibilities under this Agreement.



17. Notices. Any notice required or intended to be given to either party under the terms of this Agreement shall be in writing and shall be deemed to be duly given if delivered personally, transmitted by facsimile followed by telephone confirmation of receipt, or sent by United States registered or certified mail, with postage prepaid, return receipt requested, addressed to the party to which notice is to be given at the party's address set forth on the signature page of this Agreement or at such other address as the parties may from time to time designate by written notice. Notices served by United States mail in the manner above described shall be deemed sufficiently served or given at the time of the mailing thereof.

16. Binding. Once this Agreement is signed by all parties, it shall be binding upon, and shall inure to the benefit of, all parties, and each parties' respective heirs, successors, assigns, transferees, agents, servants, employees and representatives.

17. Compliance With Law. In providing the services required under this Agreement, CCS shall at all times comply with all applicable laws of the United States, the State of California, County of San Luis Obispo and CITY, and with all applicable regulations promulgated by federal, state, regional, or local administrative and regulatory agencies, now in force and as they may be enacted, issued, or amended during the term of this Agreement. CCS, not CITY, is responsible for determining applicability of and compliance with all local, State and federal laws. CITY makes no representations regarding the applicability of any such laws to this Agreement, the project, or the parties' respective rights or obligations under this Agreement including, without limitation, payment of prevailing wages, competitive bidding, subcontractor listing, or other matters. CITY shall not be liable or responsible, in law or equity, to any person for CCS's failure to comply with any such laws, whether CITY knew or should have known of the need for CCS to comply, or whether CITY failed to notify CCS of the need to comply. CCS is referred to CITY's Department of Public Works, to obtain the current prevailing wage rates, to the extent said rates are applicable to the construction of any of the improvements regarding the Water Improvements.

18. Waiver. The waiver by either party of a breach by the other of any provision of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement. No provisions of this Agreement may be waived unless in writing and signed by all parties to this Agreement. Waiver of anyone provision herein shall not be deemed to be a waiver of any other provision herein.

19. Indemnification of City: To the greatest extent allowed by law, CCS shall indemnify, hold harmless and defend CITY and each of its elected and appointed officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by CITY, CCS or any other person, and from any and all claims, demands, liabilities, damages and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of the performance



or non-performance of this Agreement or the performance or non-performance of any or all work to be done in and upon the street rights-of-way, the Property, and premises adjacent thereto, pursuant to this Agreement, or arising or alleged to have arisen directly or indirectly in any way related to the construction, installation and operation of the Water Improvements by anyone occupying any portion of CCS's property, including, without limitation, any such claims, causes of action, damages, liabilities, fees, costs, expenses and attorney fees arising from water quality compliance, or lack of flow capacity in the Water Improvements. CCS's obligations under the preceding sentence shall apply regardless of whether CCS or any of its officers, officials, boards, employees, agents or volunteers are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active or sole negligence, or the willful misconduct, of CITY or any of its elected or appointed officers, officials, employees, agents or volunteers.

20. If CCS should subcontract all or any portion of the work to be performed under this Agreement, CCS shall require each subcontractor to indemnify, hold harmless and defend CITY and each of its elected and appointed officers, officials, employees, agents and volunteers in accordance with the terms of the preceding paragraph. Notwithstanding the preceding sentence, any subcontractor who is a "design professional," as defined in Section 2782.8 of the California Civil Code, shall, in lieu of indemnity requirements set forth in the preceding paragraph, be required to indemnify, hold harmless and defend CITY and each of its elected and appointed officers, officials, employees, agency and volunteers, to the furthest extent allowed by law, from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage), and from any and all claims, demands and actions in law or equity (including reasonable attorney's fees and litigation expenses) that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the design professional, its principals, officers, employees, agents or volunteers in the performance of this Agreement. CCS further agrees that the use for any purpose and by any person of any and all of the Water Improvements, and other water improvements specified in this Agreement, shall be at the sole and exclusive risk of CCS at all times prior to final acceptance by CITY of the completed improvements described herein. This section shall survive termination or expiration of this Agreement.

21. Public Health, Safety and Welfare. Nothing contained in this Agreement shall limit CITY's authority to exercise its police powers, governmental authority or take other appropriate actions to address threats to public health, safety and welfare, including temporarily suspending water services as deemed appropriate by CITY in its sole determination and discretion.

22. Governing Law and Venue. This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of California, excluding, however, any conflict of laws rule which would apply the law of another jurisdiction. Venue for purposes of the filing of any action regarding the enforcement or interpretation of this



Agreement and any rights and duties hereunder shall be San Luis Obispo County, California.

23. Headings. The section headings in this Agreement are for convenience and reference only and shall not be construed or held in any way to explain, modify or add to the interpretation or meaning of the provisions of this Agreement.

24. Severability. The provisions of this Agreement are severable. The invalidity or unenforceability of anyone provision in this Agreement shall not affect the other provisions.

25. Interpretation. The parties acknowledge that this Agreement in its final form is the result of the combined efforts of the parties and that, should any provision of this Agreement be found to be ambiguous in any way, such ambiguity shall not be resolved by construing this Agreement in favor of or against either party, but rather by construing the terms in accordance with their generally accepted meaning.

26. Attorney's Fees. If either party is required to commence any proceeding or legal action to enforce or interpret any term, covenant or condition of this Agreement, the prevailing party in such proceeding or action shall be entitled to recover from the other party its reasonable attorney's fees and legal expenses.

27. Exhibits. Each exhibit and attachment referenced in this Agreement is, by the reference, incorporated into and made a part of this Agreement.

28. Precedence of Documents. In the event of any conflict between the body of this Agreement and any Exhibit or Attachment hereto, the terms and conditions of the body of this Agreement shall control and take precedence over the terms and conditions expressed within the Exhibit or Attachment. Furthermore, any terms or conditions contained within any Exhibit or Attachment hereto which purport to modify the allocation of risk between the parties, provided for within the body of this Agreement, shall be null and void.

29. Cumulative Remedies. No remedy or election hereunder shall be deemed exclusive but shall, wherever possible, be cumulative with all other remedies at law or in equity.

30. No Third Party Beneficiaries. The rights, interests, duties and obligations defined within this Agreement are intended for the specific parties hereto as identified in the preamble of this Agreement. Notwithstanding anything stated to the contrary in this Agreement, it is not intended that any rights or interests in this Agreement benefit or flow to the interest of any third parties.

31. Extent of Agreement. Each party acknowledges that they have read and fully understand the contents of this Agreement. This Agreement represents the entire and integrated agreement between the parties with respect to the subject matter hereof and supersedes all prior negotiations, representations or agreements, either written or oral.

This Agreement may be modified only by written instrument duly authorized and executed by both CITY and CCS. This Agreement may be modified only by written instrument duly authorized and executed by both CITY and CCS.

IN WITNESS WHEREOF, CCS and CITY have entered into this Agreement as of the date(s) indicated above, notwithstanding a date of execution differing from that set forth above.

**Coastal Christian School**

By: \_\_\_\_\_

Its: \_\_\_\_\_

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

**Notice address: 1005 N. Oak Park Boulevard  
Pismo Beach, CA 93449**

**City of Pismo Beach**

By: \_\_\_\_\_  
City Manager

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

**Notice address: 760 Mattie Road  
Pismo Beach, CA 93449**

Attest:

By: \_\_\_\_\_  
City Clerk

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

Approved as to form:

By: \_\_\_\_\_  
City Attorney

*o:\coastal christian school 18-0062\city of pismo beach\2021-05-19.draft ccs water for fire suppression agreement track changed cmf-dmf clean.doc*

DRAFT





LAFCO - San Luis Obispo - Local Agency Formation Commission  
SLO LAFCO - Serving the Area of San Luis Obispo County

**COMMISSIONERS**

Chairperson  
Ed WAAGE  
City Member

Vice-Chair  
DEBBIE ARNOLD  
County Member

LYNN COMPTON  
County Member

MARSHALL OCHYLSKI  
Special District Member

ROBERT ENNS  
Special District Member

STEVE GREGORY  
City Member

HEATHER JENSEN  
Public Member

**ALTERNATES**

DAWN ORTIZ-LEGG  
County Member

ED EBY  
Special District Member

CHARLES BOURBEAU  
City Member

David Watson  
Public Member

**STAFF**

ROB FITZROY  
Executive Officer

BRIAN A. PIERIK  
Legal Counsel

IMELDA MARQUEZ  
Analyst

**TO: MEMBERS, FORMATION COMMISSION**

**FROM: ROB FITZROY, EXECUTIVE OFFICER**

**DATE: MARCH 17, 2022**

**SUBJECT: CALAFCO LEGISLATIVE UPDATE**

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

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

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

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

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

In brief, SB 938 will accomplish the following:

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

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

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**Attachment A:** Legislative Summary Report

**Attachment B:** SB 938 Fact Sheet

**Attachment C:** Draft Bill – SB 938

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

# Attachment A

## Legislative Summary Report

# 2•0•2•1 LEGISLATIVE SUMMARY



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  
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**MEMBERS**  
VICE CHAIR, TOM LACKEY  
RICHARD BLOOM  
TASHA BOERNER HORVATH  
JAMES C. RAMOS  
LUZ M. RIVAS  
ROBERT RIVAS  
RANDY VOEPEL



**CHIEF CONSULTANT**  
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 \(Aguilar-Curry\) - Communications: broadband services: California Advanced Services Fund.](#)**

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Status:** Vetoed

## FINANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## GOVERNANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Status:** Vetoed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Status:** Senate Floor

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**[SB-8 \(Skinner\) - Housing Crisis Act of 2019.](#)**

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

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

**[SB-9 \(Atkins\) - Housing development: approvals.](#)**

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

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

**[SB-10 \(Wiener\) - Planning and zoning: housing development: density.](#)**

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

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

**[SB-12 \(McGuire\) - Local government: planning and zoning: wildfires.](#)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Status:** Vetoed

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

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

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

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

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

**Status:** Vetoed

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

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



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

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

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

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

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

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

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

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

Allows local agencies to modify specified redevelopment passthrough agreements.

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

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

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

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

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

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

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

## **LOCAL AGENCY FORMATION COMMISSIONS**

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

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

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



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

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

**Status:** Vetoed

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

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

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

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

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

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

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

Repeals several obsolete statutes related to court reunification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## TRANSPARENCY AND ACCOUNTABILITY

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

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

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

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

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

**Status:** Vetoed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Status:** Assembly-In Floor Process

## TRANSPORTATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## WATER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## WILDFIRES

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

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

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

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

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

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

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

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

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

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

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

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



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# Attachment B

SB 938 Fact Sheet



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

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

## **BACKGROUND**

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



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

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

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



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



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



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





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



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



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



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



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



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

### **SUMMARY**

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

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# Attachment C

Draft Bill – SB 938

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

February 8, 2022

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29

30 CHAPTER 4.5. PROTEST THRESHOLDS

31

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

O

# Attachment D

SB 938 Letter of Support Template

## LAFCO SUPPORT LETTER TEMPLATE FOR SB 938

DATE HERE

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

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

Dear Senator Hertzberg:

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

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

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

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

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

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

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

Yours sincerely,

YOUR NAME HERE  
YOUR TITLE HERE

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

LAFCO SUPPORT TEMPLATE



LAFCO - San Luis Obispo - Local Agency Formation Commission  
SLO LAFCO - Serving the Area of San Luis Obispo County

**TO: MEMBERS OF THE COMMISSION**

**FROM: ROB FITZROY, EXECUTIVE OFFICER  
IMELDA MARQUEZ, ANALYST**

**DATE: MARCH 17, 2022**

**SUBJECT: RECEIVE NOTICE OF SUBMITTAL FOR PETITION OF  
APPLICATION FOR ANNEXATION #12 TO COUNTY SERVICE  
AREA 18 - LAFCO FILE NO. 1-O-22**

**Recommendation.** It is respectfully recommended that the Commission receive and file this report.

**Summary.** The San Luis Obispo Local Agency Formation Commission (LAFCO) received a landowner petition of application for Annexation No. 12 to the County Service Area (CSA) 18, LAFCO File no. 1-O-22 for APN's 044-082-035. The proposal consists of approximately 7.13-acres of property wishing to obtain sanitary sewer service from CSA 18 (Country Club). The project would subdivide an existing parcel, currently in the CSA's Sphere of Influence, into four parcels ranging in size from 1.2 to 1.6 acres each, with a 1.2-acre remainder parcel. The property is located in the unincorporated area of the County near state highway 227/ Edna Road.

This report provides the Commission with a formal notice of receipt for a new annexation application that was not filed by a district, as required by government code section 56857. Typically, an annexation application is received by the district or city wishing to annex an area into the their jurisdiction. However, State law also allows annexation requests to be submitted by a petition of landowner. When this occurs government code section 56857 requires that we inform the Commission at the first available meeting. The application request will then be forwarded to CSA 18 and the County will have 60 days to terminate the request if they do not wish to annex the area. If they do not formally request termination, the application will be processed by staff and the Commission will consider the item at a public hearing.

Staff will provide appropriate notice and requests for information to affected agencies and interested individuals consistent with Government Code section 56658 and 56857. Staff will update the Commission as necessary as this application is processed. The Commission may provide staff with any questions or comments on this item.

**COMMISSIONERS**

Chairperson  
ED WAAGE  
City Member

Vice-Chair  
DEBBIE ARNOLD  
County Member

LYNN COMPTON  
County Member

MARSHALL OCHYLSKI  
Special District Member

ROBERT ENNS  
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