



Local Agency Formation Commission  
for the County of Los Angeles

Voting Members

Jerry Gladbach  
Chair

Donald Dear  
1st Vice-Chair

Gerard McCallum  
2nd Vice-Chair

Kathryn Barger  
Richard Close  
Margaret Finlay  
John Mirisch  
Holly Mitchell  
Vacant  
(City of Los Angeles)

Alternate Members

Lori Brogin-Falley  
Michael Davitt  
Janice Hahn  
David Lesser  
Mel Matthews  
Vacant  
(City of Los Angeles)

Staff

Paul Novak  
Executive Officer

Adriana Romo  
Deputy Executive Officer

Amber De La Torre  
Doug Dorado  
Adriana Flores  
Michael Henderson  
Alisha O'Brien

80 South Lake Avenue  
Suite 870  
Pasadena, CA 91101  
Phone: 626/204-6500  
Fax: 626/204-6507

[www.lalafco.org](http://www.lalafco.org)

# LIVE VIRTUAL COMMISSION MEETING

## LOCAL AGENCY FORMATION COMMISSION

Wednesday, March 9<sup>th</sup>, 2022  
9:00 a.m.

This meeting will be conducted as a virtual meeting with telephone 1-415-655-0001 (Access Code: 2598 919 6870) and web access (<https://lacountyboardofsupervisors.webex.com/lacountyboardofsupervisors/onstage/g.php?MTID=e1a44795657d60dec872f7f21ea23dc16>) pursuant to the provisions of Government Code § 54953 relative to virtual meetings, as well as the County of Los Angeles "Best Practices to Prevent COVID-19".

### FOR MEMBERS OF THE PUBLIC

#### TO LISTEN BY TELEPHONE AND PROVIDE PUBLIC COMMENT DIAL:

**1-415-655-0001**  
**Access Code: 2598 919 6870 (English)**

#### OR TO LISTEN VIA WEB AND PROVIDE COMMENT:

<https://lacountyboardofsupervisors.webex.com/lacountyboardofsupervisors/onstage/g.php?MTID=e1a44795657d60dec872f7f21ea23dc16>

**TO PROVIDE WRITTEN PUBLIC COMMENT:** Any interested person may submit written opposition or comments by email at [info@lalafco.org](mailto:info@lalafco.org) prior to the conclusion of the Commission Meeting or by mail to the LAFCO Office at 80 S. Lake Avenue, Suite 870, Pasadena, CA 91101, no later than 5:00 p.m. on the business day preceding the date set for hearing/proceedings in order to be deemed timely and to be considered by the Commission. Any written opposition and/or comments will be read during the meeting for a maximum of three (3) minutes per comment, per item.

The entire agenda package and any meeting related writings or documents provided to a majority of the Commissioners after distribution of the agenda package, unless exempt from disclosure pursuant to California Law, are available at [www.lalafco.org](http://www.lalafco.org)

1. **CALL MEETING TO ORDER**
2. **PLEDGE OF ALLEGIANCE WILL BE LED BY CHAIR GLADBACH**
3. **DISCLOSURE OF CAMPAIGN CONTRIBUTION(S)**
4. **SWEARING-IN OF SPEAKER(S)**
5. **PUBLIC COMMENT**

This is the opportunity for members of the public to address the Commission on any items, including those items that are on the posted agenda, provided that the subject matter is within the jurisdiction of the Commission. Public comments are limited to three minutes.

6. **CONSENT ITEM(S)**

*All matters are approved by one motion unless held by a Commissioner or member(s) of the public for discussion or separate action.*

- a. Approve Minutes of February 9, 2022.
- b. Approve Operating Account Check Register for the month of February, 2022.
- c. Receive and file Update on Pending Proposals.
- d. Information Item(s) – Government Code §§ 56751 & 56857 (None).

7. **PUBLIC HEARING(S)**

- a. Draft Municipal Service Review (MSR) 2022-02 and Sphere of Influence (SOI) Update for the Resource Conservation Districts (Antelope Valley Resource Conservation District and Resource Conservation District of the Santa Monica Mountains).
- b. Proposed Draft Budget for Fiscal Year 2022-23

8. **PROTEST HEARING(S)**

None.

9. **OTHER ITEMS**

- a. Adoption of Resolution Authorizing Remote Teleconference Meetings of the Commission pursuant to Government Code Section 54953(e) and Making Required Findings.
- b. As-Needed Alternate Legal Counsel.
- c. Policy for Commissioner Term of Office

10. **LEGISLATION**

- a. Legislative Update and Request to Support SB 938 and AB 2449

11. **MISCELLANEOUS CORRESPONDENCE**

None.

12. **COMMISSIONERS' REPORT**

Commissioners' questions for staff, announcements of upcoming events and opportunity for Commissioners to briefly report on their LAFCO-related activities since last meeting.

13. **EXECUTIVE OFFICER'S REPORT**

Executive Officer's announcement of upcoming events and brief report on activities of the Executive Officer since the last meeting.

- a. Written Update
- b. Verbal Update

14. **PUBLIC COMMENT**

This is the opportunity for members of the public to address the Commission on items not on the posted agenda, provided that the subject matter is within the jurisdiction of the Commission. Speakers are reminded of the three-minute time limitation.

15. **FUTURE MEETINGS**

April 13, 2022  
May 11, 2022  
June 8, 2022

16. **ADJOURNMENT**



Local Agency Formation Commission  
for the County of Los Angeles

DRAFT

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MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION  
FOR THE COUNTY OF LOS ANGELES  
LIVE VIRTUAL MEETING

February 9, 2022

Present:

Jerry Gladbach, Chair

Kathryn Barger  
Donald Dear  
Margaret Finlay  
John Lee  
Gerard McCallum  
John Mirisch

Lori Brogin-Falley, Alternate  
Michael Davitt, Alternate  
David Lesser, Alternate  
Mel Matthews, Alternate

Paul Novak, Executive Officer  
Tiffani Shin, Legal Counsel

Absent:

Holly Mitchell

Hilda Solis, Alternate

Vacant:

City of Los Angeles, Alternate Member  
San Fernando Valley, Member

## 1 CALL MEETING TO ORDER

The meeting was called to order at 9:04 a.m. as a live virtual Commission meeting, with public comment accepted via e-mail, computer, or phone through the conclusion of public testimony.

## 2 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Gladbach.

## WELCOMING OF NEW COMMISSIONER

Chair Gladbach introduced new Commissioner John Lee (Los Angeles City Councilmember, Twelfth Council District) as a voting member representing the City of Los Angeles. Commissioner Lee thanked the Commission for the opportunity to serve on LAFCO and said that he looks forward to working with the Commission.

## 3 DISCLOSURE OF CAMPAIGN CONTRIBUTION(S)

The Executive Officer (EO) read an announcement, asking if any Commissioners had received a campaign contribution that would require disclosure or any other issue requiring recusal from any item on today's agenda (None).

## ANNOUNCEMENT

The EO noted that today's meeting was conducted pursuant to the provisions of Government Code § 54953 relative to virtual meetings, as well as the County of Los Angeles "Best Practices to Prevent COVID-19". LAFCO's legal counsel reviewed the provisions and has confirmed that the conduct of the meeting is consistent with State law as modified by the Governor and County orders.

The EO noted that all public hearing notices, and the agenda, clearly stated that interested persons were afforded the opportunity to submit written opposition or comments by e-mail, or via United States mail. For any communications received after the agenda was posted, staff has forwarded copies via e-mail to the Commission (None). LAFCO staff continued to monitor e-mail and comments received during the meeting and prior to the conclusion of each hearing item were read to the Commission (None).

## 4 SWEARING-IN OF SPEAKER(S)

(None).

## 5 PUBLIC COMMENT

(None).

## 6 CONSENT ITEM(S)

The Commission took the following actions under Consent Items:

- a. Approved Minutes of January 12, 2022.
- b. Approved Operating Account Check Register for the month of January 2022.
- c. Received and filed update on Pending Proposals.
- d. Information Item(s) – Government Code §§ 56751 & 56857.
  - i. Reorganization No. 2019-04 to the City of La Verne (21-768)
  - ii. Annexation No. 2022-01 to the Los Angeles County Waterworks District No. 40, Antelope Valley.

The Commission took the following actions:

- Approved Consent Items 6.a through 6.c.; and
- Received and filed Information Items 6.d.i. and 6.d.ii.

MOTION: Finlay                      SECOND: McCallum                      APPROVED: 8-0-0  
AYES: Barger, Brogin-Falley (Alt. for Vacant), Dear, Finlay, Lee, McCallum,  
Mirisch, Gladbach  
NOES: None.  
ABSTAIN: None.  
ABSENT: Mitchell

## 7 PUBLIC HEARING(S)

(None).

## 8 PROTEST HEARING(S)

(None).

## 9 OTHER ITEMS

The following item was called for consideration:

- a. Fiscal Year 2021-22 Mid-Year Budget Report.

The EO summarized the staff report on this item.

The Commission took the following action:

- Received and filed the Mid-Year Budget Status Report for FY 2021-2022.

MOTION: McCallum                      SECOND: Mirisch                      APPROVED: 8-0-0  
AYES: Barger, Brogin-Falley (Alt. for Vacant), Dear, Finlay, Lee, McCallum,  
Mirisch, Gladbach  
NOES: None.  
ABSTAIN: None.  
ABSENT: Mitchell

## 9 OTHER ITEMS

The following item was called for consideration:

- b. Fiscal Year 2021-22 Mid-Year Investment Report.

The EO summarized the staff report on this item.

The Commission took the following action:

- Received and filed the Mid-Year Investment Report for FY 2021-2022.

MOTION: Finlay                      SECOND: Barger                      APPROVED: 8-0-0  
AYES: Barger, Brogin-Falley (Alt. for Vacant), Dear, Finlay, Lee, McCallum,  
Mirisch, Gladbach  
NOES: None.  
ABSTAIN: None.  
ABSENT: Mitchell

## 10 LEGISLATION

The following item was called up for consideration:

- a. Legislative Update.

The EO summarized the staff report on this item.

The EO indicated that there was an error in the staff report regarding AB 1195 (Christina Garcia). The staff report indicated that because AB 1195 passed out of the Assembly in 2021, it is not subject to a January 31<sup>st</sup> deadline, and it will remain as an active bill.

The EO noted that Senator Hertzberg is currently drafting a bill that would consolidate several protest provisions into one section of the Cortese-Knox-Hertzberg Reorganization Act of 2000

("the Act"). Currently the protest provisions are in separate sections of the Act, which makes it difficult to navigate through. There is also a provision being considered to change the protest threshold for a Commission initiated dissolution, from the current 10% protest threshold to a 25% protest threshold. The EO indicated that he expects to agendize the bill at next month's meeting for the Commission's consideration.

The Commission took the following action:

- Received and filed the Legislative Update.

MOTION: Finlay                      SECOND: Barger                      APPROVED: 8-0-0  
AYES: Barger, Brogin-Falley (Alt. for Vacant), Dear, Finlay, Lee, McCallum,  
Mirisch, Gladbach  
NOES: None.  
ABSTAIN: None.  
ABSENT: Mitchell

#### 11 MISCELLANEOUS CORRESPONDENCE

- a. CALAFCO Quarterly Report – 4<sup>th</sup> Quarter 2021.

No action was required by the Commission.

#### 12 COMMISSIONERS' REPORT

(None).

#### 13 EXECUTIVE OFFICER'S REPORT

- a. Written Update.
- b. Verbal Update.

The EO welcomed, on behalf of staff, new voting member Commissioner Lee.

The EO indicated that the California Association of Local Agency Formation Commissions (CALAFCO) has a new Executive Director. The CALAFCO Board of Directors has appointed René LaRoche as the new Executive Director (she is currently the Clerk of the Board of Supervisors in Mariposa County).

The EO indicated that, given noticing requirements, staff was obligated to notice the March 9<sup>th</sup> meeting as a virtual meeting. Most elected bodies continue to meet in a virtual format, given on-going COVID concerns.

The EO noted that given on-going COVID concerns, and after discussion with Adriana Romo (Deputy Executive Officer), Chair Gladbach, and Legal Counsel, it was decided not to send staff

to the CALAFCO Annual Staff Workshop in Newport Beach, scheduled for March 23<sup>rd</sup> through March 25<sup>th</sup>.

The Commission took the following actions:

- Received and filed the Executive Officer's Written Update and Verbal Update.

MOTION: Dear SECOND: Barger APPROVED: 8-0-0  
AYES: Barger, Brogin-Falley (Alt. for Vacant), Dear, Finlay, Lee, McCallum,  
Mirisch, Gladbach  
NOES: None.  
ABSTAIN: None.  
ABSENT: Mitchell

#### 14 PUBLIC COMMENT

(None).

#### 15 FUTURE MEETINGS

March 9, 2022  
April 13, 2022  
May 11, 2022

#### 15 ADJOURNMENT MOTION

Chair Gladbach adjourned the live virtual meeting, in memory of former Commissioner Richard Close (who recently retired from LAFCO with 25 years of service), at 9:23 a.m.

Respectfully submitted,

Paul Novak, AICP  
Executive Officer

8:47 AM  
02/28/22  
Cash Basis

**LA LAFCO**  
**Register Report**  
**February 2022**

Type	Date	Num	Name	Paid Amount	Balance
<b>Feb 22</b>					
Check	02/04/2022	ADP	ADP	-177.12	-177.12
Check	02/04/2022	DD	TRFP	-9,884.25	-10,061.37
Bill Pmt -Check	02/10/2022	111213	Certified Records M...	-886.52	-10,947.89
Bill Pmt -Check	02/10/2022	111214	California Assoc of ...	-500.00	-11,447.89
Bill Pmt -Check	02/10/2022	111215	CoreLogic	-28.80	-11,476.69
Bill Pmt -Check	02/10/2022	111216	CTS Clouds LLC	-650.00	-12,126.69
Bill Pmt -Check	02/10/2022	111217	Daily Journal*	-221.00	-12,347.69
Bill Pmt -Check	02/10/2022	111218	FedEx	-80.78	-12,428.47
Bill Pmt -Check	02/10/2022	111219	LACERA-OPEB	-1,696.07	-14,124.54
Bill Pmt -Check	02/10/2022	111220	Office Depot*	-26.28	-14,150.82
Bill Pmt -Check	02/10/2022	111221	Promac Image Syst...	-36.47	-14,187.29
Bill Pmt -Check	02/10/2022	111222	Wells Fargo	-385.89	-14,573.18
Bill Pmt -Check	02/10/2022	111223	Yvonne Green CPA	-250.00	-14,823.18
Bill Pmt -Check	02/10/2022	111224	FedEx	-69.29	-14,892.47
Bill Pmt -Check	02/10/2022	111225	Charter Communica...	-417.88	-15,310.35
Check	02/15/2022	DD	Ambar De La Torre	-2,452.67	-17,763.02
Check	02/15/2022	DD	Douglass S Dorado	-3,410.49	-21,173.51
Check	02/15/2022	DD	Adriana L Flores	-1,340.81	-22,514.32
Check	02/15/2022	DD	Paul A Novak	-6,372.30	-28,886.62
Check	02/15/2022	DD	Alisha O'Brien	-2,560.47	-31,447.09
Check	02/15/2022	DD	Adriana Romo	-3,761.45	-35,208.54
Check	02/15/2022	DD	Federal Tax Deposit	-5,252.22	-40,460.76
Check	02/15/2022	DD	State Income Tax	-1,565.68	-42,026.44
Check	02/24/2022	DD	Paul A Novak	-6,372.30	-48,398.74
Bill Pmt -Check	02/24/2022		Staples	0.00	-48,398.74
Check	02/28/2022	DD	Ambar De La Torre	-2,452.66	-50,851.40
Check	02/28/2022	DD	Douglass S Dorado	-3,410.49	-54,261.89
Check	02/28/2022	DD	Adriana L Flores	-1,074.36	-55,336.25
Check	02/28/2022	DD	Alisha O'Brien	-2,560.47	-57,896.72
Check	02/28/2022	DD	Adriana Romo	-3,761.44	-61,658.16
Check	02/28/2022	DD	Federal Tax Deposit	-5,161.60	-66,819.76
Check	02/28/2022	DD	State Income Tax	-1,555.04	-68,374.80
Check	02/28/2022	62871...	Kathryn Barger	-133.00	-68,507.80
Check	02/28/2022	62871...	Brogin-Falley Lori	-138.53	-68,646.33
Check	02/28/2022	62871...	Margaret E Finlay	-138.53	-68,784.86
Check	02/28/2022	62871...	Edward G Gladbach	-277.05	-69,061.91
Check	02/28/2022	DD	Michael T Davitt	-138.53	-69,200.44
Check	02/28/2022	DD	Donald Dear	-138.53	-69,338.97
Check	02/28/2022	DD	John S Lee	-138.52	-69,477.49
Check	02/28/2022	DD	David J Lesser	-138.53	-69,616.02
Check	02/28/2022	DD	Melvin L Matthews	-138.53	-69,754.55
Check	02/28/2022	DD	Gerard McCallum II	-138.53	-69,893.08
Check	02/28/2022	DD	John A Mirisch	-138.53	-70,031.61
Check	02/28/2022	DD	Federal Tax Deposit	-256.81	-70,288.42
Bill Pmt -Check	02/28/2022	111226	ATT	-277.37	-70,565.79
Bill Pmt -Check	02/28/2022	111227	Bank of America*	-17.99	-70,583.78
Bill Pmt -Check	02/28/2022	111228	Motor Parks	-540.00	-71,123.78
Bill Pmt -Check	02/28/2022	111229	Office Depot*	-746.46	-71,870.24
Bill Pmt -Check	02/28/2022	111230	Quadient Finance U...	-200.00	-72,070.24
Bill Pmt -Check	02/28/2022	111231	The Lincoln National	-265.50	-72,335.74
Bill Pmt -Check	02/28/2022	111232	Tropical Interior Plants	-125.00	-72,460.74
Bill Pmt -Check	02/28/2022	111233	Wells Fargo	-385.89	-72,846.63
Bill Pmt -Check	02/28/2022	111234	LACERA	-16,599.14	-89,445.77
Bill Pmt -Check	02/28/2022	111235	LACERA	-100.40	-89,546.17
<b>Feb 22</b>				<b>-89,546.17</b>	<b>-89,546.17</b>

AGENDA ITEM NO. 5.c. March 9, 2022						
PENDING PROPOSALS As of March 1, 2022						
		LAFCO Designation Number	Applicant	Description	Status	Est. Date of Completion
1	DD	Annexation 2006-12 to Los Angeles County Waterworks District No. 40, Antelope Valley	Land Resource Investors	Annex 20 acres of vacant land located at the northeast corner of Avenue J and 37th Street East, City of Lancaster. Will be developed into 80 single family homes.	Incomplete application. Email dated 1-30-13 waterworks stopped working on TTR, no water commitment. Emailed applicant 2-6-22.	5/16/2006 Unknown
2	DD	Annexation No. 2006-46 to Los Angeles County Waterworks District No. 40, Antelope Valley	Los Angeles County Waterworks District No. 40, Antelope Valley	Annex 1,567 acres of vacant land located near Lake Elizabeth Road and Avenue S in the city of Palmdale. Will be developed into 313 single family home.	Incomplete application. Email dated 1-30-13 waterworks stopped working on TTR, no water commitment. Emailed applicant 2-6-23.	10/5/2006 Unknown
3	DD	Annexation No. 2011-17 (2006-50) to Los Angeles County Waterworks District No. 40, Antelope Valley	Behrooz Haverim/Kamyar Lashgari	Annex 20.62 acres of vacant land located south of Avenue H between 42nd Street West and 45th Street West in the City of Lancaster. To be developed into single family homes	Incomplete application. Email dated 1-30-13 waterworks stopped working on TTR, no water commitment. Emailed applicant 2-6-24.	12/1/2006 Unknown
4	DD	Annexation 2008-13 to Los Angeles County Waterworks District No. 40	Lancaster School Dist.	Annex 20.47 acres of vacant land located 2 miles west of the Antelope Valley fw. And the nearest paved major streets are ave. H. And Ave. I. in the City of Lancaster. For future construction of a school.	Application complete, missing BOE fees to place on agenda for approval. Emailed district for fees on 4-18-17	9/22/2008 Unknown
5	DD	Reorganization 2010-04 Los Angeles County Waterworks District No. 29	Malitex Partners, LLC	Detach 88 acres of vacant land from the Las Virgenes Municipal Water District and annex same said territory to Los Angeles County Waterworks District No 29 and West Basin Municipal Water District. The project includes future construction of three homes and dedicates open space. The project site is located north of Pacific Coast Highway at the end of Murphy Way, in the unincorporated area adjacent to Malibu.	Notice of Filing sent 07-15-10. Incomplete filing: CEQA. EIR on hold 4-14-15. Applicant requested to keep this file open, pending details how to proceed with the project 04/29/15.	6/9/2010 Unknown
6	DD	City of Palmdale Annexation 2010-05	City of Palmdale	49.6 acres located adjacent to residential properties to the southwest, southeast, and separated by the Amargosa Creek to the north.	Notice of Filing sent 1-3-11 Incomplete filing: property tax transfer resolution, insufficient CEQA, unclear pre-zoning ordinance, approved map and legal. Need to include DUC .	10/25/2010 Unknown
7	DD	Reorganization No. 2014-03 to the City of Calabasas	City of Calabasas	176± acres immediately north of and adjacent to the 101 freeway between the City of Calabasas and Hidden Hills.	Notice of Filing sent 1-8-15, Incomplete filing: property tax transfer resolution and approved map and legal.	12/10/2014 Unknown
8	DD	Annexation No. 2015-10 to the City of Agoura Hills	City of Agoura Hills	117 acres uninhabited territory. Located northeast and southwest of Chesebro Road directly north of the Highway 101	Notice of Filing sent 11-3-15 Incomplete filing: property tax transfer resolution.	11/2/2015 Unknown
9	DD	Reorganization No. 2016-01 to the Las Virgenes Municipal Water District	Las Virgenes Municipal Water District	Detachment from West Basin Municipal Water District, and annexation to the Las Virgenes Municipal Water District. Both districts require SOI amendments. The territory consists of 26 single-family homes, generally located south of Cairnloch Street, west of Summit Mountain Way. all within the City of Calabasas.	Notice of Filing sent 04-19-16 Incomplete filing: property tax transfer resolution, and map and legal not approved.	2/22/2016 Unknown
10	DD	Annexation No. 2017-09 to the Wilmington Cemetery District	Wilmington Cemetery District	inhabited territory around Wilmington	Notice of Filing sent 6-10-17 Incomplete filing: property tax transfer resolution	7/10/2017 Unknown

		LAFCO Designation Number	Applicant	Description	Status	Date Filed	Est. Date of Completion
11	DD	Annexation No. 2018-12 to the City of Agoura Hills	City of Agoura Hills	82.58± acres of inhabited territory to the City of Agoura Hills. Area A of the affected territory is generally located east of the intersection of Liberty Canyon Road and Agoura Road and Area C is generally located west of the intersection of Liberty Canyon Road and Revere Way, in Los Angeles County unincorporated territory adjacent to the City of Agoura Hills	Notice of Filing sent 11-20-18 Incomplete filing: property tax transfer resolution, CEQA, map of limiting addresses, pre-zoning, register voter labels, approved map and geographic description.	11/19/2018	Unknown
12	DD	Reorganization No. 2019-01 to the City of Rancho Palos Verdes	Rajendra Makan	1.17± acres of uninhabited territory located along Re Le Chardlene, east of the intersection of Chandeleur and Rue Le Charlene, in the City of Los Angeles.	Notice of Filing Sent 5-14-19 Incomplete filing: property tax transfer resolution and approved map and legal.	5/14/2019	Unknown
13	DD	Formation No. 2019-06 of the Lower Los Angeles River Recreation and Park District	City of South Gate	Inhabited territory, along the Los Angeles River between Vernon and Long Beach	TTR/Auditors determination, plan for services, and approved map and geographic description.	10/2/2019	Unknown
14	DD	Reorganization No. 2020-01 to the City of Santa Clarita (Tesoro del Valle)	City of Santa Clarita	1609± acres of inhabited territory. The affected territory is generally located north of the intersection of Copper Hill Drive and Avenida Rancho Tesoro, in the Unincorporated area of Los Angeles County adjacent to the City of Santa Clarita.	Notice of Filing sent 02-18-20 Incomplete filing: property tax transfer resolution, approved map and legal. Reorg area within DUC.	1/27/2020	Unknown
15	AD	Annexation 300 to District no. 15	Los Angeles County Sanitation Districts	9.573± acres of uninhabited territory. The affected territory is located on Palm Hill Lane approximately 500 feet north of Deodar Lane, all within the City of Bradbury.	Notice of Filing Sent 10-05-20 Incomplete filing: property tax transfer resolution.	10/5/2020	Unknown
16	AD	Santa Clarita Valley Sanitation District of Los Angeles County Annexation 1098	Los Angeles County Sanitation Districts	0.49 acres of uninhabited territory. The affected territory is located on Sierra Highway approximately 300 feet south of Arline Street, all within Unincorporated Los Angeles County.	Notice of Filing Sent 6-14-21 Incomplete filing: property tax transfer resolution.	6/9/2021	Unknown
17	AD	Santa Clarita Valley Sanitation District of Los Angeles County Annexation 1102	Los Angeles County Sanitation Districts	3.83 acres of uninhabited territory. The affected territory is located on the northwest corner of Ruether Avenue and Santa Clara Street, all within the City of Santa Clarita.	Notice of Filing Sent 6-14-21 Incomplete filing: property tax transfer resolution.	6/9/2021	Unknown
18	AD	Santa Clarita Valley Sanitation District of Los Angeles County Annexation 1103	Los Angeles County Sanitation Districts	0.3 acres of uninhabited territory. The affected territory is located on the southwest corner of Wabuska Street and Wiley Canyon Road, all within the City of Santa Clarita.	Notice of Filing Sent 6-14-21 Incomplete filing: property tax transfer resolution.	6/9/2021	Unknown
19	AD	Santa Clarita Valley Sanitation District of Los Angeles County Annexation 1104	Los Angeles County Sanitation Districts	4.53 acres of uninhabited territory. The affected territory has 2 parcels. Parcel 1 is located on the west side of Sand Canyon at Sky Ranch Road; Parcel 2 is located on the west side of Sand Canyon Road at Warmuth Road, all within the City of Santa Clarita.	Notice of Filing Sent 6-14-21 Incomplete filing: property tax transfer resolution.	6/9/2021	Unknown
20	AD	Santa Clarita Valley Sanitation District of Los Angeles County Annexation 1105	Los Angeles County Sanitation Districts	16.81 acres of uninhabited territory. The affected territory is located on Lowridge Place west of Willowtree Court, all within Unincorporated Los Angeles County.	Notice of Filing Sent 6-14-21 Incomplete filing: property tax transfer resolution.	6/9/2021	Unknown
21	AD	Santa Clarita Valley Sanitation District of Los Angeles County Annexation 1106	Los Angeles County Sanitation Districts	1.38 acres of uninhabited territory. The affected territory is located on the south side of Placeritos Boulevard approximately 700 feet east of Aden Avenue, all within the City of Santa Clarita.	Notice of Filing Sent 6-14-21 Incomplete filing: property tax transfer resolution.	6/9/2021	Unknown
22	AD	Annexation 432 to District no. 14	Los Angeles County Sanitation Districts	1.253 acres of uninhabited territory. The affected territory is located on the west side of 45th Street West approximately 200 feet south of Avenue K-12, all within the Unincorporated Los Angeles County.	Notice of Filing Sent 6-21-21 Incomplete filing: property tax transfer resolution.	6/21/2021	Unknown

		LAFCO Designation Number	Applicant	Description	Status	Date Filed	Est. Date of Completion
23	DD	Annexation No. 2021-02 to the Los Angeles County Waterworks District No. 40, Antelope Valley	Andrew J Eliopoulous	annex 6.58± acres of vacant land to Los Angeles County Waterworks District No 40 for retail water services. The affected territory is located north of Eliopulos Ranch Drive between Yianni Court and Marina Court, in the City of Palmdale	Notice of Filing Sent 6-30-21 Incomplete Filing: TTR, CEQA, and approved map and geographic description	6/1/2021	Unknown
24	AD	Annexation 764 to District no. 21	Los Angeles County Sanitation Districts	0.994 acres of uninhabited territory. The affected territory is located on the south side of Baseline Road approximately 120 feet southwest of Silver Tree Road, all within the City of Claremont.	Notice of Filing Sent 8-17-21 Incomplete filing: property tax transfer resolution.	8/5/2021	Unknown
25	AOB	Annexation No. 2021-08 to the Los Angeles County Waterworks District No. 40, Antelope Valley	KB Home Greater Los Angeles, Inc.	9.29 acres of uninhabited territory. The affected territory is located at the northeast corner of 65th Street West and Newgrove Street, all within the City of Lancaster.	Notice of Filing Sent 9-7-21 Incomplete filing: property tax transfer resolution.	8/30/2021	Unknown
26	DD	Formation No. 2019-04 of the Acton/Agua Dulce Garbage Disposal District	County of Los Angeles	acres of inhabited territory. The affected territory is located in the unincorporated county area of Acton and Agua Dulce	Notice of Filing sent 9-29-21 TTR/Auditors determination, plan for services, and approved map and geographic description.	9/14/2021	Unknown
27	DD	Formation No. 2019-05 East Antelope Valley Garbage Disposal District	County of Los Angeles	acres of inhabited territory. The affected territory is located in the unincorporated county area of the Antelope Valley, east of state route 14.	Notice of Filing sent 9-29-21 TTR/Auditors determination, plan for services, and approved map and geographic description.	9/14/2021	Unknown
28	DD	Formation No. 2019-06 of the West Antelope Valley Garbage Disposal District	County of Los Angeles	acres of inhabited territory. The affected territory is located in the unincorporated county area of the Antelope Valley, west of state route 14.	Notice of Filing sent 9-29-21 TTR/Auditors determination, plan for services, and approved map and geographic description.	9/14/2021	Unknown
29	DD	Formation No. 2021-07 of the Quartz Hill Garbage Disposal District	County of Los Angeles	acres of inhabited territory. The affected territory is located in the unincorporated county area of Quartz Hill	Notice of Filing sent 9-29-21 TTR/Auditors determination, plan for services, and approved map and geographic description.	9/14/2021	Unknown
30	AD	Annexation 433 to District no. 14	Los Angeles County Sanitation Districts	81 Acres of uninhabited territory. The affected territory is located on 40th street East approximately 800 feet south of Avenue L, all within the City of Palmdale.	Notice of Filing Sent 11-4-21 Incomplete filing: property tax transfer resolution.	11/4/2021	Unknown
31	AOB	Reorganization No. 2021-03 for the Artesia Cemetery District, the Downey Cemetery District, and the Little Lake Cemetery District	Artesia Cemetery District, and behalf of Downey Cemetery District and Little Lake Cemetery District	Reorganization of territory located within Cities of Bell Gardens, Bellflower, Cerritos, Downey, La Mirada, Lakewood, Paramount, Santa Fe Springs, South Gate; and Los Angeles County unincorporated territory (South Whittier).	Notice of Filing Sent 12-22-21 Incomplete filing: property tax transfer resolution.	12/20/2021	Unknown
32	DD	Annexation No. 2021-10 to the City of Bradbury	City of Bradbury	.66± acres of uninhabited territory. The affected territory is located along Royal Oaks Drive North between Braewood Drive and Woodlyn Lane, adjacent to the City of Bradbury.	Notice of Filing sent 12-06-21 Incomplete Filing: property tax transfer resolution, limiting addresses map and list, and approved map and geographic description	11/29/2021	Unknown
33	DD	Annexation No. 2021-09 to the City of Whittier	City of Whittier	59± acres of inhabited territory. The affected territory is located along Whittier Blvd. between interstate 605 and Sorensen Ave, adjacent to the City of Whittier.	Notice of Filing sent 12-22-21 Incomplete Filing: property tax transfer resolution, limiting addresses map and list, and approved map and geographic description	12/13/2021	Unknown

		LAFCO Designation Number	Applicant	Description	Status	Date Filed	Est. Date of Completion
34	DD	Reorganization No. 2019-04 to the City of La Verne	Saint George Properties, LLC	19.44± acres of uninhabited territory. The affected territory is located north of Baseline Road and Japonica Avenue, adjacent to the City of La Verne.	Notice of Filing sent 12-22-21 Incomplete Filing: reorg fees, property tax transfer resolution, limiting addresses map and list, LLC documents, pre-zoning, and approved map and geographic description	12/21/2021	Unknown
35	DD	Reorganization No. 2021-11 to the City of Los Angeles	Television City Studios, LLC	64± acres of uninhabited territory. The affected territory is located south of the intersection of Beverly Blvd and Genesee Ave, surrounded by the City of Los Angeles.	Application can't start, waiting for a sufficient map and geographic description to be submitted.	12/29/2021	Unknown
36	AOB	Annexation No. 2022-01 to the Los Angeles County Waterworks District No. 40, Antelope Valley	Royal Investors, LLC	30± acres of uninhabited territory. The affected territory is generally located at northwest corner of 40th Street East and Lancaster Boulevard, within the City of Lancaster.	Notice of Filing Sent 02-01-22 Incomplete filing: property tax transfer resolution, approved map and geographic description	1/20/2022	Unknown

## **Staff Report**

**March 9, 2022**

### **Agenda Item No. 7.a.**

#### **Draft Municipal Service Review (MSR) 2022-02 and Sphere of Influence (SOI) Update for the Resource Conservation Districts (Antelope Valley Resource Conservation District and Resource Conservation District of the Santa Monica Mountains).**

##### **Executive Summary**

The Commission periodically prepares Municipal Service Reviews (MSRs) and updates the Spheres of Influence (SOIs) for cities and special districts in Los Angeles.

Staff has prepared a Draft MSR and SOI Update for the Resource Conservation Districts (RCDs) in Los Angeles, which include the **Antelope Valley Resource Conservation District (AVRCD) and the Resource Conservation District of the Santa Monica Mountains (RCDSMM).**

In communications with staff, representatives of both the AVRCD and the RCDSMM expressed an interest in expanding their respective boundaries in the future, subject to filing proposals with LAFCO. Based upon staff's discussions with AVRCD and RCDSMM representatives, as well as other stakeholders, **staff recommends that the Commission amend the SOIs for both the AVRCD and the RCDSMM to include additional territory.**

##### **Background**

According to the website of the California Association of Resource Conservation Districts, RCDs are independent special districts, managed by an elected board of directors, that work cooperatively with Federal, State, and local government agencies, as well as owners of private lands, to conserve soil; and there are ninety-five (95) RCDs in the State of California.

Pursuant to State law, an RCD may include territory in more than one county, and it may include territory in a city or in unincorporated territory. Both of the RCDs in Los Angeles County have territory both in County unincorporated territory and in one or more incorporated cities.

Like all special districts, and pursuant to State law, an RCD cannot provide service outside its jurisdictional boundary. Unlike many special districts, however, location of territory within an RCD's boundary does not obligate the RCD to provide any specific service (for example, the way that a retail water agency or a sanitation district would be obligated to provide service). Should an RCD expand its boundaries, that newly annexed territory becomes eligible to receive services provided by the RCD.

Formed in 1942, the jurisdictional boundary of the AVRCD within Los Angeles County includes all of the City of Lancaster, all of the City of Palmdale, and portions of the City of Los Angeles

and the City of Santa Clarita; unincorporated territory in the Antelope Valley, a portion of the Santa Clarita Valley, and a small area located in the northeasterly San Fernando Valley; and significant territory within the Angeles National Forest and the San Gabriel National Monument. The district's jurisdictional boundary also includes County unincorporated territory in southern Kern County, as well as County unincorporated territory in northeastern Ventura County. A map of this boundary can be found as Exhibit 1 on Page 11 of the MSR.

Formed in 1961, the jurisdictional boundary of the RCDSMM includes four incorporated cities (Agoura Hills, Calabasas, Hidden Hills, and Westlake Village); several unincorporated communities (primarily Malibu and Topanga) in the County of Los Angeles; unincorporated territory in the County of Ventura County, generally south of the City of Simi Valley and east of the City of Thousand Oaks; three discontinuous areas (Chatsworth Reserve Nature Preserve, Pierce College, and Santa Susana Pass Historic Park), each of which is located within the boundaries of the City of Los Angeles; all County unincorporated territory on Santa Catalina Island (the entire island, excluding the City of Avalon); and Federal and State open space/recreation areas, including the Santa Monica Mountains National Recreation Area and Malibu Creek State Park. A map of this boundary can be found as Exhibit 5 on Page 23 of the MSR.

#### **MUNICIPAL SERVICE REVIEW DETERMINATIONS:**

Pursuant to Government Code §56430, and in order to prepare and to update a Sphere of Influence meeting the requirements of § 56425, "the Commission shall conduct a review of the municipal services" in that particular district and "consider and prepare a written statement of its determinations." Staff has prepared the attached MSR/SOI Update of the RCDs. The MSR/SOI Update proposes the following determinations, which are also recommended for approval by the Commission:

#### **For the AVRCD:**

##### **(1.) Population Projections:**

- The population within the AVRCD is expected to grow at a modest rate of one-percent (1%) between now and 2035.
- The modest growth projected within the AVRCD's boundaries is unlikely to have any significant impact upon the need for the services which the district provides.

##### **(2.) Disadvantaged Unincorporated Communities:**

- The core services provided by the AVRCD do not impact the present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI.

- The AVRCD provides its services in all portions of its district, regardless of whether the involved territory lies within, adjacent to, or outside of, a DUC.

(3.) Present and Planned Capacity of Public Facilities, Adequacy of Public Services, and Infrastructure Needs and Deficiencies:

- The district has sufficient capacity, in terms of land, vehicles, and staffing, to provide soil conservations to stakeholders and the general public, both presently and for the foreseeable future.
- The district's ownership of eighty (80) acres of land, as well as two vehicles, free of any debt, provide the district with a solid base from which to provide services.

(4.) Financial Ability of Agencies to Provide Services:

- Available financial indicators suggest that the district is in a strong financial position.
- The district has sufficient financial capability to provide soil conservation services to stakeholders and the general public, both presently and for the foreseeable future.

(5.) Status of, and Opportunities for, Shared Facilities:

- There are no existing shared facilities, nor are there any known, available opportunities for shared facilities.

(6.) Accountability for Community Services Needs:

- The AVRCD operates in a transparent manner, and it appears to be in compliance with State law relative to the posting of meeting agendas and website requirements.

(7.) Other Matters Effective or Efficient Service Delivery, as deemed relevant by the Commission:

(None.)

**For the RCDSMM:**

(1.) Population Projections:

- The population within the RCDSMM is expected to grow at 0.41% per year between now and 2035.
- The modest growth projected within the RCDSMM's boundaries is unlikely to have any significant impact upon the need for the services which the district provides.

(2.) Disadvantaged Unincorporated Communities:

- The core services provided by the RCDSMM do not impact the present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI.
- The RCDSMM provides its services in all portions of its district, regardless of whether the involved territory lies within, or outside of, a DUC.
- There are no DUCs adjacent to the RCDSMM boundary.

(3.) Present and Planned Capacity of Public Facilities, Adequacy of Public Services, and Infrastructure Needs and Deficiencies:

- Available financial indicators suggest that the district is in a strong financial position.
- The district has sufficient financial capability to provide soil conservation services to stakeholders and the general public, both presently and for the foreseeable future.

(4.) Financial Ability of Agencies to Provide Services:

- The district has sufficient capacity, in terms of resources and staffing, to provide soil conservation services presently and for the foreseeable future.

(5.) Status of, and Opportunities for, Shared Facilities:

- There are no existing shared facilities, nor are there any known, available opportunities for shared facilities.

(6.) Accountability for Community Services Needs:

- The RCDSMM operates in a transparent manner, and it appears to be in compliance with State law relative to the posting of meeting agendas and website requirements.

(7.) Other Matters Effective or Efficient Service Delivery, as deemed relevant by the Commission:

(None.)

A detailed discussion of the research and analysis underlying these determinations is available in Chapter Three of the MSR (for the AVRCD) and Chapter Four of the MSR (for the RCDSMM).

**SPHERE OF INFLUENCE BACKGROUND:**

Since 1971, LAFCOs have been required to develop and adopt a SOI for each city and special District. Government Code §56076 defines a SOI as “a plan for the probable physical boundaries and services area of a local agency, as determined by the Commission.”

Determining SOIs is central to the Commission’s purpose. As stated in Government Code § 56425:

“In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies subject to the jurisdiction of the commission to advantageously provide for the present and future needs of the county and its communities, the Commission shall develop and determine the Sphere of Influence of each city and special district, as defined by Section 56036, within the county and enact policies designed to promote the logical and orderly development of areas within the sphere.”

Section 56425(g) further requires that the Commission review and update SOI’s “every five years...as necessary.”

**SPHERE OF INFLUENCE DETERMINATIONS PURSUANT TO GOVERNMENT CODE 56425(e):**

**For the AVRCD:**

(1). Present and Planned Land Uses in the Area:

- The jurisdictional boundary of the AVRCD includes broad swaths of land in Northern Los Angeles County, as well as small portions of Kern County and Ventura County.
- This large territory includes a vast array of land uses, including: developed and developing residential, commercial, industrial, manufacturing, and retail uses;

agricultural lands; recreational and open space areas, including the Angeles National Forest; and vacant lands.

2). Present and Probable Need for Public Facilities and Services in the Area:

- Landowners and public agencies within the AVRCD's jurisdictional boundary benefit from the soil conservation services performed by the AVRCD. The present and probable needs for the services provided by the AVRCD will continue indefinitely.

(3.) Present Capacity of Public Facilities and Services:

- The district has sufficient capacity, in terms of land, vehicles, and staffing, to provide soil conservation services to stakeholders and the general public, both presently and for the foreseeable future.
- The district's ownership of eighty (80) acres of land, as well as two vehicles, free of any debt, provides the district with a solid base from which to provide services.

(4). Social or Economic communities of interest:

- There are many social and economic communities of interest throughout the large area served by the AVRCD.
- The AVRCD implements projects within its jurisdictional boundary in the interest of conserving soil, regardless of the existence of any social or economic communities of interest.

(5). Present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI:

- The core services provided by the AVRCD do not impact the present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI.
- The AVRCD provides its services in all portions of its district, regardless of whether the involved territory lies within, adjacent to, or outside of, a DUC.

**For the RCDSMM:**

(1). Present and Planned Land Uses in the Area:

- The jurisdictional boundary of the RCDSMM includes broad swaths of land in Los Angeles County, as well as portions of eastern Ventura County.
- This large territory includes a vast array of land uses, including: developed and developing residential, commercial, industrial, manufacturing, and retail uses; agricultural lands; recreational and open space areas; and vacant lands.

(2). Present and Probable Need for Public Facilities and Services in the Area:

- Landowners and public agencies within the RCDSMM's jurisdictional boundary benefit from the soil conservation services performed by the RCDSMM. The present and probable needs for the services provided by the RCDSMM will continue indefinitely.

(3.) Present Capacity of Public Facilities and Services:

- Available financial indicators suggest that the district is in a strong financial position.
- The district has sufficient financial capability to provide soil conservation services to stakeholders and the general public, both presently and for the foreseeable future.

(4). Social or Economic communities of interest:

- There are many social and economic communities of interest throughout the large area served by the RCDSMM.
- The RCDSMM implements projects within its jurisdictional boundary in the interest of conserving soil, regardless of the existence of any social or economic communities of interest.

(5). Present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI:

- The core services provided by the RCDSMM do not impact the present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI.
- The RCDSMM provides its services in all portions of its district, regardless of whether the involved territory lies within, adjacent to, or outside of, a DUC.

**SOI RECOMMENDATIONS:**

Consistent with the AVRCD's desire to expand its boundaries, through a future proposal to be submitted to LAFCO, **staff recommends that the Commission expand the AVRCD SOI Boundary**, as shown in the map in Exhibit 4 of the MSR, based upon the following considerations:

- Staff supports adding the remainder of the City of Santa Clarita to be within the SOI boundary, given that the AVRCD's existing jurisdictional boundary currently includes approximately twenty percent (20%) of the City of Santa Clarita. Staff believes that the City would benefit by receiving soil conservation services on a citywide basis. Conversely, does not believe that anything would be gained by placing the City of Santa Clarita into the SOI boundaries of two separate RCDs.
- The proposed SOI boundary in the Santa Clarita Valley generally follows other established boundaries. For example, the proposed boundary is the northerly boundary of the Rim of the Valley (ROTV) boundary. Because the RCDSMM is particularly focused on ROTV issues, those areas within the ROTV are proposed to be placed within the RCDSMM's proposed SOI boundary. Secondly, near the area of the intersection of the Golden State (I-5) and Freeway and the State Route (SR-14) interchange, the boundary follows the boundary which separates the City of Los Angeles SOI (to the south) and the SOI of the City of Santa Clarita to the north.
- The proposed AVRCD SOI boundary would abut the boundary of the Ventura Resource Conservation District (to the west) in Ventura County (to the west), and the proposed RCDSMM SOI boundary (to the south and southwest).
- Staff concurs with a sentiment expressed by an AVRCD communications indicating that the environmental resources, water resources, topography, and weather patterns in the Santa Clarita Valley and the Antelope Valley are distinctly different from those in the Los Angeles Basin, and that the AVRCD is the appropriate RCD to provide soil conservation services in this region.

Should the Commission expand the AVRCD's boundary, the AVRCD representative has communicated to staff that she anticipates filing a proposal with LAFCO to annex the territory in the near future.

Consistent with the RCDSMM's desire to expand its boundaries, through a future proposal to be submitted to LAFCO, **staff recommends that the Commission expand the RCDSMM SOI Boundary**, as shown in the map in Exhibit 7 of the MSR, based upon the following considerations:

- Staff supports the proposed addition of the City of Malibu to the SOI boundary. While a significant portion of the Malibu Creek Watershed is within the RCDSMM's existing jurisdictional and SOI boundary, the City of Malibu is currently outside those boundaries. Further, the RCDSMM abuts the City of Malibu on three sides (the fourth side is the

Pacific Ocean). In these respects, the RCDSMM is ideally suited to provide soil conservation services within the City of Malibu.

- The proposed SOI boundary in the Santa Clarita Valley generally follows other established boundaries. For example, the proposed boundary is the northerly boundary of the Rim of the Valley (ROTV) boundary. Secondly, near the area of the intersection of the Golden State (I-5) and Freeway and the State Route (SR-14) interchange, the boundary follows the boundary which separates the City of Los Angeles SOI (to the south) and the SOI of the City of Santa Clarita to the north.
- Because the RCDSMM is particularly focused on ROTV issues, staff supports placing these areas (near the northern boundary of the City of Los Angeles) within the RCDSMM's proposed SOI boundary.

Should the Commission expand the RCDSMM's boundary, RCDSMM representatives have communicated to staff that they anticipate filing a proposal with LAFCO to annex the territory in the near future.

#### **REQUIRED PUBLIC HEARING NOTICE:**

The Executive Officer, pursuant to Government Code § 56427, set March 9, 2022, as the hearing date on this MSR/SOI Update, and gave the required notice of public hearing pursuant to Government Code § 56427. Notice of the public hearing for the proposed Sphere of Influence update was given pursuant to Government Code §§ 56150-56160. LAFCO is required to provide notice of the public hearing "in one or more newspapers of general circulation within each affected county, affected city, or affected district," pursuant to Government Code § 56153, and notice "shall be commenced at least 21 days prior to the date specified in the notice for the public hearing," pursuant to Government Code § 56154. Staff published a hearing notice in the Daily Commerce on Thursday, January 20, 2022. The publication in the Daily Commerce satisfied all legal requirements for public hearing notice pursuant to State Law.

#### **ADDITIONAL PUBLIC NOTICE:**

On February 8, 2022, staff emailed a copy of the Draft MSR/SOI Update to representatives of the AVRCD; the SMMRCD; multiple cities in Los Angeles County (Burbank, Glendale, La Cañada-Flintridge, Lancaster, Los Angeles, Malibu, Palmdale, Pasadena, San Fernando, and Santa Clarita); several cities in Ventura County (Camarillo, Moorpark, Simi Valley, Thousand Oaks, and Ventura); representatives of Los Angeles County, Kern County, and Ventura County; and Kern LAFCO and Ventura LAFCO.

#### **FUNCTIONS AND CLASSES OF SERVICES PURSUANT TO GOVERNMENT CODE 56425(i):**

The Commission is required to establish the nature, location and extent of the District's functions

or classes of service in accordance with Government Code § 56425(i).

The existing “functions or classes of services” are those municipal services that are already being provided by a special district within its boundaries; prior to recent changes in the Act, these existing functions or classes of services were known as “active powers.” New or different functions or classes of services are those powers authorized by the principal act under which the district was formed, but not currently exercised by a special district; prior to recent changes in the Act, these existing functions or classes of services were known as “latent powers.”

State law directs LAFCOs to determine each special district’s active powers, and to maintain a record of those active powers. Because LAFCO failed to identify active powers for the AVRCD and the RCDSMM when LAFCO adopted prior MSRs, this MSR will determine those active powers which each respective district is currently providing. All other services are considered to be latent powers; LAFCO approval (pursuant to Government Code Section 56824.10) would be required before the district could provide any new or different functions or classes of services.

As described in the draft resolution making determinations (RMD), staff proposes that the Commission authorize the AVRCD to provide the following functions or classes of services:

1. To conduct surveys, investigations, and research relating to the conservation of resources and the preventive and control measures [sic] and works of improvement needed; publish the results of such surveys, investigations, or research; and disseminate information concerning such preventive control measures and works of improvement (*Public Resources Code § 9402*).
2. To make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, water conservation and distribution, agricultural enhancement, and erosion stabilization, including, but not limited to, terraces, ditches, levees, and dams or other structures, and the planting of trees, shrubs, grasses, or other vegetation (*Public Resources Code § 9409*).
3. To disseminate information relating to soil and water conservation and erosion stabilization (*Public Resources Code § 9411*).
4. To provide technical assistance to private landowners or land occupants within the district to support practices that minimize soil and related resource degradation (*Public Resources Code § 9412*).
5. To engage in activities designed to promote a knowledge of the principles of resource conservation throughout the district and for that purposes may develop educational programs both for children and for adults; to conduct workshops on the relationships between soil and related resource problems and their effects on other resources, such as

wildlife and water quality; and to sponsor programs that address land use practices which reduce water and wind erosion, soil contamination, soil salinity, agricultural land conversion, loss of soil organic matter, soil subsidence, and soil compaction and associated poor water infiltration (*Public Resources Code § 9419*).

6. To appoint advisory committees to provide technical assistance in addressing soil and related resource problems (*Public Resources Code § 9420*).

Any and all other powers not identified above, which the AVRCD may propose to exercise, are considered to be new or different functions or classes of services (formerly known as “latent powers”). The AVRCD is prohibited from exercising such new or different functions or classes of services without the advance, written approval of the Commission pursuant to Government Code Sections 56824.10 through 56824.14, inclusive, and as addressed elsewhere in the Act.

In carrying out the services described, above, the AVRCD currently provides the following services:

- Native plant propagation at its nursery.
- Native plant sales to the public.
- Solar panel study site for revegetation after solar panel installation.
- Windbreak tree program—free trees to homeowners affected by blowing dust.
- Water conservation and native plant education.
- Restoration projects with native plants for construction, fire damaged areas, and other purposes (including seed collection, plant propagation, and planting at designated sites).
- Grass replacement programs in the Antelope Valley and the Santa Clarita Valley.
- Bi-annual native plant and water conservation events to educate the public.
- Fugitive Dust Taskforce.
- Valley Fever Awareness Alliance.
- Watershed Implementation Plan for rapid response to vegetation needs.

As described in the draft resolution making determinations (RMD), staff proposes that the Commission authorize the RCDSMM to provide the following functions or classes of services:

1. To conduct surveys, investigations, and research relating to the conservation of resources and the preventive and control measures [sic] and works of improvement needed; publish the results of such surveys, investigations, or research; and disseminate information concerning such preventive control measures and works of improvement (*Public Resources Code § 9402*).
2. To make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, water conservation and distribution, agricultural enhancement, and erosion stabilization, including, but not limited to, terraces, ditches, levees, and dams or other structures, and

the planting of trees, shrubs, grasses, or other vegetation (*Public Resources Code § 9409*).

3. To disseminate information relating to soil and water conservation and erosion stabilization (*Public Resources Code § 9411*).
4. To provide technical assistance to private landowners or land occupants within the district to support practices that minimize soil and related resource degradation (*Public Resources Code § 9412*).
5. To engage in activities designed to promote a knowledge of the principles of resource conservation throughout the district and for that purposes may develop educational programs both for children and for adults; to conduct workshops on the relationships between soil and related resource problems and their effects on other resources, such as wildlife and water quality; and to sponsor programs that address land use practices which reduce water and wind erosion, soil contamination, soil salinity, agricultural land conversion, loss of soil organic matter, soil subsidence, and soil compaction and associated poor water infiltration (*Public Resources Code § 9419*).
6. To appoint advisory committees to provide technical assistance in addressing soil and related resource problems (*Public Resources Code § 9420*).

Any and all other powers not identified above, which the RCDSMM may propose to exercise, are considered to be new or different functions or classes of services (formerly known as “latent powers”). The RCDSMM is prohibited from exercising such new or different functions or classes of services without the advance, written approval of the Commission pursuant to Government Code Sections 56824.10 through 56824.14, inclusive, and as addressed elsewhere in the Act.

In carrying out the services described, above, the RCDSMM currently provides the following services:

- Restoration of Topanga Lagoon.
- Wildlife resiliency information and services to homeowners and managers.
- Permit reporting and compliance for landowners.
- Watershed protection and restoration.
- Oak monitoring and restoration.
- Wildlife inventory and biodiversity studies.
- Regional and local conservation planning.
- Natural science education field programs at Malibu Lagoon, Topanga State Park, and Sepulveda Basin.
- Research/reference conservation library.
- Habitat restoration.
- Resource conservation educator training.

- Teacher training.
- Fire wise demonstration structure.
- Wildlife monitoring.
- Virtual field trips.
- Wildlife crossing design.
- Research and monitoring.
- Environmental education.
- Protection and preservation of natural resources.
- Landowner assistance.
- Community wildfire resilience.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CLEARANCE:**

MSRs and SOI Updates are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded. The preparation and adoption of an MSR and SOI Update is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines § 15262 as a feasibility and planning study for possible future action. In addition, the MSR and SOI update for the RCDs is exempt from the provisions of CEQA under the commonsense exemption in 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the recommended studies for the RCDs will have a significant effect on the environment. In the alternative, the MSR and SOI Update is not a project for purposes of CEQA because it is an organizational activity of government with no direct or indirect effects on the physical environment and therefore is excluded from the definition of a project, pursuant to Section 15378(b) of the State CEQA Guidelines.

### **CONCLUSIONS:**

Staff has provided an accurate and comprehensive review of the AVRCD and the RCDSMM, consistent with all MSR requirements in Government Code § 56430.

Staff has drafted the necessary determinations to update the AVRCD and RCDSMM SOIs, consistent with all requirements in Government Code § 56425, and consistent with the Sphere of Influence Policy adopted by the Commission on November 13, 2019.

The attached report, maps, and resolution reflect the recommendations of staff.

### **RECOMMENDED ACTION:**

In consideration of information gathered and evaluated for the service review of the Point Dume Community Services District, staff recommends that the Commission:

1. Open the public hearing and receive testimony on the MSR and SOI update for the RCDs;

2. There being no further testimony, close the public hearing;
3. Adopt and approve the March 9, 2022, Municipal Service Review and Sphere of Influence Update of the Resource Conservation Districts;
4. Adopt the recommended determinations required for a Municipal Service Review as contained in both the staff report and the MSR, pursuant to Government Code Sections 56430;
5. Adopt the recommended determinations required for the proposed Sphere of Influence Updates for the AVRCD and the RCDSMM, pursuant to Government Code § 56425, as stated herein and found in MSR/SOI Update;
6. Adopt the Proposed SOI Update maps found in the MSR and SOI Update;
7. Adopt the Resolution Making Determinations, including the California Environmental Quality Act determinations, Approving MSR No. 2022-02—Municipal Service Review and Sphere of Influence Update for the Resource Conservation Districts;
8. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Section 56882 of the Government Code; and
9. Direct the Executive Officer to post the MSR/SOI Update to the Commission website.

**ATTACHMENTS:**

- Draft Resolution Making Determinations; and
- Draft Municipal Service Review (MSR) 2022-02 and Sphere of Influence (SOI) Update for the Resource Conservation Districts (Antelope Valley Resource Conservation District and Resource Conservation District of the Santa Monica Mountains).
- Letter of February 18, 2022, from Las Virgenes Municipal Water District General Manager David Pedersen in support of the proposed SOI expansion for the RCDSMM.

and the City of Santa Clarita; unincorporated territory in the Antelope Valley, a portion of the Santa Clarita Valley, and a small area located in the northeasterly San Fernando Valley; and significant territory within the Angeles National Forest and the San Gabriel National Monument. The district's jurisdictional boundary also includes County unincorporated territory in southern Kern County, as well as County unincorporated territory in northeastern Ventura County. A map of this boundary can be found as Exhibit 1 on Page 11 of the MSR.

Formed in 1961, the jurisdictional boundary of the RCDSMM includes four incorporated cities (Agoura Hills, Calabasas, Hidden Hills, and Westlake Village); several unincorporated communities (primarily Malibu and Topanga) in the County of Los Angeles; unincorporated territory in the County of Ventura County, generally south of the City of Simi Valley and east of the City of Thousand Oaks; three discontinuous areas (Chatsworth Reserve Nature Preserve, Pierce College, and Santa Susana Pass Historic Park), each of which is located within the boundaries of the City of Los Angeles; all County unincorporated territory on Santa Catalina Island (the entire island, excluding the City of Avalon); and Federal and State open space/recreation areas, including the Santa Monica Mountains National Recreation Area and Malibu Creek State Park. A map of this boundary can be found as Exhibit 5 on Page 23 of the MSR.

#### **MUNICIPAL SERVICE REVIEW DETERMINATIONS:**

Pursuant to Government Code §56430, and in order to prepare and to update a Sphere of Influence meeting the requirements of § 56425, “the Commission shall conduct a review of the municipal services” in that particular district and “consider and prepare a written statement of its determinations.” Staff has prepared the attached MSR/SOI Update of the RCDs. The MSR/SOI Update proposes the following determinations, which are also recommended for approval by the Commission:

#### **For the AVRCD:**

##### **(1). Population Projections:**

- The population within the AVRCD is expected to grow at a modest rate of one-percent (1%) between now and 2035.
- The modest growth projected within the AVRCD's boundaries is unlikely to have any significant impact upon the need for the services which the district provides.

##### **(2.) Disadvantaged Unincorporated Communities:**

- The core services provided by the AVRCD do not impact the present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI.

- The AVRCD provides its services in all portions of its district, regardless of whether the involved territory lies within, adjacent to, or outside of, a DUC.

(3.) Present and Planned Capacity of Public Facilities, Adequacy of Public Services, and Infrastructure Needs and Deficiencies:

- The district has sufficient capacity, in terms of land, vehicles, and staffing, to provide soil conservations to stakeholders and the general public, both presently and for the foreseeable future.
- The district's ownership of eighty (80) acres of land, as well as two vehicles, free of any debt, provide the district with a solid base from which to provide services.

(4.) Financial Ability of Agencies to Provide Services:

- Available financial indicators suggest that the district is in a strong financial position.
- The district has sufficient financial capability to provide soil conservation services to stakeholders and the general public, both presently and for the foreseeable future.

(5.) Status of, and Opportunities for, Shared Facilities:

- There are no existing shared facilities, nor are there any known, available opportunities for shared facilities.

(6.) Accountability for Community Services Needs:

- The AVRCD operates in a transparent manner, and it appears to be in compliance with State law relative to the posting of meeting agendas and website requirements.

(7.) Other Matters Effective or Efficient Service Delivery, as deemed relevant by the Commission:

(None.)

**For the RCDSMM:**

(1.) Population Projections:

- The population within the RCDSMM is expected to grow at 0.41% per year between now and 2035.
- The modest growth projected within the RCDSMM's boundaries is unlikely to have any significant impact upon the need for the services which the district provides.

(2.) Disadvantaged Unincorporated Communities:

- The core services provided by the RCDSMM do not impact the present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI.
- The RCDSMM provides its services in all portions of its district, regardless of whether the involved territory lies within, or outside of, a DUC.
- There are no DUCs adjacent to the RCDSMM boundary.

(3.) Present and Planned Capacity of Public Facilities, Adequacy of Public Services, and Infrastructure Needs and Deficiencies:

- Available financial indicators suggest that the district is in a strong financial position.
- The district has sufficient financial capability to provide soil conservation services to stakeholders and the general public, both presently and for the foreseeable future.

(4.) Financial Ability of Agencies to Provide Services:

- The district has sufficient capacity, in terms of resources and staffing, to provide soil conservation services presently and for the foreseeable future.

(5.) Status of, and Opportunities for, Shared Facilities:

- There are no existing shared facilities, nor are there any known, available opportunities for shared facilities.

(6.) Accountability for Community Services Needs:

- The RCDSMM operates in a transparent manner, and it appears to be in compliance with State law relative to the posting of meeting agendas and website requirements.

(7.) Other Matters Effective or Efficient Service Delivery, as deemed relevant by the Commission:

(None.)

A detailed discussion of the research and analysis underlying these determinations is available in Chapter Three of the MSR (for the AVRCD) and Chapter Four of the MSR (for the RCDSMM).

**SPHERE OF INFLUENCE BACKGROUND:**

Since 1971, LAFCOs have been required to develop and adopt a SOI for each city and special District. Government Code §56076 defines a SOI as “a plan for the probable physical boundaries and services area of a local agency, as determined by the Commission.”

Determining SOIs is central to the Commission’s purpose. As stated in Government Code § 56425:

“In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies subject to the jurisdiction of the commission to advantageously provide for the present and future needs of the county and its communities, the Commission shall develop and determine the Sphere of Influence of each city and special district, as defined by Section 56036, within the county and enact policies designed to promote the logical and orderly development of areas within the sphere.”

Section 56425(g) further requires that the Commission review and update SOI’s “every five years...as necessary.”

**SPHERE OF INFLUENCE DETERMINATIONS PURSUANT TO GOVERNMENT CODE 56425(e):**

**For the AVRCD:**

(1). Present and Planned Land Uses in the Area:

- The jurisdictional boundary of the AVRCD includes broad swaths of land in Northern Los Angeles County, as well as small portions of Kern County and Ventura County.
- This large territory includes a vast array of land uses, including: developed and developing residential, commercial, industrial, manufacturing, and retail uses;

agricultural lands; recreational and open space areas, including the Angeles National Forest; and vacant lands.

2). Present and Probable Need for Public Facilities and Services in the Area:

- Landowners and public agencies within the AVRCD's jurisdictional boundary benefit from the soil conservation services performed by the AVRCD. The present and probable needs for the services provided by the AVRCD will continue indefinitely.

(3.) Present Capacity of Public Facilities and Services:

- The district has sufficient capacity, in terms of land, vehicles, and staffing, to provide soil conservation services to stakeholders and the general public, both presently and for the foreseeable future.
- The district's ownership of eighty (80) acres of land, as well as two vehicles, free of any debt, provides the district with a solid base from which to provide services.

(4). Social or Economic communities of interest:

- There are many social and economic communities of interest throughout the large area served by the AVRCD.
- The AVRCD implements projects within its jurisdictional boundary in the interest of conserving soil, regardless of the existence of any social or economic communities of interest.

(5). Present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI:

- The core services provided by the AVRCD do not impact the present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI.
- The AVRCD provides its services in all portions of its district, regardless of whether the involved territory lies within, adjacent to, or outside of, a DUC.

**For the RCDSMM:**

(1). Present and Planned Land Uses in the Area:

- The jurisdictional boundary of the RCDSMM includes broad swaths of land in Los Angeles County, as well as portions of eastern Ventura County.
- This large territory includes a vast array of land uses, including: developed and developing residential, commercial, industrial, manufacturing, and retail uses; agricultural lands; recreational and open space areas; and vacant lands.

(2). Present and Probable Need for Public Facilities and Services in the Area:

- Landowners and public agencies within the RCDSMM's jurisdictional boundary benefit from the soil conservation services performed by the RCDSMM. The present and probable needs for the services provided by the RCDSMM will continue indefinitely.

(3.) Present Capacity of Public Facilities and Services:

- Available financial indicators suggest that the district is in a strong financial position.
- The district has sufficient financial capability to provide soil conservation services to stakeholders and the general public, both presently and for the foreseeable future.

(4). Social or Economic communities of interest:

- There are many social and economic communities of interest throughout the large area served by the RCDSMM.
- The RCDSMM implements projects within its jurisdictional boundary in the interest of conserving soil, regardless of the existence of any social or economic communities of interest.

(5). Present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI:

- The core services provided by the RCDSMM do not impact the present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI.
- The RCDSMM provides its services in all portions of its district, regardless of whether the involved territory lies within, adjacent to, or outside of, a DUC.

### **SOI RECOMMENDATIONS:**

Consistent with the AVRCD's desire to expand its boundaries, through a future proposal to be submitted to LAFCO, **staff recommends that the Commission expand the AVRCD SOI Boundary**, as shown in the map in Exhibit 4 of the MSR, based upon the following considerations:

- Staff supports adding the remainder of the City of Santa Clarita to be within the SOI boundary, given that the AVRCD's existing jurisdictional boundary currently includes approximately twenty-percent (20%) of the City of Santa Clarita. Staff believes that the City would benefit by receiving soil conservation services on a citywide basis. Conversely, does not believe that anything would be gained by placing the City of Santa Clarita into the SOI boundaries of two separate RCDs.
- The proposed SOI boundary in the Santa Clarita Valley generally follows other established boundaries. For example, the proposed boundary is the northerly boundary of the Rim of the Valley (ROTV) boundary. Because the RCDSMM is particularly focused on ROTV issues, those areas within the ROTV are proposed to be placed within the RCDSMM's proposed SOI boundary. Secondly, near the area of the intersection of the Golden State (I-5) and Freeway and the State Route (SR-14) interchange, the boundary follows the boundary which separates the City of Los Angeles SOI (to the south) and the SOI of the City of Santa Clarita to the north.
- The proposed AVRCD SOI boundary would abut the boundary of the Ventura Resource Conservation District (to the west) in Ventura County (to the west), and the proposed RCDSMM SOI boundary (to the south and southwest).
- Staff concurs with a sentiment expressed by an AVRCD communications indicating that the environmental resources, water resources, topography, and weather patterns in the Santa Clarita Valley and the Antelope Valley are distinctly different from those in the Los Angeles Basin, and that the AVRCD is the appropriate RCD to provide soil conservation services in this region.

Should the Commission expand the AVRCD's boundary, the AVRCD representative has communicated to staff that she anticipates filing a proposal with LAFCO to annex the territory in the near future.

Consistent with the RCDSMM's desire to expand its boundaries, through a future proposal to be submitted to LAFCO, **staff recommends that the Commission expand the RCDSMM SOI Boundary**, as shown in the map in Exhibit 7 of the MSR, based upon the following considerations:

- Staff supports the proposed addition of the City of Malibu to the SOI boundary. While a significant portion of the Malibu Creek Watershed is within the RCDSMM's existing jurisdictional and SOI boundary, the City of Malibu is currently outside those boundaries. Further, the RCDSMM abuts the City of Malibu on three sides (the fourth side is the

Pacific Ocean). In these respects, the RCDSMM is ideally suited to provide soil conservation services within the City of Malibu.

- The proposed SOI boundary in the Santa Clarita Valley generally follows other established boundaries. For example, the proposed boundary is the northerly boundary of the Rim of the Valley (ROTV) boundary. Secondly, near the area of the intersection of the Golden State (I-5) and Freeway and the State Route (SR-14) interchange, the boundary follows the boundary which separates the City of Los Angeles SOI (to the south) and the SOI of the City of Santa Clarita to the north.
- Because the RCDSMM is particularly focused on ROTV issues, staff supports placing these areas (near the northern boundary of the City of Los Angeles) within the RCDSMM's proposed SOI boundary.

Should the Commission expand the RCDSMM's boundary, RCDSMM representatives have communicated to staff that they anticipate filing a proposal with LAFCO to annex the territory in the near future.

#### **REQUIRED PUBLIC HEARING NOTICE:**

The Executive Officer, pursuant to Government Code § 56427, set March 9, 2022, as the hearing date on this MSR/SOI Update, and gave the required notice of public hearing pursuant to Government Code § 56427. Notice of the public hearing for the proposed Sphere of Influence update was given pursuant to Government Code §§ 56150-56160. LAFCO is required to provide notice of the public hearing "in one or more newspapers of general circulation within each affected county, affected city, or affected district," pursuant to Government Code § 56153, and notice "shall be commenced at least 21 days prior to the date specified in the notice for the public hearing," pursuant to Government Code § 56154. Staff published a hearing notice in the Daily Commerce on Thursday, January 20, 2022. The publication in the Daily Commerce satisfied all legal requirements for public hearing notice pursuant to State Law.

#### **ADDITIONAL PUBLIC NOTICE:**

On February 8, 2022, staff emailed a copy of the Draft MSR/SOI Update to representatives of the AVRCD; the SMMRCD; multiple cities in Los Angeles County (Burbank, Glendale, La Cañada-Flintridge, Lancaster, Los Angeles, Malibu, Palmdale, Pasadena, San Fernando, and Santa Clarita); several cities in Ventura County (Camarillo, Moorpark, Simi Valley, Thousand Oaks, and Ventura); representatives of Los Angeles County, Kern County, and Ventura County; and Kern LAFCO and Ventura LAFCO.

#### **FUNCTIONS AND CLASSES OF SERVICES PURSUANT TO GOVERNMENT CODE 56425(i):**

The Commission is required to establish the nature, location and extent of the District's functions

or classes of service in accordance with Government Code § 56425(i).

The existing “functions or classes of services” are those municipal services that are already being provided by a special district within its boundaries; prior to recent changes in the Act, these existing functions or classes of services were known as “active powers.” New or different functions or classes of services are those powers authorized by the principal act under which the district was formed, but not currently exercised by a special district; prior to recent changes in the Act, these existing functions or classes of services were known as “latent powers.”

State law directs LAFCOs to determine each special district’s active powers, and to maintain a record of those active powers. Because LAFCO failed to identify active powers for the AVRCD and the RCDSMM when LAFCO adopted prior MSRs, this MSR will determine those active powers which each respective district is currently providing. All other services are considered to be latent powers; LAFCO approval (pursuant to Government Code Section 56824.10) would be required before the district could provide any new or different functions or classes of services.

As described in the draft resolution making determinations (RMD), staff proposes that the Commission authorize the AVRCD to provide the following functions or classes of services:

1. To conduct surveys, investigations, and research relating to the conservation of resources and the preventive and control measures [sic] and works of improvement needed; publish the results of such surveys, investigations, or research; and disseminate information concerning such preventive control measures and works of improvement (*Public Resources Code § 9402*).
2. To make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, water conservation and distribution, agricultural enhancement, and erosion stabilization, including, but not limited to, terraces, ditches, levees, and dams or other structures, and the planting of trees, shrubs, grasses, or other vegetation (*Public Resources Code § 9409*).
3. To disseminate information relating to soil and water conservation and erosion stabilization (*Public Resources Code § 9411*).
4. To provide technical assistance to private landowners or land occupants within the district to support practices that minimize soil and related resource degradation (*Public Resources Code § 9412*).
5. To engage in activities designed to promote a knowledge of the principles of resource conservation throughout the district and for that purposes may develop educational programs both for children and for adults; to conduct workshops on the relationships between soil and related resource problems and their effects on other resources, such as

wildlife and water quality; and to sponsor programs that address land use practices which reduce water and wind erosion, soil contamination, soil salinity, agricultural land conversion, loss of soil organic matter, soil subsidence, and soil compaction and associated poor water infiltration (*Public Resources Code § 9419*).

6. To appoint advisory committees to provide technical assistance in addressing soil and related resource problems (*Public Resources Code § 9420*).

Any and all other powers not identified above, which the AVRCD may propose to exercise, are considered to be new or different functions or classes of services (formerly known as “latent powers”). The AVRCD is prohibited from exercising such new or different functions or classes of services without the advance, written approval of the Commission pursuant to Government Code Sections 56824.10 through 56824.14, inclusive, and as addressed elsewhere in the Act.

In carrying out the services described, above, the AVRCD currently provides the following services:

- Native plant propagation at its nursery.
- Native plant sales to the public.
- Solar panel study site for revegetation after solar panel installation.
- Windbreak tree program—free trees to homeowners affected by blowing dust.
- Water conservation and native plant education.
- Restoration projects with native plants for construction, fire damaged areas, and other purposes (including seed collection, plant propagation, and planting at designated sites).
- Grass replacement programs in the Antelope Valley and the Santa Clarita Valley.
- Bi-annual native plant and water conservation events to educate the public.
- Fugitive Dust Taskforce.
- Valley Fever Awareness Alliance.
- Watershed Implementation Plan for rapid response to vegetation needs.

As described in the draft resolution making determinations (RMD), staff proposes that the Commission authorize the RCDSMM to provide the following functions or classes of services:

1. To conduct surveys, investigations, and research relating to the conservation of resources and the preventive and control measures [sic] and works of improvement needed; publish the results of such surveys, investigations, or research; and disseminate information concerning such preventive control measures and works of improvement (*Public Resources Code § 9402*).
2. To make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, water conservation and distribution, agricultural enhancement, and erosion stabilization, including, but not limited to, terraces, ditches, levees, and dams or other structures, and

the planting of trees, shrubs, grasses, or other vegetation (*Public Resources Code § 9409*).

3. To disseminate information relating to soil and water conservation and erosion stabilization (*Public Resources Code § 9411*).
4. To provide technical assistance to private landowners or land occupants within the district to support practices that minimize soil and related resource degradation (*Public Resources Code § 9412*).
5. To engage in activities designed to promote a knowledge of the principles of resource conservation throughout the district and for that purposes may develop educational programs both for children and for adults; to conduct workshops on the relationships between soil and related resource problems and their effects on other resources, such as wildlife and water quality; and to sponsor programs that address land use practices which reduce water and wind erosion, soil contamination, soil salinity, agricultural land conversion, loss of soil organic matter, soil subsidence, and soil compaction and associated poor water infiltration (*Public Resources Code § 9419*).
6. To appoint advisory committees to provide technical assistance in addressing soil and related resource problems (*Public Resources Code § 9420*).

Any and all other powers not identified above, which the RCDSMM may propose to exercise, are considered to be new or different functions or classes of services (formerly known as “latent powers”). The RCDSMM is prohibited from exercising such new or different functions or classes of services without the advance, written approval of the Commission pursuant to Government Code Sections 56824.10 through 56824.14, inclusive, and as addressed elsewhere in the Act.

In carrying out the services described, above, the RCDSMM currently provides the following services:

- Restoration of Topanga Lagoon.
- Wildlife resiliency information and services to homeowners and managers.
- Permit reporting and compliance for landowners.
- Watershed protection and restoration.
- Oak monitoring and restoration.
- Wildlife inventory and biodiversity studies.
- Regional and local conservation planning.
- Natural science education field programs at Malibu Lagoon, Topanga State Park, and Sepulveda Basin.
- Research/reference conservation library.
- Habitat restoration.
- Resource conservation educator training.

- Teacher training.
- Fire wise demonstration structure.
- Wildlife monitoring.
- Virtual field trips.
- Wildlife crossing design.
- Research and monitoring.
- Environmental education.
- Protection and preservation of natural resources.
- Landowner assistance.
- Community wildfire resilience.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CLEARANCE:**

MSRs and SOI Updates are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded. The preparation and adoption of an MSR and SOI Update is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines § 15262 as a feasibility and planning study for possible future action. In addition, the MSR and SOI update for the RCDs is exempt from the provisions of CEQA under the commonsense exemption in 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the recommended studies for the RCDs will have a significant effect on the environment. In the alternative, the MSR and SOI Update is not a project for purposes of CEQA because it is an organizational activity of government with no direct or indirect effects on the physical environment and therefore is excluded from the definition of a project, pursuant to Section 15378(b) of the State CEQA Guidelines.

### **CONCLUSIONS:**

Staff has provided an accurate and comprehensive review of the AVRCD and the RCDSMM, consistent with all MSR requirements in Government Code § 56430.

Staff has drafted the necessary determinations to update the AVRCD and RCDSMM SOIs, consistent with all requirements in Government Code § 56425, and consistent with the Sphere of Influence Policy adopted by the Commission on November 13, 2019.

The attached report, maps, and resolution reflect the recommendations of staff.

### **RECOMMENDED ACTION:**

In consideration of information gathered and evaluated for the service review of the Point Dume Community Services District, staff recommends that the Commission:

1. Open the public hearing and receive testimony on the MSR and SOI update for the RCDs;

3. Adopt and approve the March 9, 2022 Municipal Service Review and Sphere of Influence Update of the Resource Conservation Districts;
4. Adopt the recommended determinations required for a Municipal Service Review as contained in both the staff report and the MSR, pursuant to Government Code Sections 56430;
5. Adopt the recommended determinations required for the proposed Sphere of Influence Updates for the AVRCD and the RCDSMM, pursuant to Government Code § 56425, as stated herein and found in MSR/SOI Update;
6. Adopt the Proposed SOI Update maps found in the MSR and SOI Update;
7. Adopt the Resolution Making Determinations, including the California Environmental Quality Act determinations, Approving MSR No. 2022-02—Municipal Service Review and Sphere of Influence Update for the Resource Conservation Districts;
8. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Section 56882 of the Government Code; and
9. Direct the Executive Officer to post the MSR/SOI Update to the Commission website.

**ATTACHMENTS:**

- Draft Resolution Making Determinations
- Municipal Service Review and Sphere of Influence Update for the Resource Conservation Districts (Antelope Valley Resource Conservation District and the Resource Conservation District of the Santa Monica Mountains); and
- Letter of February 18, 2022, from Las Virgenes Municipal Water District General Manager David Pedersen in support of the proposed SOI expansion for the RCDSMM.

**RESOLUTION NO. 2022-00RMD**  
**RESOLUTION OF THE LOCAL AGENCY FORMATION**  
**COMMISSION FOR THE COUNTY OF LOS ANGELES ADOPTING THE**  
**MUNICIPAL SERVICE REVIEW (MSR) AND THE SPHERE OF INFLUENCE**  
**(SOI) UPDATE FOR THE RESOURCE CONSERVATION DISTRICTS**  
**(ANTELOPE VALLEY RESOURCE CONSERVATION DISTRICT AND**  
**RESOURCE CONSERVATION DISTRICT OF THE SANTA MONICA**  
**MOUNTAINS)**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code Section (Section) 56000 *et seq*) provides that a Local Agency Formation Commission (LAFCO) must adopt Spheres of Influence (SOIs) of each local governmental agency within its jurisdiction (Section 56425(a)) and that it must update, as necessary, each Sphere every five years thereafter, as necessary (Section 56425(g));

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundaries and service area of a local agency as determined by LAFCO;

WHEREAS, Section 56430 requires that, in order to prepare and to update Spheres of Influence, the Commission shall conduct a Municipal Service Review (MSR) prior to, or in conjunction with, action to update or adopt an SOI;

WHEREAS, the Commission has undertaken the MSR and SOI Update for the Resource Conservation Districts (RCDs), addressing the two RCDs in Los Angeles County, which are the Antelope Valley Resource Conservation District (AVRCD) and the Resource Conservation District of the Santa Monica Mountains (RCDSMM);

WHEREAS, the Executive Officer has submitted to the Commission an MSR and SOI Update, including recommendations to amend the existing SOIs for the AVRCD and the RCDSMM;

WHEREAS, in early February, 2022, staff e-mailed a Draft MSR to representatives of the AVRCD; the SMMRCD; multiple cities in Los Angeles County (Burbank, Glendale, La Cañada-Flintridge, Lancaster, Los Angeles, Malibu, Palmdale, Pasadena, San Fernando, and Santa Clarita); several cities in Ventura County (Camarillo, Moorpark, Simi Valley, Thousand Oaks, and Ventura); representatives of Los Angeles County, Kern County, and Ventura County; Kern LAFCO; and Ventura LAFCO;

WHEREAS, the MSR and SOI Update for the RCDs contain the determinations required by Section 56430 for the municipal services provided by the AVRCD and the RCDSMM;

WHEREAS, a map of the existing SOIs of the AVRCD and the RCDSMM, as well as the proposed SOIs for the AVRCD and the RCDSMM, are included in the Draft MSR and SOI Update, which is attached hereto and incorporated by reference herein;

WHEREAS, the Executive Officer, pursuant to Government Code Section 56427, set March 9, 2022, as the hearing date on this MSR and SOI Update, and gave the required notice of public hearing pursuant to Section 56427;

WHEREAS, after being duly and properly noticed, the Commission held a public hearing on the proposal on March 9, 2022, and at the hearing the Commission heard and received all oral and written protests, objections, and evidence which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal, and the report of the Executive Officer;

WHEREAS, for the AVRCD and the RCDSMM, and pursuant to Section 56425(e)(5), the Commission has considered the impacts of the proposed MSR and SOI Update relative to Disadvantaged Unincorporated Communities (DUCs);

WHEREAS, based upon staff review and the feasibility of governmental reorganization identified in Section 56425(h), staff has determined that any such reorganizations will not further the goals of orderly development and affordable service delivery, and therefore will not recommend reorganization of the AVRCD or the RCDSMM;

WHEREAS, the proposed action consists of the adoption of the MSR and adoption of an SOI for the AVRCD and the RCDSMM; and

WHEREAS, the Commission is required to establish the nature, location, and extent of a special district's functions or classes of service, in accordance with Government Code Section 56425(i);

WHEREAS, MSRs and SOI Updates are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded. The preparation and adoption of an MSR and SOI Update is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines § 15262 as a feasibility and planning study for possible future action. In addition, the recommended MSR and SOI Update is exempt from the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the recommended MSR and SOI amendments will have a significant effect on the environment pursuant to State CEQA Guidelines Section 15061(b)(3); and, in the alternative, this recommendation is not a project for purposes of CEQA because it is an organizational activity of government with no direct nor indirect effects on the physical

environment and therefore is excluded from the definition of a project, pursuant to Section 15378(b) of the State CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The recommended actions are exempt from CEQA, or in the alternative are not a project pursuant to the State CEQA Guidelines, as set out herein
2. The Executive Officer's staff report and recommendations for adoption of the MSR and adoption of an SOI Update for the AVRCD is consistent with the following determinations, as required by Government Code Section 56425:

(1). Present and Planned Land Uses in the Area:

- The jurisdictional boundary of the AVRCD includes broad swaths of land in Northern Los Angeles County, as well as small portions of Kern County and Ventura County.
- This large territory includes a vast array of land uses, including: developed and developing residential, commercial, industrial, manufacturing, and retail uses; agricultural lands; recreational and open space areas, including the Angeles National Forest; and vacant lands.

2). Present and Probable Need for Public Facilities and Services in the Area:

- Landowners and public agencies within the AVRCD's jurisdictional boundary benefit from the soil conservation services performed by the AVRCD. The present and probable needs for the services provided by the AVRCD will continue indefinitely.

(3.) Present Capacity of Public Facilities and Services:

- The district has sufficient capacity, in terms of land, vehicles, and staffing, to provide soil conservation services to stakeholders and the general public, both presently and for the foreseeable future.
- The district's ownership of eighty (80) acres of land, as well as two vehicles, free of any debt, provide the district with a solid base from which to provide services.

(4). Social or Economic communities of interest:

- There are many social and economic communities of interest throughout the large area served by the AVRCD.
- The AVRCD implements projects within its jurisdictional boundary in the interest of conserving soil, regardless of the existence of any social or economic communities of interest.

(5). Present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI:

- The core services provided by the AVRCD do not impact the present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI.
- The AVRCD provides its services in all portions of its district, regardless of whether the involved territory lies within, adjacent to, or outside of, a DUC.

3. The Commission hereby authorizes the AVRCD to provide the following

functions or classes of services:

- a) To conduct surveys, investigations, and research relating to the conservation of resources and the preventive and control measures [sic] and works of improvement needed; publish the results of such surveys, investigations, or research; and disseminate information concerning such preventive control measures and works of improvement (*Public Resources Code § 9402*).
- b) To make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, water conservation and distribution, agricultural enhancement, and erosion stabilization, including, but not limited to, terraces, ditches, levees, and dams or other structures, and the planting of trees, shrubs, grasses, or other vegetation (*Public Resources Code § 9409*).
- c) To disseminate information relating to soil and water conservation and erosion stabilization (*Public Resources Code § 9411*).

- d) To provide technical assistance to private landowners or land occupants within the district to support practices that minimize soil and related resource degradation (*Public Resources Code § 9412*).
- e) To engage in activities designed to promote a knowledge of the principles of resource conservation throughout the district and for that purposes may develop educational programs both for children and for adults; to conduct workshops on the relationships between soil and related resource problems and their effects on other resources, such as wildlife and water quality; and to sponsor programs that address land use practices which reduce water and wind erosion, soil contamination, soil salinity, agricultural land conversion, loss of soil organic matter, soil subsidence, and soil compaction and associated poor water infiltration (*Public Resources Code § 9419*).
- f) To appoint advisory committees to provide technical assistance in addressing soil and related resource problems (*Public Resources Code § 9420*).

4. The Executive Officer's staff report and recommendations for adoption of the MSR and adoption of an SOI Update for the RCDSMM is consistent with the following determinations, as required by Government Code Section 56425:

(1). Present and Planned Land Uses in the Area:

- The jurisdictional boundary of the RCDSMM includes broad swaths of land in Los Angeles County, as well as portions of eastern Ventura County.
- This large territory includes a vast array of land uses, including: developed and developing residential, commercial, industrial, manufacturing, and retail uses; agricultural lands; recreational and open space areas; and vacant lands.

(2). Present and Probable Need for Public Facilities and Services in the Area:

- Landowners and public agencies within the RCDSMM's jurisdictional boundary benefit from the soil conservation services performed by the RCDSMM. The present and probable needs for the services provided by the RCDSMM will continue indefinitely.

(3.) Present Capacity of Public Facilities and Services:

- Available financial indicators suggest that the district is in a strong financial position.
- The district has sufficient financial capability to provide soil conservation services to stakeholders and the general public, both presently and for the foreseeable future.

(4). Social or Economic communities of interest:

- There are many social and economic communities of interest throughout the large area served by the RCDSMM.
- The RCDSMM implements projects within its jurisdictional boundary in the interest of conserving soil, regardless of the existence of any social or economic communities of interest.

(5). Present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI:

- The core services provided by the RCDSMM do not impact the present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI.
- The RCDSMM provides its services in all portions of its district, regardless of whether the involved territory lies within, adjacent to, or outside of, a DUC.

5. The Commission hereby authorizes the RCDSMM to provide the following functions or classes of services:

- a) To conduct surveys, investigations, and research relating to the conservation of resources and the preventive and control measures [sic] and works of improvement needed; publish the results of such surveys, investigations, or research; and disseminate information concerning such preventive control measures and works of improvement (*Public Resources Code § 9402*).
- b) To make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof,

and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, water conservation and distribution, agricultural enhancement, and erosion stabilization, including, but not limited to, terraces, ditches, levees, and dams or other structures, and the planting of trees, shrubs, grasses, or other vegetation (*Public Resources Code § 9409*).

- c) To disseminate information relating to soil and water conservation and erosion stabilization (*Public Resources Code § 9411*).
- d) To provide technical assistance to private landowners or land occupants within the district to support practices that minimize soil and related resource degradation (*Public Resources Code § 9412*).
- e) To engage in activities designed to promote a knowledge of the principles of resource conservation throughout the district and for that purposes may develop educational programs both for children and for adults; to conduct workshops on the relationships between soil and related resource problems and their effects on other resources, such as wildlife and water quality; and to sponsor programs that address land use practices which reduce water and wind erosion, soil contamination, soil salinity, agricultural land conversion, loss of soil organic matter, soil subsidence, and soil compaction and associated poor water infiltration (*Public Resources Code § 9419*).
- f) To appoint advisory committees to provide technical assistance in addressing soil and related resource problems (*Public Resources Code § 9420*).

6. The Executive Officer is hereby directed to amend the official LAFCO SOI maps for the AVRCD and the RCDSMM consistent with the proposed SOI maps in the MSR and SOI Update, including a notation that the Commission amended the respective SOIs on March 9, 2022.

7. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Section 56882 of the Government Code; and

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8. Pursuant to Government Code 56883, the Executive Officer may make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.

PASSED AND ADOPTED this 9<sup>th</sup> day of March, 2022.

MOTION:

SECOND:

AYES:

NOES:

ABSTAIN:

ABSENT:

MOTION PASSES:

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PAUL A. NOVAK, Executive Officer

**Municipal Service Review  
Resource Conservation Districts  
March 9, 2022**

This Municipal Service Review was conducted for the two (2) resource conservation districts (RCDs) located in the County of Los Angeles: the Antelope Valley Resource Conservation District (AVRCD) and the Resource Conservation District of the Santa Monica Mountains (RCDSMM).

The Commission adopted this MSR on March 9, 2022.

**Chapter One: LAFCO Background**

*Municipal Boundaries*

The State of California possesses the exclusive power to regulate boundary changes. Cities and special districts do not have the right to change their own boundaries without State approval.

The California Constitution (Article XI, Section 2.a) requires the Legislature to “prescribe [a] uniform procedure for city formation and provide for city powers.” The Legislature also has the authority to create, dissolve, or change the governing jurisdiction of special districts because they receive their powers only through State statutes.

The Legislature has created a “uniform process” for boundary changes for cities and special districts in the Cortese Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code Section 56000 *et seq.*, or “Act”). The Act delegates the Legislature’s boundary powers over cities and special districts to Local Agency Formation Commissions (LAFCOs) established in each county in the State. The Act is the primary law that governs LAFCOs and sets forth the powers and duties of LAFCOs.

In addition to the Act, LAFCOs must comply with the following State laws:

- California Revenue and Taxation Code Sections 93 and 99. LAFCO considers the revenue and taxation implications of proposals and initiates the property tax negotiation process amongst agencies affected by the proposal.
- California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 *et seq.*) and the related CEQA Guidelines (Title 14, California Code of Regulations Section 15000 *et seq.*). Applications before LAFCO are considered to be “projects” under CEQA, which requires that potential environmental impacts be analyzed prior to Commission action.
- Ralph M. Brown Act (California Government Code Section 54950 *et seq.*). Commonly known as the State’s “open meeting law,” the Brown Act ensures that the public has adequate opportunity to participate in the LAFCO process.

- Political Reform Act (California Government Code Section 81000 *et seq*). Commissioners, some LAFCO staff, and legal counsel are subject to the Political Reform Act, which requires the filing of annual reports of economic interests.

#### What are LAFCO's?

LAFCOs are public agencies with county-wide jurisdiction for the county in which they are located. LAFCOs oversee changes to local government boundaries involving the formation and expansion of cities and special districts.

In creating LAFCOs, the Legislature established four (4) priorities: encourage orderly growth and development, promote the logical formation and determination of local agency boundaries, discourage urban sprawl, and preserve open space and prime agricultural lands.

Created by the State but with local (not State) appointees, each of the 58 counties in the State of California has a LAFCO. Each LAFCO operates independently of other LAFCOs, and each LAFCO has authority only within its corresponding county.

While a LAFCO may purchase services from a county (i.e., legal counsel, employee benefits, payroll processing), LAFCO's are not County agencies.

#### Local Agency Formation Commission for the County of Los Angeles ("LA LAFCO")

LA LAFCO regulates the boundaries of all eighty-eight (88) incorporated cities within the County of Los Angeles. LAFCO regulates most special district boundaries, including, but not limited to:

- California water districts
- Cemetery districts
- Community service districts ("CSDs")
- County service areas ("CSAs")
- County waterworks districts
- Fire protection districts
- Hospital and health care districts
- Irrigation districts
- Library districts
- Municipal utility districts
- Municipal water districts
- Reclamation districts
- Recreation and parks districts
- Resource conservation districts
- Sanitation districts
- Water replenishment districts

LAFCO does not regulate boundaries for the following public agencies:

- Air pollution control districts
- Bridge, highway, and thoroughfare districts
- Community college districts

- Community facility districts (aka “Mello-Roos” districts)
- Improvement districts
- Mutual water companies
- Private water companies
- Redevelopment agencies
- School districts
- Special assessment districts

LAFCO does not regulate the boundaries of counties. County boundary adjustments are within the purview of the boards of supervisors for the involved counties.

State law specifically prohibits LAFCOs from imposing terms and conditions which “directly regulate land use, property development, or subdivision requirements.” In considering applications, however, State law requires that LAFCO take into account existing and proposed land uses, as well as General Plan and zoning designations, when rendering its decisions.

The Local Agency Formation Commission for the County of Los Angeles (LA LAFCO, the Commission, or LAFCO) is composed of nine voting members:

- Two (2) members of the Los Angeles County Board of Supervisors (appointed by the Los Angeles County Board of Supervisors);
- One (1) member of the Los Angeles City Council (appointed by the Los Angeles City Council President);
- Two (2) members of city councils who represent the other 87 cities in the county other than the City of Los Angeles (elected by the City Selection Committee);
- Two (2) members who represent independent special districts (elected by the Independent Special Districts Selection Committee);
- One (1) member who represents the San Fernando Valley (appointed by the Los Angeles County Board of Supervisors); and
- One (1) member who represents the general public (elected by the other 8 members).

LAFCO also has six (6) alternate members, one (1) for each of the six (6) categories above.

The Commission holds its “regular meetings” at 9:00 a.m. on the second Wednesday of each month. The Commission periodically schedules “special meetings” on a date other than the second Wednesday of the month. Commission meetings are held in Room 381B of the Kenneth Hahn Hall of Administration, located at 500 West Temple Street in downtown Los Angeles. Public notice, including the Commission agenda, is posted at the Commission meeting room and on LAFCO’s web-site ([www.lalafco.org](http://www.lalafco.org)).

The Commission appoints an Executive Officer and Deputy Executive Officer. A small staff reports to the Executive Officer and Deputy Executive Officer.

LAFCO's office is located at 80 South Lake (Suite 870) in the City of Pasadena. The office is open to the public Monday through Thursday from 9:00 a.m. to 5:00 p.m. The office is closed on Fridays.

#### What are LAFCO's responsibilities?

LAFCO oversees changes to local government boundaries involving the formation and expansion of cities and special districts. This includes annexations and detachments of territory to and/or from cities and special districts; incorporations of new cities; formations of new special districts; consolidations of cities or special districts; mergers of special districts with cities; and dissolutions of existing special districts. LAFCO also approves or disapproves proposals from cities and special districts to provide municipal services outside their jurisdictional boundaries (these public agencies can provide services outside of their boundaries under very limited circumstances).

An important tool used in implementing the Act is the adoption of a Sphere of Influence (SOI) for a jurisdiction. An SOI is defined by Government Code Section 56425 as "...a plan for the probable physical boundary and service area of a local agency." An SOI represents an area adjacent to a city or special district where a jurisdiction might be reasonably expected to provide services over the next twenty (20) years. The SOI is generally the territory within which a city or special district is expected to annex.

LAFCO determines an initial SOI for each city and special district in the County. The Commission is also empowered to amend and update SOIs.

All jurisdictional changes, such as incorporations, annexations, and detachments, must be consistent with the affected agency's Sphere of Influence, with limited exceptions.

#### Municipal Service Reviews

State law also mandates that LAFCO prepares Municipal Service Reviews (MSRs). An MSR is a comprehensive analysis of the municipal services, including an evaluation of existing and future service conditions, provided in a particular region, city, or special district. Related to the preparation of MSRs, and pursuant to State Law, LAFCOs must review and update SOIs "every five years, as necessary." The Commission adopted MSRs for all cities and special districts in the County prior to the January 1, 2008 deadline (Round One).

Some LAFCOs prepare MSRs for each city and special district in their region every five (5) years (generally, these are LAFCOs with jurisdiction over a very limited number of cities and special districts). Other LAFCOs do not prepare MSRs proactively; rather, when a city, special district, or petitioner wants to expand the boundaries of an SOI, the LAFCO requires that the applicant pay for the preparation of an MSR in advance of the SOI determination. Most LAFCOs take an intermediate approach, above, preparing MSRs for a select group of cities and special districts every five years. This is the approach taken by the Commission at its meeting of March 9, 2011.

In the current round (Round Three), LAFCO is preparing MSRs for a total of nine (9) cities and eleven (14) special districts. To date, the Commission has adopted the following MSRs (the Wrightwood Community Services District on January 8, 2020; the Consolidated Fire Protection

District of Los Angeles County (CFPD) on July 8, 2020); the Cities of La Mirada and Whittier on March 10, 2021); the Santa Clarita Valley Water Agency (SCVWA) on August 10, 2020; the Cities of Agoura Hills, Calabasas, Hidden Hills, and Westlake Village on September 9, 2020; and the Point Dume Community Services District on July 14, 2021.

In preparing MSRs, LAFCOs are required to make seven (7) determinations:

- Growth and population projections for the affected area;
- The location and characteristics of any disadvantaged unincorporated communities (DUCs) within or contiguous to a city or district's SOI;
- Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs of deficiencies;
- Financial ability of agencies to provide services;
- Status of, and opportunities for, shared facilities;
- Accountability for community service needs, including governmental structure and operational efficiencies; and
- Any other matter related to effective or efficient service delivery.

Although State law requires the preparation of MSRs, the State does not provide funding to LAFCOs to perform this work. Some MSRs are prepared utilizing existing LAFCO staff; in other instances, LAFCO retains a consultant. This MSR has been prepared in-house by LAFCO staff.

(Report continues on Page 6)

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## **Chapter Two: Resource Conservation Districts** (Public Resources Code Section 9000 *et seq*)

### **Resource Conservation Districts (RCDs)**

RCDs are independent special districts, managed by an elected board of directors, which work cooperatively with Federal, State, and local government agencies, as well as owners of private lands, to conserve soil. There are ninety-five (95) RCDs in the State of California.<sup>1</sup>

According to the California Association of Resource Conservation Districts:

RCDs were first founded after the Dust Bowl in the 1930s to bring federal and state funding and technical assistance to farmers and ranchers so that they could voluntarily conserve water, soil, and wildlife habitat on their land with the help of a local and neutral partner. Spanning many generations, RCDs have maintained deep connections to farmers and ranchers but most have also evolved with the changing needs of California's diverse communities. Today each RCD's projects and programs are different, and their services often include habitat restoration, forest health, healthy soils, public education, landscape-scale conservation planning, climate resilience, and assisting municipalities and the state in managing water use and preparing for drought and fire. RCDs always work with their constituents on a voluntary basis — a key reason they are considered a trusted resource in their communities.<sup>2</sup>

As described by Clark Stevens, Executive Officer of the Resource Conservation District of the Santa Monica Mountains, RCDs are "Federally-created, State-authorized, locally-managed public agencies."<sup>3</sup>

### **Resource Conservation District Law**

Division 9 (Resource Conservation) of the Public Resources Code is the State of California principal act relative to resource conservation districts (Public Resources Code §§ 9001 *et seq*). The State's commitment to resource conservation is described therein:

The Legislature hereby declares that resource conservation is of fundamental importance to the prosperity and welfare of the people of this state. The Legislature believes that the state must assume leadership in formulating and putting into effect a statewide program of soil and water conservation and related natural resource conservation and hereby declares that this division is enacted to accomplish the following purposes:

- (1) To provide the means by which the state may cooperate with the United States and with resource conservation districts organized pursuant to this division in securing the adoption in this state of conservation practices, including, but not limited to, farm, range, open space, urban development, wildlife, recreation, watershed, water quality, and woodland, best adapted to save the basic resources, soil, water, and air of the state from unreasonable and economically preventable waste and destruction.

- (2) To provide for the organization and operation of resource conservation districts for the purposes of soil and water conservation, the control of runoff, the prevention and control of soil erosion, and erosion stabilization, including, but not limited to, these purposes in open areas, agricultural areas, urban development, wildlife areas, recreational developments, watershed management, the protection of water quality and water reclamation, the development of storage and distribution of water, and the treatment of each acre of land according to its needs.<sup>4</sup>

### **Governing Body**

The governing body of a resource conservation district may be appointed or elected, and is composed of 5, 7, or 9 members (Public Resources Code § 9301).

If formed pursuant to a consolidation or reorganization of two or more districts into a single district, LAFCO may increase the number of directors of the consolidated or reorganized district to 7, 9, or 11. As terms expire, the number of directors shall be reduced through attrition until the number of directors is in conformance with the district principal act or a larger number specified by LAFCO (Public Resources Code § 9301.1).

### **Functions**

A resource conservation district may be formed for the control of runoff, the prevention or control of soil erosion, the development and distribution of water and the improvement of land capabilities (Public Resources Code § 9151).

### **Formation**

A proposal to form a resource conservation district may be initiated by a petition signed by not less than 10% of the registered voters residing in the area to be included in the district (Public Resources Code § 9164). A proposal to form a district may also be initiated by the adoption of a resolution of application by the legislative body of any county or city that contains territory proposed to be included in the district (Public Resources Code §. 9167). If the proposed district would include territory in more than one county, the petition is presented to the Executive Officer of the LAFCO in the principal county (Public Resources Code § 9165). The principal county is defined as the county, which contains all or the greatest portion of the privately owned lands within the proposed district (Public Resources Code § 9025).

Prior to circulation petitions, the proponent shall file with the LAFCO Executive Officer a notice of intention that includes the name and mailing address of the proponent and a written statement, not to exceed 500 words in length, setting forth the reasons for the proposal. After filing the notice, the petition may be circulated for signatures (Government Code § 56700.4).

After the formation proceedings have been initiated with LAFCO, a noticed public hearing is held. After hearing public testimony, the Commission may either; approve, modify, or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation, and establish a sphere of influence for the new district. Then the proposed formation is scheduled for a conducting authority hearing where no further modifications may be made. The conducting authority will, within thirty-five (35)) days of the adoption of the

Commission's resolution, call and give notice of an election to be held in the territory of the proposed district (Public Resources Code § 9181).

The Commission may order formation of the district without an election, if the Commission finds that the petition filed with LAFCO has been signed by not less than 80% of the registered voters residing within the area to be included in the district. If the formation of the district is order without an election the commission will designate the member of the board of directors (Public Resources Code § 9182).

At the election, if a majority of the qualified voters within the proposed district vote in favor of formation, the district shall be established (Public Resources Code § 9188).

The following territory may be included within the proposed boundaries of a resource conservation district (Public Resources Code § 9152):

1. Those generally of value for agricultural purposes, including farm and range land useful for the production of agricultural crops or for the pasturing of livestock;
2. Those necessary for the control of runoff, the prevention of soil erosion, and the development and distribution of water; and
3. Those necessary for land improvement, and for fully accomplishing the purposes for which the district is formed.

### **RCD Boundaries**

An RCD may include territory in more than one county, and it may include territory in a city or in unincorporated territory. Both of the RCDs in Los Angeles County have territory in County unincorporated areas and in one or more incorporated cities.

Of the ninety-five (95) RCDs in California, approximately five (5) have territory exclusively in County unincorporated territory, and ninety (90) have territory both in County unincorporated territory and in one or more incorporated cities.<sup>5</sup> Pursuant to Public Resources Code Section 9972, when annexation to a city occurs, "that territory may be excluded from the [Ventura County Resource Conservation] district". Further, Ventura LAFCO has adopted a local policy that requires detachment from the VCRCD for any proposed city annexation.

Like all special districts, and pursuant to State law, an RCD cannot provide service outside its jurisdictional boundary. Unlike many special districts, however, location of territory within an RCD's boundary does not obligate the RCD to provide any specific service (for example, the way that a retail water agency or a sanitation district would have to provide service). Should an RCD expand its boundaries, that newly annexed territory becomes eligible to receive services provided by the RCD.

### **Exercise of New or Different Functions or Classes of Services**

New or different functions or classes of services are those powers authorized by the principal act under which the district was formed, but not currently exercised by a special district.

Commission proceedings for the exercise of new or different functions or classes of services or divestiture of power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district, may be initiated by a resolution of application (pursuant to Government Code Section 56824.10).

### **Annexation**

Additional lands may be annexed to the district in accordance the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, §§ 56000, *et seq* of the Government Code.

The lands need not be contiguous but shall be susceptible to the same general plan or system for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, or land improvement (Public Resources Code § 9481).

Any potential SOI amendment and/or annexation to an existing RCD of territory outside Los Angeles County is subject to the February 19, 2020 MOU (“Memorandum of Understanding (MOU) for Exchange of Principal County Status for Sphere of Influence Changes”) adopted by the commissions of both LA LAFCO and Ventura LAFCO. As noted in Section 4 of that MOU:

“Both LA LAFCO and VLAFCO [Ventura LAFCO] agree that the LAFCO of the county within which the affected territory is situated should be the LAFCO that determines the sphere of influence, due to their knowledge of underlying service providers, affected agencies within and surrounding the entity within the affected county, and understanding the development standards and vision within the affected county.”<sup>6</sup>

Given the foregoing—as well as other provisions in the MOU—and to the extent that a proposed SOI amendment or annexation for an RCD involved territory in Ventura County, the consent/approval of Ventura LAFCO is required.

### **Resource Conservation District in Los Angeles County**

There are two Resource Conservation Districts in the County of Los Angeles: the Antelope Valley Resource Conservation District (AVRCD) and the Resource Conservation District for the Santa Monica Mountains (RCDSMM).

(Report continues on Page 10)

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### Chapter Three: Antelope Valley Resource Conservation District

The Antelope Valley Resource Conservation District (AVRCD or District), an independent special district, was formed in 1942 for the purpose of providing leadership and technical assistance to land users in conserving, improving and sustaining natural resources in Los Angeles County. The mission of the Antelope Valley Resource Conservation District is to promote conservation and restoration of natural resources for our area by providing plant materials, educational programs, and expertise in conservation.<sup>7</sup>

According to the district's website, the AVRCD is managed by 5 (five) non-salaried directors who are "land users in their districts and who are familiar with local resource problems."<sup>8</sup>

The Board of Directors holds monthly meetings (except August and December) on the second Wednesday of the month at the district office (10148 West Avenue I, Lancaster, CA 93534). Meeting agendas are available on the AVRCD's website ([www.avrcd.org](http://www.avrcd.org)).

Within Los Angeles County, the jurisdictional boundary of the AVRCD includes all of the City of Lancaster, all of the City of Palmdale, and portions of the City of Los Angeles and the City of Santa Clarita; unincorporated territory in the Antelope Valley, a portion of the Santa Clarita Valley, and a small area located in the northeasterly San Fernando Valley; and significant territory within the Angeles National Forest and the San Gabriel National Monument. The district's jurisdictional boundary also includes County unincorporated territory in southern Kern County, as well as County unincorporated territory in northeastern Ventura County. The district's jurisdictional boundary and SOI boundary are the same, also known as a "Coterminous SOI." Exhibit 1 on Page 11 shows the jurisdictional boundary of the AVRCD.

The district operates a nursery which is open to the public three (3) days a week (Thursday through Saturday).<sup>9</sup> The AVRCD has a full-time staff of nine (9) individuals.<sup>10</sup>

The district receives a portion of the one-percent (1%) *ad valorem* share of property taxes, and it also applies for and receives grants from Federal and State agencies as well as other sources.

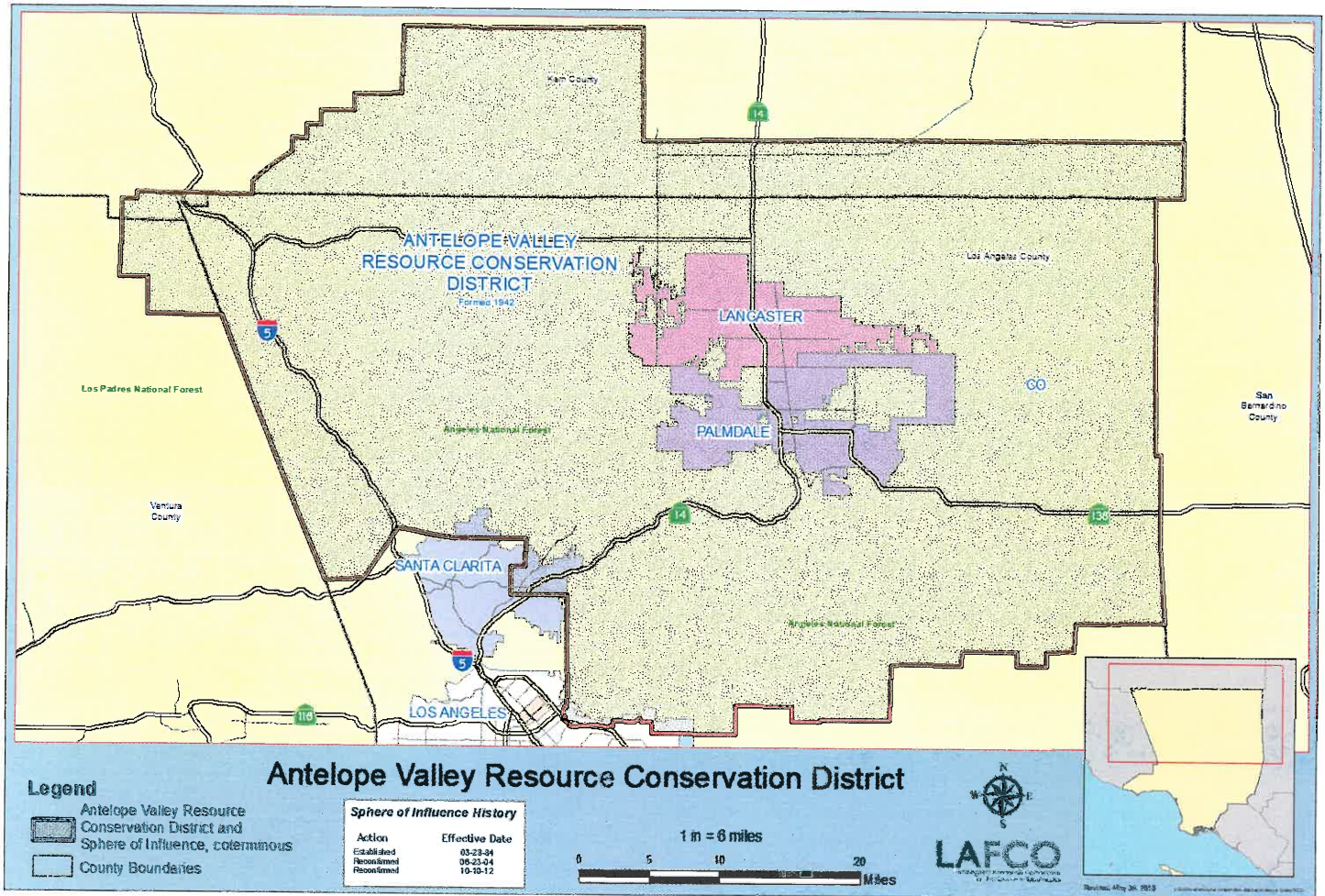
#### Functions or Classes of Services

The existing "functions or classes of services" are those municipal services that are already being provided by a special district within its boundaries; prior to recent changes in the Act, these existing functions or classes of services were known as "active powers." New or different functions or classes of services are those powers authorized by the principal act under which the district was formed, but not currently exercised by a special district; prior to recent changes in the Act, these existing functions or classes of services were known as "latent powers."

State law directs LAFCOs to determine each special district's active powers, and to maintain a record of those active powers. Because LAFCO failed to identify the AVRCD's active powers when it adopted the Miscellaneous Government Services MSR and SOI Update in 2004, this MSR will identify those active powers which the AVRCD is currently providing. All other services are considered to be latent powers; LAFCO approval (pursuant to Government Code Section 56824.10) would be required before the district could provide any new or different functions or classes of services.

## Exhibit 1

### Existing Antelope Valley Resource Conservation District Jurisdictional and SOI Boundary



By adopting this MSR, the Commission (LAFCO) hereby authorizes the AVRCD to provide the following functions or classes of services:

1. To conduct surveys, investigations, and research relating to the conservation of resources and the preventive and control measures [sic] and works of improvement needed; publish the results of such surveys, investigations, or research; and disseminate information concerning such preventive control measures and works of improvement (*Public Resources Code § 9402*).
2. To make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion,

water conservation and distribution, agricultural enhancement, and erosion stabilization, including, but not limited to, terraces, ditches, levees, and dams or other structures, and the planting of trees, shrubs, grasses, or other vegetation (*Public Resources Code § 9409*).

3. To disseminate information relating to soil and water conservation and erosion stabilization (*Public Resources Code § 9411*).
4. To provide technical assistance to private landowners or land occupants within the district to support practices that minimize soil and related resource degradation (*Public Resources Code § 9412*).
5. To engage in activities designed to promote a knowledge of the principles of resource conservation throughout the district and for that purposes may develop educational programs both for children and for adults; to conduct workshops on the relationships between soil and related resource problems and their effects on other resources, such as wildlife and water quality; and to sponsor programs that address land use practices which reduce water and wind erosion, soil contamination, soil salinity, agricultural land conversion, loss of soil organic matter, soil subsidence, and soil compaction and associated poor water infiltration (*Public Resources Code § 9419*).
6. To appoint advisory committees to provide technical assistance in addressing soil and related resource problems (*Public Resources Code § 9420*).

Any and all other powers not identified above, which the AVRCD may propose to exercise, are considered to be new or different functions or classes of services (formerly known as “latent powers”). The AVRCD is prohibited from exercising such new or different functions or classes of services without the advance, written approval of the Commission pursuant to Government Code Sections 56824.10 through 56824.14, inclusive, and as addressed elsewhere in the Act.

In carrying out the services described, above, the AVRCD currently provides the following services:

- Native plant propagation at its nursery.
- Native plant sales to the public.
- Solar panel study site for revegetation after solar panel installation.
- Windbreak tree program—free trees to homeowners affected by blowing dust.
- Water conservation and native plant education.
- Restoration projects with native plants for construction, fire damaged areas, and other purposes (including seed collection, plant propagation, and planting at designated sites).
- Grass replacement programs in the Antelope Valley and the Santa Clarita Valley.
- Bi-annual native plant and water conservation events to educate the public.
- Fugitive Dust Taskforce.
- Valley Fever Awareness Alliance.
- Watershed Implementation Plan for rapid response to vegetation needs.<sup>11</sup>

## **Antelope Valley Resource Conservation District**

### **Discussion and Municipal Service Review Determinations**

Government Code Section 56430 requires LAFCO to “conduct a service review of the municipal services” and to “prepare a written statement of its determinations” relative to several factors. This chapter addresses these factors and includes the recommended determinations.

#### **Population Projections**

Based upon 2020 Census data, the current population of the AVRCD is 530,159.<sup>12</sup>

On September 3, 2020; the Southern California Association of Governments (SCAG) adopted its 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) which included 2020, 2030, 2035, and 2045 population projections. Utilizing the 2020 Census data, plus the population growth projected by SCAG’s forecast over 2020-2035 from the RTP/SCS, the projected population within the AVRCD in 2035 is 605,790. This projected population gives the district a growth rate just under 1% annually.<sup>13</sup> The existing and projected population are shown in Exhibit 2 on Page 14.

Because the jurisdictional and SOI boundary for the AVRCD are the same, the current population and projections are the same for both the district’s jurisdictional boundary and for the district’s SOI boundary.

The modest growth projected within the AVRCD’s boundaries is unlikely to have any significant impact upon the need for the services which the district provides.

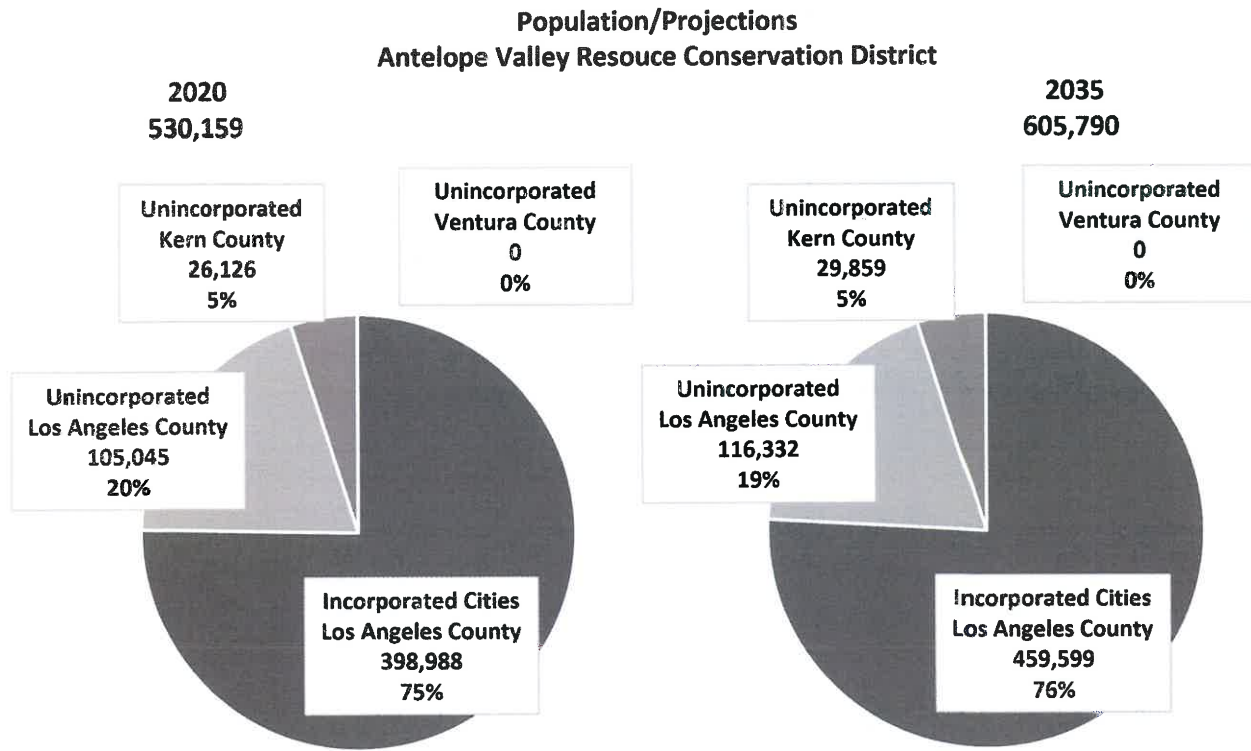
#### **Determinations:**

- The population within the AVRCD is expected to grow at a modest rate of one-percent (1%) between now and 2035.
- The modest growth projected within the AVRCD’s boundaries is unlikely to have any significant impact upon the need for the services which the district provides.

(Report continues on Page 14)

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## Exhibit 2



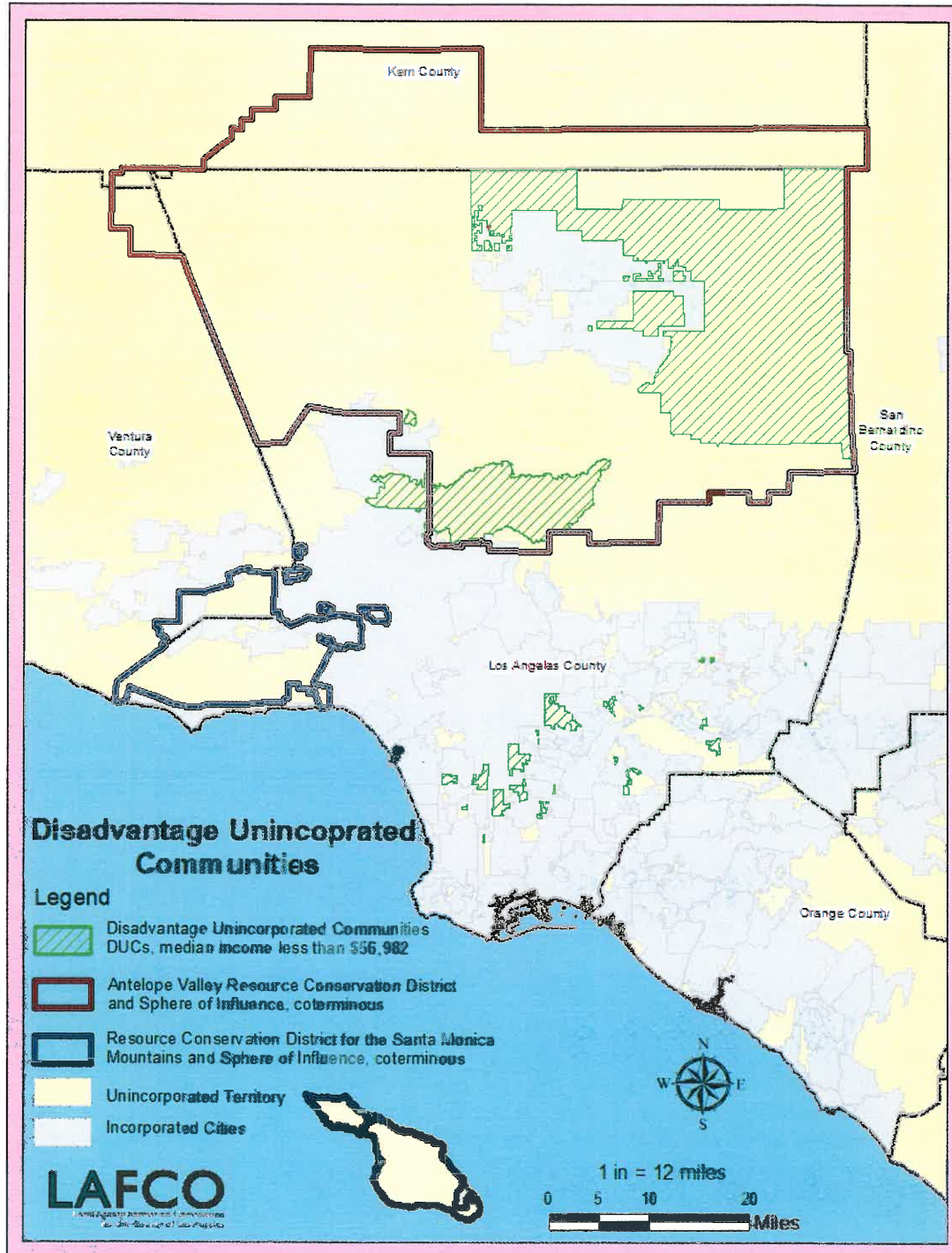
### Disadvantaged Unincorporated Communities

Pursuant to the State's passage of Senate Bill 244, as of January 1, 2012, LAFCOs are required to make determinations regarding Disadvantaged Unincorporated Communities (DUCs) for an Update of a Sphere of Influence. The law defines a DUC as a community with an annual median household income that is less than eighty percent (80%) of the statewide annual median household income. The law also requires that LAFCOs consider "the location and characteristics of any disadvantaged communities within or contiguous to the sphere of influence" when preparing an MSR.

The intent of SB 244 is to protect against the potential for cities and special districts to engage in a pattern of "selective" annexations which may lead to the establishment "service islands" in which disadvantaged residents receive inferior structural fire protection, municipal water, and sanitary sewage disposal and treatment services compared to adjoining areas within a city or district's boundary. The AVRCD's focus on soil conservation is unrelated to these more traditional municipal services (fire, water, sanitation). There are multiple DUCs spread throughout the district's territory (see Exhibit 3 on Page 15), and AVRCD provides its services in all portions of its district, regardless of whether the involved territory lies within, or outside of, a DUC.

Exhibit 3

Disadvantaged Unincorporated Communities



While the majority of one particular DUC (near the City of Santa Clarita) is within the boundary of the AVRCD, a small portion of it is just outside the DUC's boundary. The boundary of the AVRCD was established in 1942, and the boundary of this particular DUC was established in 2012; the fact that a portion of the DUC is outside the AVRCD's boundary is not significant. Further, the remainder of this DUC is proposed to be added to the AVRCD's SOI (see "Antelope Valley Resource Conservation District SOI Recommendation" discussion on Page 21).

### **Determinations:**

- The core services provided by the AVRCD do not impact the present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI.
- The AVRCD provides its services in all portions of its district, regardless of whether the involved territory lies within, adjacent to, or outside of, a DUC.

### *Present and Planned Capacity of Public Facilities*

The AVRCD owns eighty (80) acres of land located at 10148 West Avenue I in the City of Lancaster. According to AVRCD representative:

The property "contains an administration building, two residential houses (occupied), a nursery office, three greenhouses, two shade houses, large growing area with shade structures, [and a] 2-acre conservation garden. This property and all assets are owned unencumbered [free of any loans] by the District."<sup>14</sup>

The district also owns a John Deere tractor and a 2014 Ford F-150 pick-up truck.<sup>15</sup>

The district's assets, which are significant, enable the AVRCD to provide soil conservation to stakeholders and the general public. In addition to providing plants and seeds for district-initiated projects, the nursery is also open to the public three (3) days a week. The on-site administration accommodates the district's needs for office space and for monthly meetings of the board of directors. The eighty-acre property serves as a resource for the on-site nursery and administrative office building.

The two District-owned homes also serve as a resource to the district. According to AVRCD representatives:

The houses are occupied by employees of the District. One employee pays fair market value rent for the house, and another provides services in-lieu of paying rent. This employee is provided a 1099 at the end of each year for the fair market value of the rent. Both employees pay possessory tax to the County Tax Collector [a possessory tax is paid when real estate owned by a government agency is rented by a private individual for their own exclusive use].<sup>16</sup>

Given the payment of fair market rent by one employee, and the payment of a possessory tax by both tenants, the leasing of the two homes to District employees seems reasonable.

**Determinations:**

- The district has sufficient capacity, in terms of land, vehicles, and staffing, to provide soil conservations to stakeholders and the general public, both presently and for the foreseeable future.
- The district's ownership of eighty (80) acres of land, as well as two vehicles, free of any debt, provides the district with a solid base from which to provide services.

**Financial Ability of Agencies to Provide Services**

The AVRCD's most recent operating budget (2020-21) shows income of \$505,000, of which the largest component is the district's share of the one-percent (1%) (ad valorem) of property taxes, which is \$260,000. Income from other sources includes revenue from grants, rent, and miscellaneous other sources.<sup>17</sup>

The District's property tax income has risen slightly over the past three (3) years: from \$225,000 in FY 2018-19; to \$250,000 in FY 2019-20; and to \$260,000 in FY 2020-21. While grant income fluctuates significantly from one year to another, this is typical for any public agency, depending on what grants are received in any given fiscal year. Other income sources are reasonably stable.<sup>18</sup>

For the three (3) most recent fiscal years, the AVRCD has operated a budget surplus (\$47,655 in FY 2020-21; 77,195 in FY 2019-20; and \$105,980 in FY 2018-19).<sup>18</sup> The district's largest on-going expense—salaries/wages—has remained relatively constant over the past three years, as have most other expenses. Although the district's cost for consultants fluctuates significantly from one year to another, this is typical for any public agency, depending on the fluctuating number and extent of district-initiated projects from one year to the next (district representatives noted, further, that changes occurred as a result of the unexpected passing of a consultant and COVID-related impacts which affected workload).<sup>19</sup> Legal fees, which were \$1,500 in both 2018-2019 and 2019-2020, increased to \$10,000 in 2020-2021; district representatives noted that the increase is due to the need to retain legal counsel to intervene in the on-going Antelope Valley groundwater adjudication lawsuit.<sup>20</sup>

The three (3) most recent audits of the AVRCD's financial statements did not identify any significant deficiencies nor material weaknesses; further, all three audits determined that the district's financial statements were prepared in accordance with generally accepted accounting principles.<sup>21</sup>

The AVRCD is in a relatively strong condition, given several factors: one, on-going annual "surplus" budgets, in which revenue exceeds expenses; two, the stability of the district's primary revenue source, property taxes; three, the district's ownership of land and vehicles free of any encumbrances; four, the stability of the district's largest expense (salaries and wages); and five, favorable statements from the district's professional auditors.

**Determinations:**

- Available financial indicators suggest that the district is in a strong financial position.

- The district has sufficient financial capability to provide soil conservations to stakeholders and the general public, both presently and for the foreseeable future.

#### Status of, and Opportunities for, Shared Facilities

Because State law precludes land from being within the boundary of more than one RCD, by design, all RCDs are monopolies. Additionally, soil conservation is a unique public service, one which, in general, is not provided, to any significant extent, by competing government agencies. Given these two (2) factors, the opportunity for the AVRCD to utilize shared facilities is significantly constrained. This is not to say that the AVRCD operates in a vacuum—quite the contrary, as many of its vendor contracts are with other public agencies (the California Department of Transportation (CalTrans) Fort Irwin, the United State Department of Agriculture (USDA), and Los Angeles County).

The AVRCD is a member of the Desert & Mountains Conservation Authority (DMCA), a joint powers agreement between the AVRCD and the Santa Monica Mountains Conservancy (SMMC).<sup>22</sup>

#### **Determination:**

- **There are no existing shared facilities, nor are there any known, available opportunities for shared facilities.**

#### Accountability for Community Service Needs

The AVRCD is managed by five non-salaried directors, either elected by the voters in the district and/or appointed in-lieu by the Los Angeles County Board of Supervisors. The Board of Directors meets monthly at 10148 W Ave I in the City of Lancaster. Meeting agendas are available on the district's website ([www.avrcd.org](http://www.avrcd.org)).

The district maintains a reasonably complete website ([avrcd.org](http://avrcd.org)) which includes a meeting schedule and agendas; a transparency section which includes information about compensation, financial transactions, and a catalog of enterprise systems; and contact information for district representatives.

Adopted in late 2018, Senate Bill 929 is a law requiring all independent special districts in California to create and maintain a website (with specified information about the district). by January of 2020 (now codified as Government Code §§ 6270.6 and 53087.8).<sup>23</sup> SB 929 requires, further, that independent special districts post certain information on their websites. The AVRCD website ([www.avrcd.org](http://www.avrcd.org)) complies with most of SB 929's requirements, with the exception of not having an agenda which is searchable, indexable, and platform independent (in fairness, many independent special districts do not meet this requirement).

The district has a nursery which is open to the public three (3) days a week, thereby promoting awareness of the AVRCD and interactions with the general public. The district also hosts two annual on-site events, and conducts public outreach about soil conservation issues.

**Determination:**

- The AVRCD operates in a transparent manner, and it appears to be in compliance with State law relative to the posting of meeting agendas and website requirements.

Other Matters

(None)

**Determination:**

(No additional determinations)

**Antelope Valley Resource Conservation District Sphere of Influence Update**

In reviewing and updating the Antelope Valley Resource Conservation District Sphere of Influence, LAFCO is required to adopt written determinations for the following five items specified in Government Code Section 56425:

Present and planned land uses in the area including agricultural and open-space lands**Determinations:**

- Given the vast size of the AVRCD jurisdictional boundary—which includes all of the Antelope Valley, significant portions of the Santa Clarita Valley, a small portion of the San Fernando Valley, and a large swath of the Angeles National Forest—there are a wide variety of land uses therein.
- Present land uses within the AVRCD boundary include a combination of commercial, retail, industrial, residential, agricultural, and open space lands.
- Planned uses are likely to accommodate reasonable growth, mostly within and adjacent to the three existing incorporated cities (Lancaster, Palmdale, and Santa Clarita); this would include the buildout and expansion of commercial, retail, and industrial areas, as well as residential development (infill and new subdivisions).

Present and probable need for public facilities and services in the area**Determinations:**

- Given several factors—commercial agricultural operations, large swaths of undeveloped properties, and high winds—there is an existing need for the services which the district provides.
- The need for the district's services is on-going, and this need will continue for the foreseeable future.

Present capacity of public facilities and adequacy of public service that the agency provides or is authorized to provide

**Determinations:**

- The district has sufficient capacity, in terms of land, vehicles, and staffing, to provide soil conservations to stakeholders and the general public, both presently and for the foreseeable future.
- The district's ownership of eighty (80) acres of land, as well as two vehicles, free of any debt, provides the district with a solid base from which to provide services, and one this is not available to many other RCDs.

Existence of any social or economic communities of interest in the area

**Determinations:**

- Given the vast size of the AVRCD jurisdictional boundary, there are many social or economic communities of interest in the area.
- The AVRCD provides its services to all portions of the district, regardless of the presence of any existing social or economic communities of interest (with the qualification that the involved territory must be eligible to receive the services it provides).

For cities or special districts that provide public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities with the existing sphere of Influence.

**Determinations:**

- The core services provided by the AVRCD do not impact the present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI.
- The AVRCD provides its services in all portions of its district, regardless of whether the involved territory lies within, or outside of, a DUC.

(Report continues on Page 21)

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Antelope Valley Resource Conservation District SOI Recommendation:

A representative of the AVRCD has communicated the district's desire to expand its district boundaries to include: the remaining portion of the City of Santa Clarita which is not within its boundaries; unincorporated communities in the Santa Clarita Valley, generally southerly and westerly of the City of Santa Clarita; and that portion of the Santa Clara River westerly of the Golden State (I-5) Freeway to the Los Angeles-Ventura County boundary.

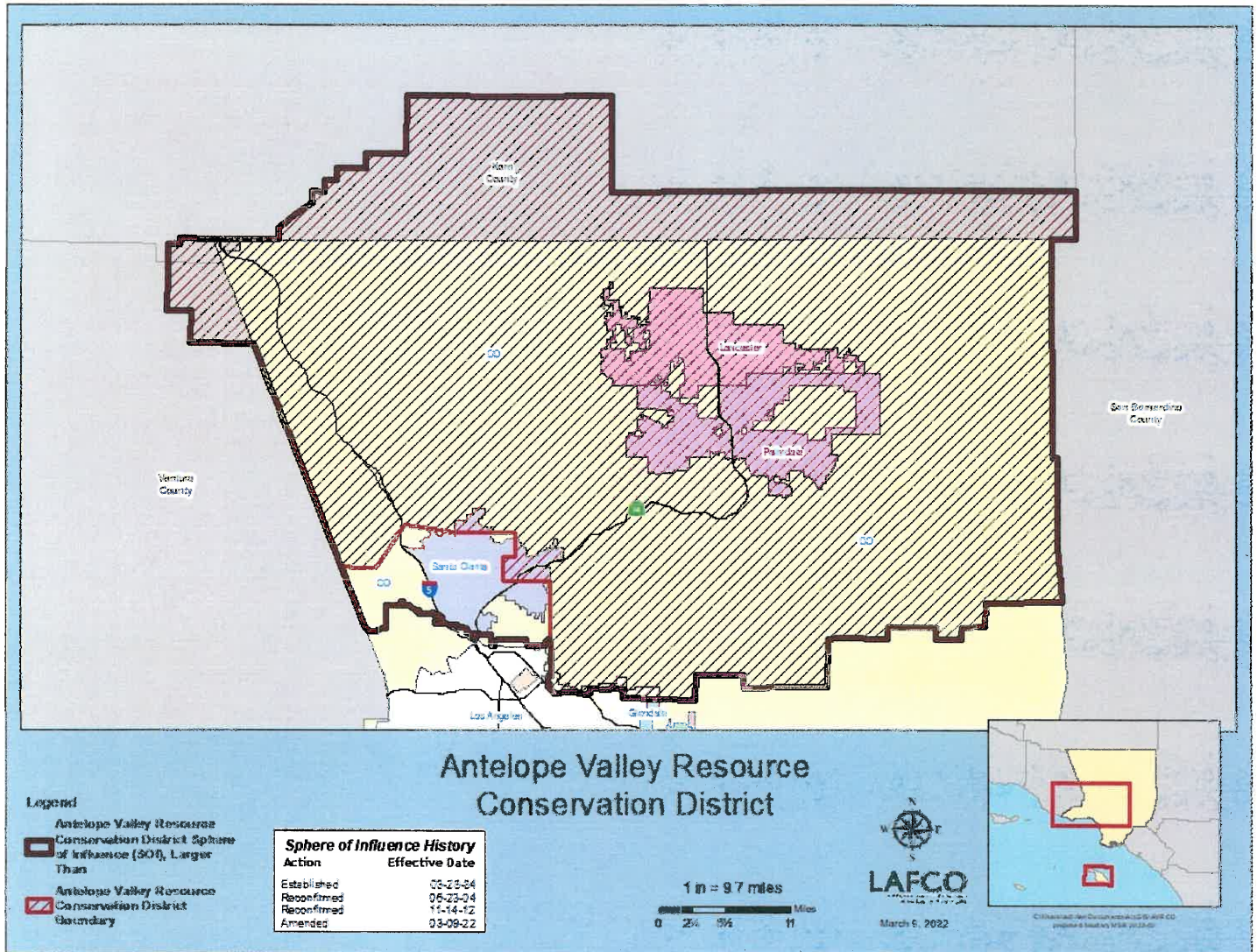
Consistent with the AVRCD's desire to expand its boundaries, through a future proposal to be submitted to LAFCO, staff recommends that the Commission expand the AVRCD, as shown in the map in Exhibit 4, on page 22, based upon the following considerations:

- Staff supports adding the remainder of the City of Santa Clarita to be within the SOI boundary, given that the AVRCD's existing jurisdictional boundary currently includes approximately twenty-percent (20%) of the City of Santa Clarita. Staff believes that the City would benefit from soil conservation services on a citywide basis. Conversely, staff does not believe that anything would be gained by placing the City of Santa Clarita into the SOI boundaries of two separate RCDs.
- The proposed SOI boundary in the Santa Clarita Valley generally follows other established boundaries. For example, the proposed boundary west of the City of Santa Clarita is the northerly boundary of the Rim of the Valley (ROTV) boundary. Because the RCDSMM is particularly focused on ROTV issues and areas within the ROTV are proposed to be placed within the RCDSMM's proposed SOI boundary. Secondly, near the area of the intersection of the Golden State (I-5) and Freeway and the State Route (SR-14) interchange, the boundary follows the boundary which separates the City of Los Angeles SOI (to the south) and the SOI of the City of Santa Clarita to the north.
- The proposed AVRCD SOI boundary would abut the boundary of the Ventura Resource Conservation District (to the west) in Ventura County to the west, and the proposed RCDSMM SOI boundary to the south and southwest.
- Staff concurs with a sentiment expressed by an AVRCD communications indicating that the environmental resources, water resources, topography, and weather patterns in the Santa Clarita Valley and the Antelope Valley are distinctly different from those in the Los Angeles Basin, and that the AVRCD is the appropriate RCD to provide soil conservation services in this region.

Should the Commission expand the AVRCD's boundary, the AVRCD representative has communicated to staff that she anticipates filing a proposal with LAFCO to annex the territory in the near future.

Exhibit 4

Proposed Antelope Valley Resource Conservation District SOI Boundary



(Report continues on Page 23)

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## Chapter Four: Resource Conservation District of the Santa Monica Mountains

The Resource Conservation District of the Santa Monica Mountains (RCDSMM or District), an independent special district, was originally established as the Topanga Soil Conservation District in 1961.<sup>24</sup> In 1971, a new state law re-named soil conservation districts as resource conservation districts, and the name was changed to the Topanga Las Virgenes Resource Conservation District; and in 1995, the district's Board of Directors adopted a resolution to change the name to the Resource Conservation District of the Santa Monica Mountains.<sup>25</sup>

As noted on the district's website:

"The Mission of the RCDSMM is to promote land stewardship and resource conservation through ecological research, conservation planning and design, habitat restoration and environmental education, while adhering to the highest standards of transparency and accountability as a public agency. The District engages in a strategic planning process every five years and produces annual plans prior to the start of each fiscal year."<sup>26</sup>

The RCDSMM is managed by 5 non-salaried directors.<sup>27</sup> The Board of Directors holds monthly meetings on the fourth Monday of the month at the Resource Conservation District Office (540 S. Topanga Canyon Blvd, Topanga, CA 90290). Meeting agendas are available on the district's website ([www.rcdsmm.org](http://www.rcdsmm.org)).

The jurisdictional boundary of the AVRCD "encompasses the Santa Monica Mountains from Point Mugu to Topanga State Park and includes the Simi Hills."<sup>28</sup> The jurisdictional boundary includes four incorporated cities (Agoura Hills, Calabasas, Hidden Hills, and Westlake Village); several unincorporated communities (primarily Malibu and Topanga) in the County of Los Angeles; unincorporated territory in the County of Ventura County, generally south of the City of Simi Valley and east of the City of Thousand Oaks; three discontinuous areas (Chatsworth Reserve Nature Preserve, Pierce College, and Santa Susana Pass Historic Park), each of which is located within the boundaries of the City of Los Angeles; all County unincorporated territory on Santa Catalina Island (the entire island, excluding the City of Avalon); and Federal and State open space/recreation areas, including the Santa Monica Mountains National Recreation Area and Malibu Creek State Park.

Exhibit 5 on Page 24 shows the jurisdictional boundary of the RCDSMM.

The district receives a portion of the one-percent (1%) *ad valorem* share of property taxes, and it also applies for and receives grants from Federal and State agencies as well as other sources.

The RCDSMM is staffed by three (3) full-time employees: an Executive Officer & Architect, a Finance & Operations Officer, and an Administrative Assistant. The district utilizes additional staff on a part-time basis, with the individuals and assignments changing frequently, depending on the district's needs.<sup>29</sup>

The district does not own any real estate, it leases office space, and it has no significant assets of any appreciable value.

## Existing Resource Conservation District for the Santa Monica Mountains Jurisdictional and SOI Boundary



State law directs LAFCOs to determine each special district's active powers, and to maintain a record of those active powers. Because LAFCO failed to identify the RCDSMM's active powers when it adopted the Miscellaneous Government Services MSR and SOI Update in 2004, this MSR will identify those active powers, which the RCDSMM is currently providing. All other services are considered to be latent powers; LAFCO approval (pursuant to Government Code

Section 56824.10) would be required before the district could provide any new or different functions or classes of services.

By adopting this MSR, the Commission (LAFCO) hereby authorizes the RCDSMM to provide the following functions or classes of services:

1. To conduct surveys, investigations, and research relating to the conservation of resources and the preventive and control measures [sic] and works of improvement needed; publish the results of such surveys, investigations, or research; and disseminate information concerning such preventive control measures and works of improvement (*Public Resources Code § 9402*).
2. To make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, water conservation and distribution, agricultural enhancement, and erosion stabilization, including, but not limited to, terraces, ditches, levees, and dams or other structures, and the planting of trees, shrubs, grasses, or other vegetation (*Public Resources Code § 9409*).
3. To disseminate information relating to soil and water conservation and erosion stabilization (*Public Resources Code § 9411*).
4. To provide technical assistance to private landowners or land occupants within the district to support practices that minimize soil and related resource degradation (*Public Resources Code § 9412*).
5. To engage in activities designed to promote a knowledge of the principles of resource conservation throughout the district and for that purposes may develop educational programs both for children and for adults; to conduct workshops on the relationships between soil and related resource problems and their effects on other resources, such as wildlife and water quality; and to sponsor programs that address land use practices which reduce water and wind erosion, soil contamination, soil salinity, agricultural land conversion, loss of soil organic matter, soil subsidence, and soil compaction and associated poor water infiltration (*Public Resources Code § 9419*).
6. To appoint advisory committees to provide technical assistance in addressing soil and related resource problems (*Public Resources Code § 9420*).

Any and all other powers not identified above, which the RCDSMM may propose to exercise, are considered to be new or different functions or classes of services (formerly known as "latent powers"). The RCDSMM is prohibited from exercising such new or different functions or classes of services without the advance, written approval of the Commission pursuant to Government Code Sections 56824.10 through 56824.14, inclusive, and as addressed elsewhere in the Act.

In carrying out the services described, above, the RCDSMM currently provides the following services:

- Restoration of Topanga Lagoon.
- Wildlife resiliency information and services to homeowners and managers.
- Permit reporting and compliance for landowners.
- Watershed protection and restoration.
- Oak monitoring and restoration.
- Wildlife inventory and biodiversity studies.
- Regional and local conservation planning.
- Natural science education field programs at Malibu Lagoon, Topanga State Park, and Sepulveda Basin.
- Research/reference conservation library.
- Habitat restoration.
- Resource conservation educator training.
- Teacher training.
- Fire wise demonstration structure.
- Wildlife monitoring.
- Virtual field trips.
- Wildlife crossing design.
- Research and monitoring.
- Environmental education.
- Protection and preservation of natural resources.
- Landowner assistance.
- Community wildfire resilience.<sup>30</sup>

## **Resource Conservation District for the Santa Monica Mountains**

### **Discussion and Municipal Service Review Determinations**

Government Code Section 56430 requires LAFCO to “conduct a service review of the municipal services” and to “prepare a written statement of its determinations” relative to several factors. This chapter addresses these factors and includes the recommended determinations.

#### Population Projections

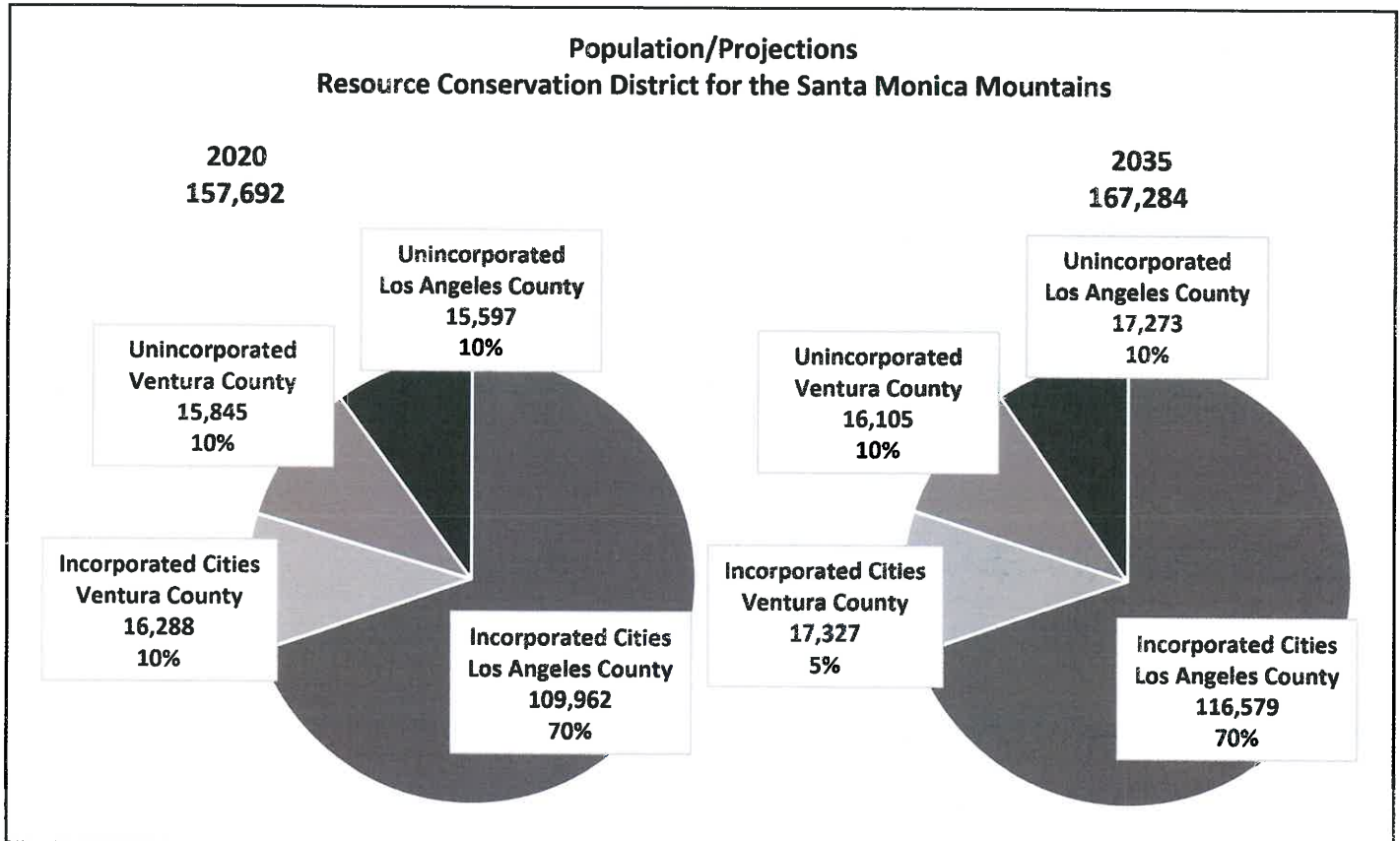
Based upon 2020 Census data, the current population of the RCDSMM is 157,692.<sup>31</sup>

On September 3, 2020; the Southern California Association of Governments (SCAG) adopted its 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) which included 2020, 2030, 2035, and 2045 population projections. Utilizing the 2020 Census data, plus the population growth projected by SCAG’s forecast over 2020-2035 from the RTP/SCS, the projected population within the RCDSMM in 2035 is 167,284. This projected population gives the district a growth rate of 0.41% per year.<sup>32</sup> The existing and projected population are shown in Exhibit 6 on Page 27.

Because the current jurisdictional and SOI boundary for the RCDSMM are the same, the current population and projection are the same for both the district’s jurisdictional boundary and for the district’s SOI boundary.

The modest growth projected within the RCDSMM's boundaries is unlikely to have any significant impact upon the need for the services which the district provides.

**Exhibit 6**



#### **Determinations:**

- The population within the RCDSMM is expected to grow at 0.41% per year between now and 2035.
- The modest growth projected within the RCDSMM's boundaries is unlikely to have any significant impact upon the need for the services which the district provides.

#### *Disadvantaged Unincorporated Communities*

Pursuant to the State's passage of Senate Bill 244, as of January 1, 2012, LAFCOs are required to make determinations regarding Disadvantaged Unincorporated Communities (DUCs) for an Update of a Sphere of Influence. The law defines a DUC as a community with an annual median household income that is less than eighty percent (80%) of the statewide annual median household income. The law also requires that LAFCOs consider "the location and

characteristics of any disadvantaged communities within or contiguous to the sphere of influence” when preparing an MSR.

The intent of SB 244 is to protect against the potential for cities and special districts to engage in a pattern of “selective” annexations which may lead to the establishment “service islands” in which disadvantaged residents receive inferior structural fire protection, municipal water, and sanitary sewage disposal and treatment services compared to adjoining areas within a city or district’s boundary. The RCDSMM’s focus on soil conservation is unrelated to these more traditional municipal services (fire, water, sanitation).

There are no DUCs within or adjacent to the boundary of the RCDSMM (see Exhibit 3 on Page 15).<sup>33</sup>

#### **Determinations:**

- The core services provided by the RCDSMM do not impact the present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI.
- The RCDSMM provides its services in all portions of its district, regardless of whether the involved territory lies within, or outside of, a DUC.
- There are no DUCs adjacent to the RCDSMM boundary.

#### *Present and Planned Capacity of Public Facilities*

The assets of the RCDSMM are composed of two (2) outdoor storage sheds, a Mobile Mini, and miscellaneous equipment, the value of these assets is less than \$2,000.<sup>34</sup> The district office is located in rented office space, which accommodates the district’s needs for office space and for monthly meetings of the board of directors.

With respect to the district’s overall fiscal health, one must acknowledge the RCDSMM’s performance in securing other revenue at a multiple of its property tax revenue in each of the last three years. As noted in the “Management’s Discussion and Analysis” in all three of the most recent audits, the District has secured 2.7 times the amount of other revenue compared to property tax revenue (in Fiscal Year 2019-20); 2.1 times the amount of other revenue compared to property tax revenue (in Fiscal Year 2018-19); and 3.1 times the amount of other revenue compared to property tax revenue (in Fiscal Year 2017-18).<sup>35</sup> These results reflect a concerted, deliberate effort to maximize revenues from sources other than property taxes.

#### **Determination:**

- The district has sufficient capacity, in terms of resources and staffing, to provide soil conservation services presently and for the foreseeable future.

#### *Financial Ability of Agencies to Provide Services*

The RCDSMM’s most recent operating budget (2020-21) shows income of \$529,200; of which

the largest component is the district's share of the one-percent (1%) *ad valorem* of property taxes, which is \$374,000; with \$300,000 coming from property taxes in Los Angeles County, and \$74,000 from property taxes in Ventura County. Income from other sources includes revenue from grants, fees for services, and miscellaneous other sources.<sup>36</sup>

The District's property tax income is relatively stable over the past three (3) years: originally at \$352,000 in FY 2018-19; to \$376,000 in FY 2019-20; and to \$374,000 in FY 2020-21.<sup>37</sup>

While grant income and fees for service revenues fluctuate significantly from one year to another, this is typical for any public agency, depending on what grants are received, and what fees are charged, in any given fiscal year. Other income sources are reasonably stable.<sup>38</sup>

For the three (3) most recent fiscal years, the RCDSMM has operated with a balanced budget, with revenues and expenses essentially in balance (while perfectly in balance in Fiscal Year 2018-2019, there was negligible net income of \$140.07 in Fiscal Year 2020-21 and \$55 in Fiscal Year 2019-20).<sup>39</sup>

The district's largest on-going expense—salaries/wages—has remained relatively constant over the past three years, as have most other expenses. Although the district's cost for consultants fluctuates significantly from one year to another, this is typical for any public agency, depending on the fluctuating number and extent of district-initiated projects from one year to the next.<sup>40</sup>

The three (3) most recent audits of the RCDSMM's financial statements did not identify any significant deficiencies nor material weaknesses; further, all three (3) audits determined that the district's financial statements were prepared in accordance with generally accepted accounting principles.<sup>41</sup>

With respect to the district's overall fiscal health, it is important to consider the RCDSMM's ability to secure other revenue at a multiple of its property tax revenue in each of the last three(3) years. As noted in the "Management's Discussion and Analysis" in all three of the most recent audits, the District has secured 2.7 times the amount of other revenue to property tax revenue (in Fiscal Year 2019-20); 2.1 times the amount of other revenue to property tax revenue (in Fiscal Year 2018-19); and 3.1 times the amount of other revenue to property tax revenue (in Fiscal Year 2017-18).<sup>42</sup> These results reflect a concerted, deliberate effort to maximize revenues from sources other than property taxes.

The RCDSMM is in a relatively strong financial position, given several factors: one, on-going annual balanced budgets, in which revenue and expenses are equivalent; two, the stability of the district's primary revenue source, property taxes; three, the district's successful efforts to maximize revenues from sources other than property taxes; and four, favorable statements from the district's professional auditors.

#### **Determinations:**

- Available financial indicators suggest that the district is in a strong financial position.
- The district has sufficient financial capability to provide soil conservations to stakeholders and the general public, both presently and for the foreseeable future.

### Status of, and Opportunities for, Shared Facilities

Because State law precludes land from being within the boundary of more than one RCD, by design, RCDs are monopolies. Additionally, soil conservation is a unique public service, one which, in general, is not provided by competing government agencies. Given these two (2) factors, the opportunity for the RCDSMM to utilize shared facilities is significantly constrained. While the district does not share facilities, it works with a wide array of other public agencies at the Federal, State, and local level; and with a wide array of non-profit organizations. These include the National Marine Fisheries Service, the Santa Monica Mountains National Recreation Area; the California Department of Fish and Wildlife, the California Department of Transportation (CalTrans) District 7, the Los Angeles County Fire Forestry Division, the City of Agoura Hills, the San Fernando Valley Audubon Society, and the Santa Monica Bay Restoration Commission.<sup>43</sup>

#### **Determination:**

- **There are no existing shared facilities, nor are there any known, available opportunities for shared facilities.**

### Accountability for Community Service Needs

The RCDSMM is managed by five (5) non-salaried directors, , either elected by the voters in the district and/or appointed in-lieu by the Los Angeles County Board of Supervisors.<sup>44</sup> The Board of Directors holds monthly meetings on the fourth Monday of the month at the Resource Conservation District Office (540 S. Topanga Canyon Blvd, Topanga, CA 90290). Meeting agendas are available on the district's website ([www.rcdsmm.org](http://www.rcdsmm.org)).

The district maintains a reasonably complete website ([www.rcdsmm.org](http://www.rcdsmm.org)) which includes a meeting schedule and agendas; a transparency section which includes information about compensation, financial transactions, and a catalog of enterprise systems; and contact information for district representatives.

Adopted in late 2018, Senate Bill 929 is a law requiring all independent special districts in California to create and maintain a website (with specified information about the district) by January of 2020 (now codified as Government Code §§ 6270.6 and 53087.8).<sup>45</sup> SB 929 requires, further, that independent special districts post certain information on their websites. The RCDSMM website ([www.rcdsmm.org](http://www.rcdsmm.org)) complies with most of SB 929's requirements, with the exception of not having an agenda which is searchable, indexable, and platform independent (in fairness, many independent special districts do not meet this requirement).

The district has a robust public education and outreach program, which typically includes seminars, training, and outreach to public schools (many of these activities were suspended, or converted to virtual format, during COVID-19 pandemic restrictions).

#### **Determination:**

- The RCDSMM operates in a transparent manner, and it appears to be in compliance with State law relative to the posting of meeting agendas and website requirements.

Other Matters

(None)

**Determinations:**

(No additional determinations)

**Resource Conservation District for the Santa Monica Mountains Sphere of Influence  
Update**

In reviewing and updating the Resource Conservation District for the Santa Monica Mountains Sphere of Influence, LAFCO is required to adopt written determinations for the following five items specified in Government Code Section 56425:

Present and planned land uses in the area including agricultural and open-space lands

**Determinations:**

- There are a wide variety of land uses within the boundaries of the RCDSMM.
- Present land uses within the RCDSMM boundary include a combination of commercial, retail, industrial, residential, agricultural, and open space lands.
- Relatively little new development is likely to occur within the boundaries of the RCDSMM.

Present and probable need for public facilities and services in the area

**Determinations:**

- Given the presence of endangered species, soil erosion, and the large amount of undeveloped open space lands within its boundaries, there is an existing need for the services which the district provides.
- The need for the district's services is on-going, and this need will continue for the foreseeable future.

Present capacity of public facilities and adequacy of public service that the agency provides or is authorized to provide.

**Determination:**

- The district has sufficient capacity, in terms of resources and staffing, to provide soil conservation services presently and for the foreseeable future.

Existence of any social or economic communities of interest in the area.

**Determinations:**

- Given the vast size of the RCDSMM jurisdictional boundary, there are many social or economic communities of interest in the area.
- With the qualification that the involved territory must be eligible to receive the services it provides, the RCDSMM provides its services to all portions of the district, regardless of the presence of any existing social or economic communities of interest.

For cities or special districts that provide public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities with the existing sphere of Influence.

**Determination:**

- The core services provided by the RCDSMM do not impact the present and probable need for public facilities or services related to sewers, municipal and industrial water, and structural fire protection for any disadvantaged unincorporated communities within the existing and proposed SOI.
- The RCDSMM provides its services in all portions of its district, regardless of whether the involved territory lies within, or outside of, a DUC.
- There are no DUCs adjacent to the RCDSMM boundary.

(Report continues on Page 33)

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Resource Conservation District of the Santa Monica Mountains SOI Recommendation:

Approximately two years ago, RCDSMM representatives approached staff, expressing an interest in expanding its SOI to include several areas:

- The City of Malibu;
- Portions of the San Fernando Valley and adjoining communities, including all or portions of the Cities of Burbank, Glendale, La Cañada-Flintridge, Los Angeles, San Fernando, and associated unincorporated areas;
- Portions of the Santa Clarita Valley, both within the City of Santa Clarita and adjoining unincorporated communities; and
- Portions of the cities of Camarillo, Moorpark, Thousand Oaks, and Ventura, as well as adjoining unincorporated territory in Ventura County. After consultation with various stakeholders, including Ventura LAFCO and representatives of the four cities in Ventura County, the RCDSMM withdrew its request to amend its SOI to include portions of Ventura County.

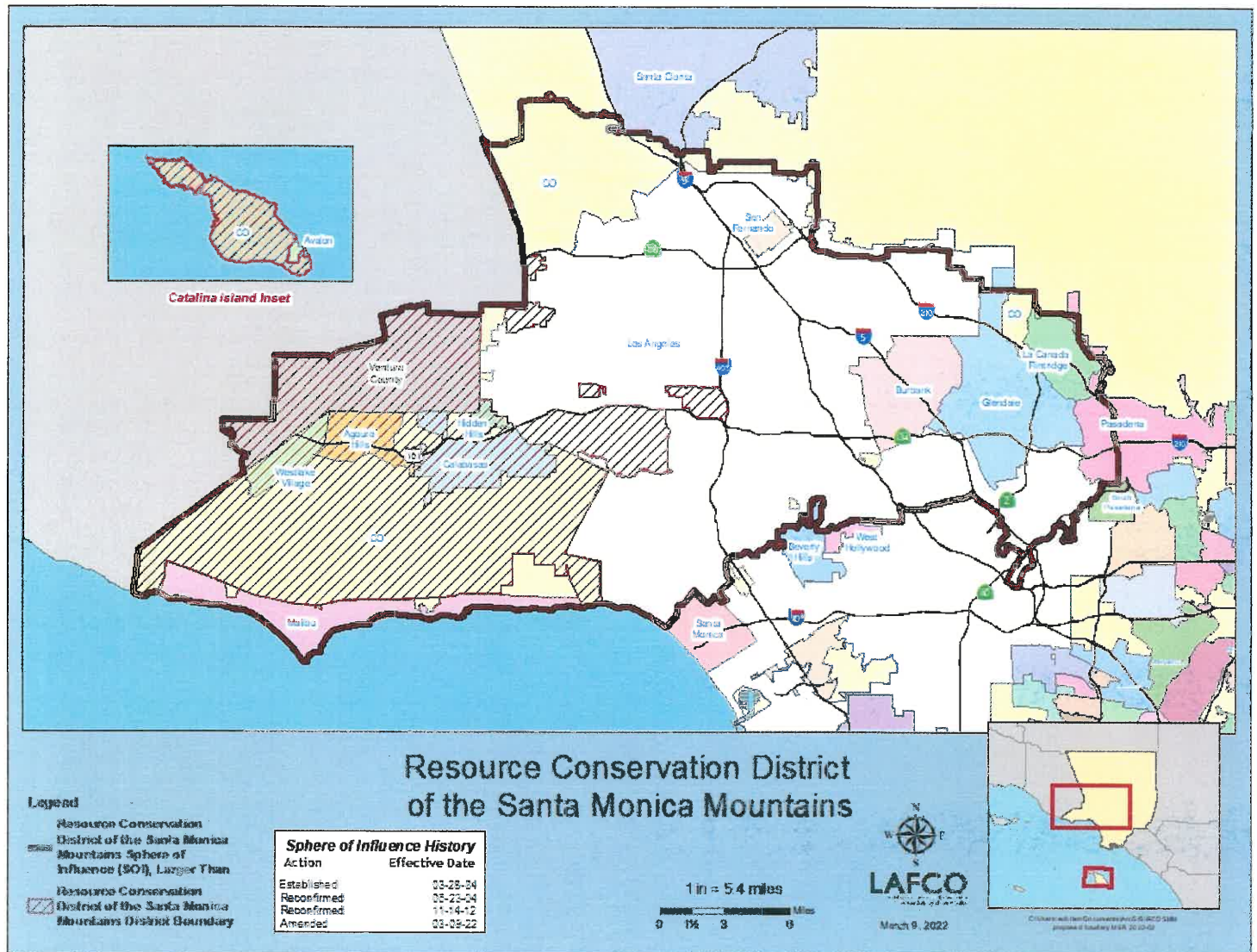
Consistent with the RCDSMM's desire to expand its boundaries, through a future proposal to be submitted to LAFCO, staff recommends that the Commission expand the AVRCD, as shown in the map in Exhibit 7 on Page 34, based upon the following considerations:

- Staff supports the proposed addition of the City of Malibu to the SOI boundary. While a significant portion of the Malibu Creek Watershed is within the RCDSMM's existing jurisdictional and SOI boundary, the City of Malibu is currently outside those boundaries. Further, the RCDSMM abuts the City of Malibu on three sides (the fourth side is the Pacific Ocean). In these respects, the RCDSMM is ideally suited to provide soil conservation services within the City of Malibu.
- The proposed SOI boundary in the Santa Clarita Valley generally follows other established boundaries. For example, the proposed boundary is the northerly boundary of the Rim of the Valley (ROTV). Secondly, near the area of the intersection of the Golden State (I-5) and Freeway and the State Route (SR-14) interchange, the boundary follows the boundary which separates the City of Los Angeles SOI (to the south) and the SOI of the City of Santa Clarita to the north.
- Because the RCDSMM is particularly focused on ROTV issues, staff supports placing these areas (near the northern boundary of the City of Los Angeles) within the RCDSMM's proposed SOI boundary.

Should the Commission expand the RCDSMM's boundary, RCDSMM representatives have communicated to staff that they anticipate filing a proposal with LAFCO to annex the territory in the near future.

## Exhibit 7

## Proposed Resource Conservation District for the Santa Monica Mountains Sphere of Influence



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**Resource Conservation District  
Municipal Service Review**

**Footnotes**

Footnotes:

1. California Association of Resource Conservation Districts website ([www.carcd.org](http://www.carcd.org)), downloaded July 15, 2020.
2. California Association of Resource Conservation Districts website ([www.carcd.org](http://www.carcd.org)), downloaded July 15, 2020.
3. Clark Stevens, Meeting at LAFCO Offices, Pasadena, California, June 19, 2019.
4. State of California Public Resources Code, Section 9001.
5. Karen Buhr, Executive Director, California Association of Resource Conservation Districts; E-mail with Paul Novak, September 9, 2021.
6. Memorandum of Understanding (MOU) for Exchange of Principal County Status for Sphere of Influence Changes, Local Agency Formation Commission for Ventura County and Local Agency Formation Commission for the County of Los Angeles; February 19, 2020; LA LAFCO website ([www.lalafco.org](http://www.lalafco.org)), downloaded August 31, 2021.
7. Antelope Valley Resource Conservation District website ([www.avrcd.org](http://www.avrcd.org)), downloaded July 15, 2021.
8. Ibid.
9. Ibid.
10. Debra Gillis, Antelope Valley Resource Conservation District General Manager, Interview, September 22, 2021.
11. Debra Gillis, Antelope Valley Resource Conservation District General Manager, AVRCD; written response to LAFCO inquiry; enclosure to e-mail to Paul Novak; May 10, 2021.
12. United States Department of Commerce, Bureau of the Census, 2020 Census, August, 2021.
13. Southern California Association of Governments 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) adopted September 3, 2020.

14. Debra Gillis, Antelope Valley Resource Conservation District General Manager, AVRCD; written response to LAFCO inquiry; enclosure to e-mail to Paul Novak; May 10, 2021.
15. Ibid.
16. Debra Gillis, Executive Director, Antelope Valley Resource Conservation District; E-mail to Paul Novak, September 20, 2021.
17. AVRCD Operating Budget, 2020-21.
18. AVRCD Operating Budget, Fiscal Year 2020-21; AVRCD Operating Budget, Fiscal Year 2019-20; and AVRCD Operating Budget, Fiscal Year 2018-19.
19. Ibid.
20. Debra Gillis, Executive Director, Antelope Valley Resource Conservation District; E-mail to Paul Novak, September 20, 2021.
21. Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards for Fiscal Year 2018-2019 and Fiscal Year 2019-2020; Nigro & Nigro, a professional accountancy corporation; February 28, 2021; and Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards for Fiscal Year 2017-2018; January 29, 2019; Burkey Cox Evans & Bradford Accountancy Corporation; and Debra Gillis, Executive Director, Antelope Valley Resource Conservation District; E-mail to Paul Novak, September 20, 2021.
22. Debra Gillis, Antelope Valley Resource Conservation District General Manager, AVRCD; written response to LAFCO inquiry; enclosure to e-mail to Paul Novak; May 10, 2021.
23. Streamline Website, downloaded July 20, 2020.)
24. Financial Statement with Independent Auditor's Report; Year Ended June 30, 2020; Rogers, Anderson, Malody & Scott, LLP; Page 18.
25. Ibid.
26. Resource Conservation District of the Santa Monica Mountains website ([www.rcdsgmm.org](http://www.rcdsgmm.org)), downloaded July 15, 2021.
27. Ibid.
28. Ibid.
29. John Hendra, Finance & Operations Officer, Resource Conservation District of the Santa Monica Mountains; e-mail to Paul Novak; August 20, 2021.

30. Resource Conservation District of the Santa Monica Mountains website ([www.rcdsmm.org](http://www.rcdsmm.org)), downloaded July 15, 2021; and RCDSMM 2019-2020 Annual Report, Pages 3-8.
31. United States Department of Commerce, Bureau of the Census, 2020 Census, August, 2021.
32. Southern California Association of Governments 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) adopted September 3, 2020.
33. Local Agency Formation Commission for the County of Los Angeles website ([www.lalafco.org](http://www.lalafco.org)), downloaded September 14, 2021 (for DUCs within Los Angeles County); Kai Luoma, Ventura LAFCO Executive Officer, e-mail to Paul Novak; September 14, 2021 (for DUCs within Ventura County); and Blair Knox, Kern LAFCO Executive Officer, e-mail to Paul Novak.
34. John Hendra, Finance & Operations Officer, Resource Conservation District of the Santa Monica Mountains; e-mail to Paul Novak; August 20, 2021.
35. Financial Statement with Independent Auditor's Report; Year Ended June 30, 2020; Rogers, Anderson, Malody & Scott, LLP; Financial Statement with Independent Auditor's Report; Year Ended June 30, 2019; Rogers, Anderson, Malody & Scott, LLP; and Financial Statement with Independent Auditor's Report; Year Ended June 30, 2018; Rogers, Anderson, Malody & Scott, LLP.
36. Resource Conservation District of the Santa Monica Mountains, Revised Budget, Fiscal Year 2020-21.
37. Resource Conservation District of the Santa Monica Mountains, Revised Budget, Fiscal Year 2020-21; Resource Conservation District of the Santa Monica Mountains, Revenue & Expense Budget, Fiscal Year 2019-2020; and Resource Conservation District of the Santa Monica Mountains, Fiscal Year 2018-19 General Fund Budget.
38. Ibid.
39. Ibid.
40. Ibid.
41. Financial Statement with Independent Auditor's Report; Year Ended June 30, 2020; Rogers, Anderson, Malody & Scott, LLP; Financial Statement with Independent Auditor's Report; Year Ended June 30, 2019; Rogers, Anderson, Malody & Scott, LLP; and Financial Statement with Independent Auditor's Report; Year Ended June 30, 2018; Rogers, Anderson, Malody & Scott, LLP.
42. Ibid.
43. RCDSMM 2019-2020 Annual Report, Page 9.

44. Resource Conservation District of the Santa Monica Mountains website ([www.rcdsmm.org](http://www.rcdsmm.org)), downloaded July 15, 2021.
45. Streamline Website, downloaded July 20, 2020.)
46. Clark Stevens, Executive Officer, Resource Conservation District of the Santa Monica Mountains; letter to Paul Novak; June 23, 2021.
47. Karen Buhr, Executive Director, California Association of Resource Conservation Districts; E-mail with Paul Novak, September 9, 2021.



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HEADQUARTERS

4232 Las Virgenes Road

Calabasas, CA 91302

(818) 251-2100

Fax (818) 251-2109

WESTLAKE

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MEMBER AGENCY OF THE  
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DISTRICT  
OF SOUTHERN CALIFORNIA

**Glen D. Peterson**

MWD Representative

February 18, 2022

Mr. Paul Novak, Executive Officer  
Los Angeles County Local Agency Formation Commission  
80 South Lake Avenue, Suite 870  
Pasadena, California 91101

**Municipal Service Review and Sphere of Influence Update for the  
Resource Conservation District of the Santa Monica Mountains**

Dear Mr. Novak:

I am writing in support of the proposal by the Resource Conservation District of the Santa Monica Mountains (RCDSMM) to expand its Sphere of Influence (SOI) to include additional areas in my agency's jurisdiction. Having access to the services and programs offered by the RCDSMM will enhance the environment, increase public safety and improve our region's communities.

The RCDSMM is a local, non-regulatory special district with a mission to restore and conserve natural resources for the benefit of people and the environment. Its services include promoting wildfire safety and resilience to homeowners, providing environmental education to thousands of students and adults each year, helping residents and businesses conserve water, restoring vital natural habitat, monitoring endangered and threatened species, and working with local public agencies to better the environment, among other things. These services are provided to local residents at almost no cost, funded largely through grants and donations.

For over 60 years, the RCDSMM has worked in cooperation with landowners and partners to address resource concerns. It has built cooperative relationships with local governments, public agencies and private landowners by seeking funding on their behalf. The RCDSMM is authorized to work on federal, state *and* private lands when requested, and has access to federal resources through its partnership with the USDA Natural Resources Conservation Service. The RCDSMM is a trusted entity that brings together stakeholders, funders and decision makers to solve environmental problems.

The SOI expansion proposed by the RCDSMM will allow for future service within the entire Upper Los Angeles River watershed. The RCDSMM is already being asked to assist in restoration efforts in the Los Angeles River watershed, and it has the knowledge and experience to make a difference for the better.

Mr. Paul Novak, Executive Officer  
February 18, 2022  
Page 2 of 2

Thank you for the opportunity to comment on the proposed SOI expansion for the RCDSMM. The residents and environment of my jurisdiction will benefit from the services provided by the RCDSMM, so I ask for your support to approve the request.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Pedersen", with a stylized, flowing script.

David W. Pedersen, P.E.  
General Manager

## **Staff Report**

**March 9, 2022**

### **Agenda Item No. 7.b.**

#### **Proposed Draft Budget for Fiscal Year 2022-23**

##### **Background**

Government Code Section 56381 requires the Commission to adopt a proposed budget for the upcoming fiscal year (July 1 to June 30) by May 1<sup>st</sup> and a final budget by June 15<sup>th</sup> of each year. The Commission is further required to hold a noticed public hearing for both the proposed and final budget, and to distribute copies of the proposed and final budget to the County of Los Angeles, the eighty-eight (88) cities in Los Angeles County, and the fifty-one (51) independent special districts in Los Angeles County.

##### **Proposed Draft Budget**

The Final Budget for the current fiscal year, FY 2021-22, was adopted at \$1,658,753 by the Commission on April 14, 2021. The Draft Budget for FY 2022-23 proposes a slight increase over last year's adopted budget, to \$1,751,843.

##### **Proposed Assessments**

In order for the Commission to fulfill its purpose and statutory obligations, the Proposed Draft Budget for FY 2022-23 anticipates a small increase to the LAFCO apportionment of approximately 6.7%. This would be the first increase in the assessments in three fiscal years.

The proposed budget anticipates the need for an outside consultant to assist in the completion of Round 3 multi-agency Municipal Service Reviews (MSRs), increased costs from insurance rate premiums, and additional costs in various budgetary categories associated with historical and recent rate inflation increases.

*Further explanation on budget categories of interest is included below.*

##### **Expenditures**

Employee Salaries (50001): The proposed salaries amount accounts for current salaries as well as contractually-required cost of living increases (anticipated at this time to be four-percent), which will take effect July 1, 2022.

Employer Paid Pension Contributions (50015): As a LACERA participatory agency, LAFCO is subject to employer paid pension contribution rate increases, which LACERA will provide LAFCO in fall of 2022. A placeholder of increased employer contribution rates of 1% (consistent with the increase in the current fiscal year) is included in the proposed budget.

Insurance (Health, Disability, Life) (50019): This account includes health, disability, and life insurance, and is subject to increases outside of the Commission's control. The

budgeted amount reflects current expenditures with a slight 3% CPI, resulting in an overall cost savings of 2.2%.

Payroll Taxes (50020): Payroll are a percentage of salaries. This budget line item was increased to reflect current salaries as well as contractually-required cost of living increases which will take effect on July 1, 2022.

Other Post-Employment Benefits (OPEB)—Existing Retirees (50022): The proposed budget for FY 2022-23 reflects actual OPEB invoices for the current fiscal year.

LACERA OPEB Administrative Costs (50022.2): This budget line-item reflects the estimated administrative fee quoted by LACERA for managing existing retiree health benefits. This quote was provided to LAFCO when LAFCO and LACERA entered into a contractual agreement for pension services. Since that time, and because LAFCO has not been billed for any additional administrative costs beyond those charged as part of the LACERA employer contribution rates, the budgetary line item is proposed to be reduced to zero next year; if LAFCO is not billed next fiscal year, the line item will be removed in future budgets.

Rent (50025): In June of this year, the Commission approved a lease extension of LAFCO's current office space at 80 South Lake Avenue in Pasadena. The proposed budget includes the new monthly lease rate and estimated increases in common area maintenance fees (CAMs).

Property/Liability Insurance (50032): The Commission retained a new insurance carrier for property and liability insurance during FY 2020-21. The budgeted number was increased to reflect the first twelve-month premium for FY 2021-22, as well as a general rate increase for increased costs borne by the provider.

Information Technology/Programming (50040): Expenses in this category are primarily for the routine maintenance of office computer equipment. In addition, a nominal amount is included for services required outside of the routine monthly maintenance.

Audit/Financial Statements (50077.2): The amount included is consistent with the amount quoted for new auditing services, as approved by the Commission.

Contract Services (50078): This account is used for miscellaneous services for various contracts. An OPEB Roll-Forward Valuation is included in the proposed budget.

Municipal Service Reviews (MSRs) (50081): The proposed budget anticipates the need for an outside consultant to assist in the completion of the third round of multi-agency MSRs.

### **OPEB Liability**

OPEB Liability – Reserves (20020): The FY 2021-22 budget allocated a transfer of \$200,000 to the Commission's trust fund, the California Public Employees Retirement

System (CalPERS)—California Employees Retiree Benefit Trust (CERBT). By the close of the 2021-22 fiscal year, approximately \$640,000 would be allocated for LAFCO's estimated \$850,234 OPEB Liability. The proposed contribution in FY 2021-22 would mean that LAFCO's pre-funded OPEB obligation is approximately 75%.

### **Revenues**

Interest Income (40008): This account is used for interest income earned for funds held in the County of Los Angeles Treasury.

### **Local Agency Apportionment**

LAFCO's annual apportionment—that is, the assessments upon the County of Los Angeles, the City of Los Angeles, the other eighty-seven (87) cities, and the fifty-one (51) independent special districts within the County of Los Angeles, are proposed to be increased by 6.7%, the first increase since FY 2019-20. Despite rising costs—due to inflation over the past few years, as well as other factors out of LAFCO's control, such as increased pension and medical insurance costs—staff nevertheless delayed increasing assessments over the last few years, in the interest of being sensitive to the fiscal challenges facing the County of Los Angeles, cities in the County of Los Angeles, and independent special districts of Los Angeles County. With respect to the Proposed Draft Budget, staff has expended significant effort to minimize the increase to the bare minimum that is required for FY 2022-23.

Staff notes that the County Auditor-Controller allocates LAFCO apportionments upon public agencies based upon annual revenues reported in each agency's Annual Report submitted to the State Controller's Office. For this reason, and because reported revenues change on an annual basis, an individual agency's apportionment may change slightly, even in years when the overall LAFCO appointment remains unchanged.

**Conclusion:** The Proposed Budget would allow the Commission to fulfill its purpose and statutory obligations in the upcoming fiscal year.

### **Staff Recommendation:**

1. Open the budget hearing, receive public comments, and close the budget hearing;
2. Approve the attached Proposed Draft Budget for Fiscal Year 2022-23;
3. Pursuant to Government Code Section 56381, direct staff to forward the Proposed Budget for Fiscal Year 2022-23 to the County of Los Angeles, as well as the 88 cities and 51 independent special districts in Los Angeles County, for their comment; and
4. Set April 13, 2022, for hearing on adoption of the Recommended Final Budget for Fiscal Year 2022-23.

Enclosure: Proposed Draft Budget for Fiscal Year 2022-23 Spreadsheet

FISCAL YEAR 2022-23 PROPOSED DRAFT BUDGET					
ACCT. #	ACCOUNT NAME	ADOPTED FINAL BUDGET 2021-22	PROJECTED YEAR END (PYE) 2021-22	PROPOSED DRAFT BUDGET 2022-23	% Variance FY 2021-22 to 2022- 23
<b>EXPENSES</b>					
<b>50000</b>	<b>Salaries and Employee Benefits</b>				
50001	Employee Salaries	\$ 685,000	\$ 703,021	\$ 787,300	14.9%
50015	Employer Paid Pension Contribution	142,100	143,372	186,600	31.3%
50016	Accrued vacation and sick cashout	13,000	14,250	13,000	0.0%
50017	Commissioner Stipends	20,000	17,400	20,000	0.0%
50018	Worker's Compensation Insurance	10,500	9,000	10,500	0.0%
50019	Insurance (Health, Disability, Life)	142,132	131,407	139,000	-2.2%
50020	Payroll Taxes	13,000	13,000	17,000	30.8%
50022	OPEB - Existing Retirees	20,000	20,353	21,000	5.0%
50022.2	LACERA OPEB Administratrion Costs	\$ 20,000	\$ -	\$ -	-
<b>Total Salaries &amp; Employee Benefits</b>		<b>\$ 1,065,732</b>	<b>\$ 1,051,803</b>	<b>\$ 1,194,400</b>	<b>12.1%</b>
<b>50000A</b>	<b>Office Expense</b>				
50025	Rent	\$ 132,571	\$ 97,479	\$ 138,182	4.2%
50026	Communications	11,000	8,328	10,000	-9.1%
50027	Supplies	7,400	8,000	8,000	8.1%
50029	Computer Software	6,200	3,000	6,200	0.0%
50030	Equipment lease	6,500	6,706	5,000	-23.1%
50031	Employee & Guest Parking Fees	8,000	6,840	8,000	0.0%
50032	Property/Liability Insurance	14,000	18,693	20,000	42.9%
50033	Agency Membership Dues	14,000	12,578	14,156	1.1%
50040	Information Technology/Programming	8,000	8,600	9,000	12.5%
50052	Legal Notices	4,000	2,000	4,000	0.0%
50054	Postage	4,000	4,000	4,000	0.0%
50056	Printing/Copy Charges	4,400	3,000	4,400	0.0%
50057	Conferences/Travel - Commissioners	10,000	5,000	10,000	0.0%
50058	Conference/Travel - Staff	10,000	10,000	10,000	0.0%
50060	Auto Reimbursement	7,000	7,000	7,000	0.0%
50061	Various Vendors	11,000	11,892	11,000	0.0%
50065	Miscellaneous - Other	7,500	6,000	7,500	0.0%
50067	Computer-Copier-Misc Equipment	2,000	2,000	2,000	0.0%
<b>Total Office Expenses</b>		<b>\$ 267,571</b>	<b>\$ 221,117</b>	<b>\$ 278,438</b>	<b>4.1%</b>
<b>50000C</b>	<b>Professional Services</b>				
50076	Legal services	80,000	80,000	80,000	0.0%
50077	Accounting & Bookkeeping	20,000	15,000	20,000	0.0%
50077.2	Audit/Financial Statements	7,850	7,850	8,005	2.0%
50077.1	Payroll Service	5,600	3,983	6,000	7.1%
50078	Contract Services	12,000	19,000	5,000	-58.3%
50081	Municipal Service Reviews	-	-	160,000	100%
<b>Total Professional Services</b>		<b>\$ 125,450</b>	<b>\$ 125,833</b>	<b>\$ 279,005</b>	<b>122.4%</b>
<b>TOTAL EXPENDITURES</b>		<b>\$ 1,458,753</b>	<b>\$ 1,398,752</b>	<b>\$ 1,751,843</b>	<b>20.1%</b>
20020	OPEB Liability - Reserves	\$ 200,000	\$ 200,000	\$ -	-
<b>Total Contingencies and Reserves Set Aside</b>		<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ -</b>	<b>-</b>
<b>Total Appropriations</b>		<b>\$ 1,658,753</b>	<b>\$ 1,598,752</b>	<b>\$ 1,751,843</b>	<b>5.6%</b>

FISCAL YEAR 2022-23 PROPOSED DRAFT BUDGET					
ACCT. #	ACCOUNT NAME	ADOPTED FINAL BUDGET 2021-22	PROJECTED YEAR END (PYE) 2021-22	PROPOSED DRAFT BUDGET 2022-23	% Variance FY 2021-22 to 2022- 23
<b>40000 REVENUES</b>					
40005	Filing Fees	\$ 100,000	\$ 70,000	\$ 100,000	0.0%
40006	Processing Fees	4,000	-	-	-
40007	Interest Income	15,000	12,895	10,000	-33.3%
40008	Other Income	500	418	-	-
<b>Total Revenues</b>		<b>\$ 119,500</b>	<b>\$ 83,313</b>	<b>\$ 110,000</b>	<b>-7.9%</b>
<b>NET OPERATING COSTS</b>		<b>\$ 1,539,253</b>	<b>\$ 1,515,439</b>	<b>\$ 1,641,843</b>	<b>6.7%</b>
<b>Local Agency Apportionment</b>					
		<b>FY 2022-23 Final Budget Estimates*</b>			
40001	City of Los Angeles	236,812	236,812	252,595	6.7%
40002	County of Los Angeles	592,021	592,021	631,479	6.7%
40003	Other Cities (87)	355,210	355,210	378,884	6.7%
40004	Special Districts	355,210	355,210	378,884	6.7%
<b>Total Local Agency Apportionment</b>		<b>\$ 1,539,253</b>	<b>\$ 1,539,253</b>	<b>\$ 1,641,843</b>	<b>6.7%</b>

\*Estimates based on FY 2021-22 Billing. Invoices for FY 2022-23 are generated by the County Auditor Controller's Office.

## **Staff Report**

**March 9, 2022**

### **Agenda Item No. 9.a.**

#### **Resolution Authorizing Remote Teleconference Meetings of the Commission pursuant to Government Code Section 54953(e) and Making Required Findings**

Given on-going concerns caused by the COVID-19 pandemic, as documented in the draft resolution (attached), including imminent threats to the health and safety of attendees at Commission meetings, the ongoing state-wide declared emergency, and recommendations and requirements on a state-wide and local basis to socially distance, staff recommends that the Commission conduct today's meeting (March 9, 2022) in a virtual format. Today's resolution mirrors the resolution adopted by the Commission at your January 12<sup>th</sup> Meeting.

Due to the requirements associated with public notice for a public hearing on today's agenda, and as was discussed at your February 9th Meeting, and after extensive consultation, in advance, with the Commission Chair and legal counsel, staff agendaized today's meeting in a virtual format. Because of the declared state-wide emergency and the state and local requirements and recommendations for social distancing, a virtual meeting is authorized by Government Code § 54953(e).

#### **Recommended Action:**

1. Adopt the attached "RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR THE COUNTY OF LOS ANGELES AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY OF THE LOCAL AGENCY FORMATION COMMISSION FOR THE COUNTY OF LOS ANGELES FOR THE MEETING OF MARCH 9, 2022, PURSUANT TO THE RALPH M. BROWN ACT."

#### **Attachment:**

- Draft "RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR THE COUNTY OF LOS ANGELES AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY OF THE LOCAL AGENCY FORMATION COMMISSION FOR THE COUNTY OF LOS ANGELES FOR THE OF MEETING OF MARCH 9, 2022, PURSUANT TO THE RALPH M. BROWN ACT"

**RESOLUTION NO. 2022-00**  
**RESOLUTION OF THE LOCAL AGENCY FORMATION**  
**COMMISSION FOR THE COUNTY OF LOS ANGELES AUTHORIZING REMOTE TELECONFERENCE**  
**MEETINGS OF THE LEGISLATIVE BODY OF THE LOCAL AGENCY FORMATION COMMISSION FOR**  
**THE COUNTY OF LOS ANGELES FOR THE MEETING OF MARCH 9, 2022 PURSUANT TO THE**  
**RALPH M. BROWN ACT**

WHEREAS, the Local Agency Formation Commission for the County of Los Angeles (“LAFCO” or “Commission”) is committed to preserving and nurturing public access and participation in meetings of the Commission; and

WHEREAS, all meetings of the Commission are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Commission conduct its business; and

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

WHEREAS, a required condition of Government Code Section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further a required condition of Government Code Section 54953(e) that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body holds a meeting to determine by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, because such conditions now exist in Los Angeles County and throughout the state, a State of Emergency has been proclaimed by Governor Gavin Newsom on March 4, 2020, addressing the threats to public health and safety associated with the COVID-19 pandemic in California, and prescribing certain measures to protect the health and safety of all state residents, and said State of Emergency remains in full force and effect; and

WHEREAS, the California Department of Industrial Relations has issued regulations, at Title 8 of the California Code of Regulations Section 3205(c)(5)(D), making recommendations for physical (social) distancing in the workplace as a measure to decrease the spread of COVID-19, given that particles containing the virus can travel more than six feet, especially indoors; and

WHEREAS, the Los Angeles County Public Health Officer has issued guidance for the business community, "Best Practices to Prevent Covid-19 – Guidance for Businesses and Employers," which recommends that employers implement policies and practices that support physical distancing of at least six feet, including practices such as limiting indoor occupancy, using visual distancing cues, offering telework options to staff, offering flexible work hours, and altering physical work space to increase distance between workstations and customers; and

WHEREAS, an in-person meeting of the Commission would present imminent risk to the health and safety of attendees, given the continued presence of COVID-19, as well as the inability to maintain adequate social distancing amongst commissioners, staff, legal counsel, and the general public in an indoor setting; and

WHEREAS, as a consequence of the foregoing, the Commission does hereby find that it shall conduct its meetings without complying with Government Code Section 54953(b)(3), as authorized by Government Code Section 54953(e), and that the Commission shall comply with

the requirements to provide the public with access to the meetings as prescribed in

Government Code Section 54953(e)(2).

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Recitals set forth above are true and correct and are hereby incorporated into this Resolution by reference.
2. The Commission hereby determines that there is an active, proclaimed state of emergency throughout the State of California due to the ongoing COVID-19 pandemic; that state and local officials have imposed or recommended measures to promote social distancing; and that meeting in person would present imminent risks to the health and safety of attendees as the result of the COVID-19 emergency.
3. The Commission is hereby authorized to conduct its open and public meetings by teleconference in compliance with the provisions of Government Code Section 54953(e).
4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of either April 8 (thirty days from today), or such time as the Commission adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the legislative body of the Commission may continue to teleconference without compliance with Government Code Section 54953(b)(3).

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5. PASSED AND ADOPTED this 9<sup>th</sup> day of March, 2022.

MOTION:

SECOND:

AYES:

NOES:

ABSTAIN:

ABSENT:

MOTION PASSES: 0/0/0

**LOCAL AGENCY FORMATION COMMISSION  
FOR THE COUNTY OF LOS ANGELES**

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**Paul A. Novak, AICP  
Executive Officer**

## **Staff Report**

**March 9, 2022**

### **Agenda Item No. 9.b.**

#### **As-Needed Alternate Legal Counsel**

Government Code Section 56384 (b) of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("Act") provides that the Commission may appoint alternate legal counsel when LAFCO's regularly-appointed legal counsel, the Los Angeles Office of the County Counsel, is subject to a conflict of interest on a matter before the Commission. Staff is recommending a three year extension to the existing contracts for the Commission's alternate legal counsel.

The purpose of having alternate legal counsel is to avoid real or potential conflicts of interest. The Commission has contracted with alternate legal counsel firms on a "stand-by" basis, with multiple contracted firms available in the event any of the firms has a potential conflict of interest. None of the firms is authorized to proceed, unless and until directed to do so by the Executive Officer.

In 2012, the Commission issued a Request for Statements of Qualifications and a total of eight (8) responses were submitted to LAFCO prior to the deadline. On June 12, 2013, the Commission approved separate three-year contracts with five (5) law firms to serve as as-needed alternate legal counsel to the Commission.

On June 8, 2016, the Commission extended the contracts, for three additional years, with four (4) of the law firms. Due to the retirement of an attorney with LAFCO expertise, the Commission chose not to renew a contract with one law firm.

On February 13, 2019, the Commission extended the contracts, for three additional years, with three of the law firms:

- Best Best & Krieger (Matthew E. "Mal" Richardson, Irvine office);
- Nossaman LLP (Lloyd W. "Bill" Pellman, Los Angeles office); and
- Sloan Sakai LLP (formerly Renne Sloane Holtzman Sakai LLP and formerly Miller & Owen; Nancy C. Miller, Sacramento office).

Given the prospect of being retained to represent clients before LAFCO, the other law firm chose not to renew a contract with LAFCO.

Since 2013, LAFCO has engaged an as-needed alternate legal counsel once. In that case, alternate counsel was needed due to the County Counsel's conflict of interest relative to a proposed annexation into the City of Palmdale (the proposal was recently withdrawn by the

applicant). For that item, having as-needed alternate legal counsel in place allowed LAFCO to proceed quickly, and staff was very satisfied with the professionalism, competence, and responsiveness by Nancy Miller of Sloane Sakai.

The above as-needed alternate legal counsel contracts will expire on May 8, 2022. For this reason, staff is recommending that the Commission authorize the Executive Director to seek three-year extensions with the four firms currently serving as alternate legal counsel. Other than extending the term of each contract for three years, and adjusting the billing rates (to reflect 2022 billing rates as opposed to 2019 billing rates), all other provisions of the contracts would remain the same. Upon concluding negotiations with the three firms, and consistent with the Commission's Procurement Policy, staff will agendize contract extensions for the Commission's approval at a future meeting.

Staff has conferred with representatives of all three firms, each of which expressed a desire to continue its relations as an as-needed alternate legal counsel to LAFCO.

**Recommended Action:**

1. Direct the Executive Officer to execute contract amendments, for a new term of three years and adjusting billing rates, with no other changes, with the law firms of Best Best & Krieger; Nossaman LLP; and Sloane Sakai LLP; and bring back the contracts to the Commission for approval at a future meeting.

## Staff Report

March 9, 2022

### Agenda Item No. 9.c.

#### Policy for Commissioner Term of Office

The Commission may adopt local policies to implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act"). For example, the Commission has adopted policies on technical issues (e.g., spheres of influence and written protests valuations), procedural matters (e.g., conduct of protest hearings and fee waivers), and administrative issues (e.g., check signing and procurement).

Staff proposes that the Commission adopt a policy that provides for the term of commissioners from the same member agency to expire in different years, resulting in the staggering of their appointment terms. Such a policy would minimize any potential gap in representation caused by concurrent term expiration for commissioners appointed by a single member agency. While this policy would apply to all commissioner positions consistent with applicable law, it is currently relevant to the positions for the City of Los Angeles and the San Fernando Valley, as described in more detail, below.

Government Code §56326 governs the composition of the Commission. It provides for the appointment of each commissioner and alternate commissioner. Government Code §56334 governs the term of office for all commissioners. Relevant portions include the following:

- The term of office of each member shall be four years and until the appointment and qualification of his or her successor.
- The body which originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years.
- The expiration date of the term of office of each member shall be the first Monday in May in the year in which the term of the member expires, unless procedures adopted by the commission specify an alternate date to apply uniformly to all members.
- Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. *[Emphasis added]*

Certain commissioner appointments (County of Los Angeles, Cities in Los Angeles County, and Independent Special Districts) have three seats on the commission (two voting members and one

alternate member). For these seats, terms of office expire as follows:

- Los Angeles County Member # 1 (Supervisor Holly Mitchell) 2022
- Los Angeles County Member # 2 (Supervisor Kathryn Barger) 2022
- Los Angeles County Alternate (Supervisor Hilda Solis) 2025
  
- Cities in LA County Member #1 (Councilmember Margaret Finlay) 2025
- Cities in LA County Member #2 (Councilmember John Mirisch) 2022
- Cities in LA County Alternate (Councilmember Mike Davitt) 2023
  
- Independent Special Districts #1 (Board-Member Don Dear) 2024
- Independent Special Districts #2 (Board-Member Jerry Gladbach) 2022
- Independent Special Districts Alternate (Board-Member Mel Matthews) 2022

For each of these appointments above, the terms are staggered such that if there were a vacancy in any position, the alternate commissioner would serve in place of the appointed commissioner.

Other commissioner categories (City of Los Angeles, San Fernando Valley, and Public Member) have two seats on the commission (one voting member and one alternate member). For these seats, the terms of office are:

- San Fernando Valley Voting Member (Lori Brogin-Falley) **2022**
- San Fernando Valley Alternate Member (VACANT) **2022**
  
- Public Voting Member (Gerard McCallum) 2023
- Public Alternate Member (David Lesser) 2024
  
- City of Los Angeles Voting Member (Councilmember John Lee) **2022**
- City of Los Angeles Alternate Member (VACANT) **2022**

For the San Fernando Valley and the City of Los Angeles seats on the commission, both appointed commissioners (voting member and alternate member) are subject to four year terms which expire on the same date.

When the terms of office for two commissioners end concurrently, there exists the potential for two empty seats for the member agency at the same time. Having terms that are offset by at least one year will increase the likelihood that a member agency maintains their representation on the Commission during any period requiring a re-appointment. This proposed policy would promote efforts to achieve a quorum at commission meetings, and it would accommodate an orderly turnover and transition amongst members of the Commission, promoting consistency in the decision-making process and transfer of knowledge.

Given the foregoing, staff is recommending a policy that reads:

In order to ensure consistent representation of member agencies at the Commission; whenever two or more commissioners are being appointed at the same time; the appointing authority (the City Selection Committee, the Independent Special District Selection Committee, the Los Angeles City Council President, or the Los Angeles County Board of Supervisors); may appoint one of the two to a term of less than four years, in order to stagger the terms of office.

The proposed policy is time-sensitive, given terms of office that expire in May of 2022 (for the San Fernando Valley voting member and its alternate member, and the City of Los Angeles voting member and its alternate member). Should the Commission adopt this policy, it would take effect immediately, enabling the respective appointing authorities to make appointments in May which result in terms of office for newly-appointed commissioners that expire at least one year apart.

**Recommended Action:**

Staff recommends that the Commission:

1. Adopt the draft “Policy for Commissioner Term of Office;” and
2. Direct staff to post the Policy for Commissioner Term of Office to the Commission website.

**Attachment:**

- DRAFT Commissioner Term of Office Policy

## **DRAFT Commissioner Term of Office Policy**

**Adopted March 9, 2022**

### Background:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“Act”) is the primary body of State Law governing the operation of Local Agency Formation Commissions (“LAFCOs”).

Government Code §56334 governs the terms of office for LAFCO commissioners.

### Policy:

In order to ensure consistent representation of member agencies at the Commission; whenever two or more commissioners are being appointed at the same time; the appointing authority (the City Selection Committee, the Independent Special District Selection Committee, the Los Angeles City Council President, or the Los Angeles County Board of Supervisors); may appoint one of the two to a term of less than four years, in order to stagger the terms of office.

**UPDATED March 8, 2022**

**New Information is underlined and highlighted in YELLOW**

**Staff Report  
March 9, 2022**

**Agenda Item No. 10.a.  
Legislative Update and  
Request to Support SB 938 and AB 2449 and AB 2957**

**Legislative Update:**

Several bills of interest to the Commission are addressed herein, and the most up-to-date information is highlighted in **bold type**.

**Bills on which the Commission has taken a position:**

- **AB 703 (Rubio, B):** Post-pandemic, AB 703 (introduced on February 16, 2021) would allow legislative bodies to utilize teleconferencing for public Brown Act meetings, subject to certain requirements concerning posting, notice, and the ability of the public to observe the meetings and provide public comment; would remove the requirement to post agendas and provide for public attendance at each virtual meeting location for teleconferencing meetings; and would require public agencies to respond to requests for reasonable ADA accommodation requests. The bill is sponsored by the Three Valleys Municipal Water District, and has garnered the support of the Association of California Water Agencies (ACWA), California Mutual Utilities Association, Foothill Municipal Water District, Metropolitan Water District of Southern California (MWD), Municipal Water District of Orange County (MWDOC), Public Water Agency Group (PWAG), Rowland Water District, San Gabriel Valley Economic Partnership, Southern California Water Coalition (SCWC), and Walnut Valley Water District. AB 703 is pending before the Assembly Local Government Committee. AB 703 did not clear the policy committee deadline in 2021, and it became a two-year bill. **The bill is dead, as it was not acted upon by the January 31<sup>st</sup> deadline. Staff understands that the author (Assemblymember Blanca Rubio) is working with the sponsor (Three Valleys Municipal Water District) to introduce (or amend) a similar bill in the current legislative session. AB 703 will be removed from future legislative updates.**

Commission Position: **SUPPORT** (April 14, 2021 Meeting)

- **AB 1053 (Gabriel):** Current law states that a majority of city representatives is required to establish a quorum for the City Selection Committee in each county. AB 1053, introduced on February 18, 2021), would reduce that quorum, for the same agenda items only, to one-third of city representatives if the first meeting were postponed for lack of a quorum. Current law states that City Selection Committees must meet in person; this bill would authorize city selection committee meetings to be conducted by teleconferencing and electronic means. The bill was amended on April 20, 2021 to apply exclusively to the Los Angeles County City Selection Committee (given this change, CALFCO has withdrawn its initial opposition to the bill). AB 1053 did not clear the policy committee deadline, and it became a two-year bill. The bill must be acted upon by January 31, 2022 or it dies (staff

will update the Commission at the Meeting). **The bill is dead, as it was not acted upon by the January 31<sup>st</sup> deadline, and it will be removed from future updates.**

Commission Position: **SUPPORT** (April 14, 2021 Meeting)

**Other Bills:**

- **AB 1195 (Cristina Garcia):** This bill, introduced on February 18, 2021, would form a new Southern Los Angeles County Regional Water Agency (SLACRWA) as a regional water agency serving Southeast Los Angeles County. The boundary of the proposed SLACRWA would be the same territory as the existing boundary of the Water Replenishment District of Southern California (WRD), and the combined territory of the existing boundaries of the Central Basin Municipal Water District and the West Basin Municipal Water District. The SLACRWA would be governed by a five-member board appointed by the Governor, the Los Angeles County Board of Supervisors, the Gateway Cities Council of Governments, the South Bay Cities Council of Governments, and the San Gabriel Valley Council of Governments. Under AB 1195, when directed by the State Water Resources Control Board, the SLACRWA would consolidate operation of public water systems (defined as systems for human water consumption that have 15 or more service connections) or serve as an administrator of a public water system. The bill is special legislation without LAFCO involvement in the formation of the SLACRWA. AB 1195 did not clear the Senate, and it is now a two-year bill.
- **SB 852 (Dodd):** This bill, introduced on January 18, 2022, would authorize a county, city, or special district to form a “community revitalization authority” to implement provisions of the Community Redevelopment Law relative to infrastructure, affordable housing, and economic revitalization. As introduced, the bill completely bypasses LAFCOs in the formation and oversight of these new districts. CALAFCO staff is reaching out to Senator Dodd and the sponsor (Local Government Commission) for clarification. **The bill has been assigned to the Senate Governance & Finance Committee.**

**Request to Support SB 938**

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

As noted in Senator Hertzberg's SB 238 Fact Sheet:

In 2017, the Little Hoover Commission released a report reviewing the state's 58

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

"Following the Little Hoover Commission report, the California Association of Local Agency Formation Commissions (CALAFCO) formed a working group to discuss the consolidation and dissolution process and to provide LAFCOs with the tools they need to carry out their statutory obligations. [The Protest Provisions Task Force included several individuals representing CALAFCO (including Executive Officer Paul Novak), several representatives of the California Special Districts Association (CSDA), a representative of the County Supervisors Association of California (CSAC), a representative of the League of California Cities, and the staff consultants to the Senate Governance & Finance Committee and the Assembly Local Government Committee.] Consistent with agreements made in this three-year effort, SB 938, as proposed to be amended, creates specific conditions under which a LAFCO may initiate dissolution of a special district with a 25 percent protest threshold, including:

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

While Commission-initiated dissolutions are relatively rare, the lower threshold (10% vs. 25%) can and does deter LAFCOs from acting (this was a contributing factor to delays

associated with the dissolution of Sativa, and why special legislation (AB 1577) was required).

Commission Position: **Staff recommends that the Commission take a “SUPPORT” Position on SB 938.**

### **Request to Support AB 2449**

- **AB 2449 (Rubio, Blanca):** Assemblymember Rubio introduced AB 2449 on February 17, 2022 ( copy attached), and it is awaiting assignment to a policy committee. AB 2449 is similar to last year’s AB 703, which the Commission supported (as reported elsewhere in this report, AB 703 is dead). AB 2449 is sponsored by the Three Valleys Municipal Water District (TVMWD), and the TVWWD Chief Administrative Officer has asked LAFCO to take a position in support of the bill. During the pandemic, Governor Newsom’s executive orders allowed public agencies to meet virtually; public bodies continue to meet virtually pursuant to provisions of last year’s AB 361, but that bill will eventually expire as pandemic restrictions ease. AB 2449 would authorize local agencies to continue to use teleconferencing, subject to requirements for notice, agenda, and the means and manners of access.

Commission Position: **Staff recommends that the Commission take a “SUPPORT” Position on AB 2449**

### **Request to Support AB 2957**

- **AB 2957 (Committee on Local Government):** Introduced on March 2, 2022, AB 2957 is the annual Omnibus Bill sponsored by CALAFCO and carried by the Assembly Local Government Committee. CALAFCO emailed all member LAFCOs on Saturday, March 5<sup>th</sup>, requesting that each LAFCO take a “support” position on AB 2957; this request was received by LAFCO staff well after the agenda had been posted and noticed.

AB 2957, as introduced, contains three (3) items, and CALAFCO’s Legislative Committee is working to have the bill amended to include two (2) additional items (all five of which have been reviewed and approved by the CALAFCO Legislative Committee and Board of Directors). The three items in the bill as introduced are:

1. Add a definition of “successor agency,” as a new Government Code § 56087.5, as requested by Paul Novak);
2. Substitute the words “take effect for the words “be completed and in existence” in Government Code § 56102, as requested by Paul Novak and Butte LAFCO Executive Officer Steve Lucas; and
3. Substitute the words “an application” for the words “a proposal” in Government Code § 56653, as requested by Ventura LAFCO Executive Officer Kai Luoma.

**Commission Position: Staff recommends that the Commission take a “SUPPORT” Position on AB 2957**

Under normal circumstances, the Commission would provide notice of any agenda item at least 72 hours in advance, pursuant to Government Code § 54945.2.(a). In this instance, and because the Commission and staff only became aware of AB 2957 after the agenda was posted, the Commission may act pursuant to Government Code Section 54952.(b), which reads:

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

Given the foregoing, the Commission is authorized to take a position in support of AB 2957, if there is a separate vote, beforehand, which passes by a two-thirds majority, and which indicates that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted. Should the Commission wish to proceed, staff will conduct a roll call vote to ascertain if a two-thirds majority exists.

**Recommended Action:**

Staff recommends that the Commission:

1. **Determine that there is a need to take immediate action relative to AB 2957, and that the need for action came to the attention of the local agency subsequent to the agenda being posted, as authorized pursuant to Government Code § 54954.2.(b).(2), and as described in more detail in the staff report (SEPARATE VOTE, TWO-THIRDS APPROVAL REQUIRED);**
2. Receive and file the Legislative Update;
3. Take a “SUPPORT” position relative to SB 738, and authorize the Chair to sign letters documenting this position, and direct staff to convey this support the Governor, legislators, and other stakeholders;

4. Take a “SUPPORT” position relative to AB 2449, and authorize the Chair to sign letters documenting this position, and direct staff to convey this support the Governor, legislators, and other stakeholders; and
5. Take a “SUPPORT” position relative to AB 2957, and authorize the Chair to sign letters documenting this position, and direct staff to convey this support the Governor, legislators, and other stakeholders.

Attachments:

- Senate Bill 938 (Hertzberg) as introduced on February 8, 2022
- Senate Majority Leader Emeritus Robert Hertzberg Senate Bill 938 Fact Sheet
- Assembly Bill 2449 (Rubio, Blanca) as introduced on February 17, 2022
- AB 2957 (Committee on Local Government) as introduced on March 2, 2022

## SENATE BILL

No. 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:*

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

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

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

(2) Unless otherwise required by the principal act of the subject special district, or unless otherwise required by Section ~~57075~~ or ~~57076~~, 57075, the approval by the commission for establishment 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) If the commission has approved a proposal submitted by resolution of a majority of the members of the legislative bodies of two or more local agencies pursuant to Section 56853, and the commission has found that protests meet ~~one of the following~~ *the applicable protest thresholds: thresholds set forth in Section 57093.*

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

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

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

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

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

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

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

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

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

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

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

SEC. 6. Section 57077.3 of the Government Code is amended to read:

57077.3. (a) If a proposal consists of a reorganization not described in Section 57075, ~~57076~~, 57077, 57077.4, or 57111, the commission shall order the reorganization without confirmation by the voters except that if the reorganization meets the requirements of subdivision (b), the commission shall order the reorganization subject to confirmation of the voters.

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

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

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

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

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

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

(2) If the commission has approved a proposal not initiated by the commission, and if a subject agency has not objected by resolution to the proposal, a written protest has been submitted that meets ~~the requirements specified in subparagraph (A) or (B) of paragraph (1): the applicable protest thresholds set forth in Section 57093.~~

(3) If the commission has approved a proposal not initiated by 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 ~~(c) 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.

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## Senate Bill 938

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

*As Proposed to Be Amended*

#### SUMMARY

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

#### BACKGROUND

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

#### ISSUE

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

#### SB 938 (HERTZBERG)

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

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

#### SUPPORT

California Association of Local Agency Formation Commissions (Sponsor)

**ASSEMBLY BILL****No. 2449****Introduced by Assembly Member Blanca Rubio**

February 17, 2022

An act to amend Section 54953 of the Government Code, relating to local government.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2449, as introduced, Blanca Rubio. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a

declared state of emergency is in effect, or in other situations related to public health.

This bill would authorize a local agency to use teleconferencing without complying with those specified teleconferencing requirements if at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. The bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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 54953 of the Government Code, as  
2 amended by Section 3 of Chapter 165 of the Statutes of 2021, is  
3 amended to read:

4 54953. (a) All meetings of the legislative body of a local  
5 agency shall be open and public, and all persons shall be permitted  
6 to attend any meeting of the legislative body of a local agency,  
7 except as otherwise provided in this chapter.

8 (b) (1) Notwithstanding any other provision of law, the  
9 legislative body of a local agency may use teleconferencing for

1 the benefit of the public and the legislative body of a local agency  
2 in connection with any meeting or proceeding authorized by law.  
3 The teleconferenced meeting or proceeding shall comply with all  
4 otherwise applicable requirements of this chapter and all otherwise  
5 applicable provisions of law relating to a specific type of meeting  
6 or proceeding.

7 (2) Teleconferencing, as authorized by this section, may be used  
8 for all purposes in connection with any meeting within the subject  
9 matter jurisdiction of the legislative body. All votes taken during  
10 a teleconferenced meeting shall be by rollcall.

11 (3) If the legislative body of a local agency elects to use  
12 teleconferencing, it shall post agendas at all teleconference  
13 locations and conduct teleconference meetings in a manner that  
14 protects the statutory and constitutional rights of the parties or the  
15 public appearing before the legislative body of a local agency.  
16 Each teleconference location shall be identified in the notice and  
17 agenda of the meeting or proceeding, and each teleconference  
18 location shall be accessible to the public. During the teleconference,  
19 at least a quorum of the members of the legislative body shall  
20 participate from locations within the boundaries of the territory  
21 over which the local agency exercises jurisdiction, except as  
22 provided in subdivisions (d) and (e). The agenda shall provide an  
23 opportunity for members of the public to address the legislative  
24 body directly pursuant to Section 54954.3 at each teleconference  
25 location.

26 (4) For the purposes of this section, “teleconference” means a  
27 meeting of a legislative body, the members of which are in different  
28 locations, connected by electronic means, through either audio or  
29 video, or both. Nothing in this section shall prohibit a local agency  
30 from providing the public with additional teleconference locations.

31 (c) (1) No legislative body shall take action by secret ballot,  
32 whether preliminary or final.

33 (2) The legislative body of a local agency shall publicly report  
34 any action taken and the vote or abstention on that action of each  
35 member present for the action.

36 (3) Prior to taking final action, the legislative body shall orally  
37 report a summary of a recommendation for a final action on the  
38 salaries, salary schedules, or compensation paid in the form of  
39 fringe benefits of a local agency executive, as defined in  
40 subdivision (d) of Section 3511.1, during the open meeting in

1 which the final action is to be taken. This paragraph shall not affect  
2 the public's right under the California Public Records Act (~~Chapter~~  
3 ~~3.5 (commencing with Section 6250) of Division 7 of Title 1)~~  
4 *(Division 10 (commencing with Section 7920.000) of Title 1)* to  
5 inspect or copy records created or received in the process of  
6 developing the recommendation.

7 (d) (1) Notwithstanding the provisions relating to a quorum in  
8 paragraph (3) of subdivision (b), if a health authority conducts a  
9 teleconference meeting, members who are outside the jurisdiction  
10 of the authority may be counted toward the establishment of a  
11 quorum when participating in the teleconference if at least 50  
12 percent of the number of members that would establish a quorum  
13 are present within the boundaries of the territory over which the  
14 authority exercises jurisdiction, and the health authority provides  
15 a teleconference number, and associated access codes, if any, that  
16 allows any person to call in to participate in the meeting and the  
17 number and access codes are identified in the notice and agenda  
18 of the meeting.

19 (2) Nothing in this subdivision shall be construed as  
20 discouraging health authority members from regularly meeting at  
21 a common physical site within the jurisdiction of the authority or  
22 from using teleconference locations within or near the jurisdiction  
23 of the authority. A teleconference meeting for which a quorum is  
24 established pursuant to this subdivision shall be subject to all other  
25 requirements of this section.

26 (3) For purposes of this subdivision, a health authority means  
27 any entity created pursuant to Sections 14018.7, 14087.31,  
28 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
29 and Institutions Code, any joint powers authority created pursuant  
30 to Article 1 (commencing with Section 6500) of Chapter 5 of  
31 Division 7 for the purpose of contracting pursuant to Section  
32 14087.3 of the Welfare and Institutions Code, and any advisory  
33 committee to a county-sponsored health plan licensed pursuant to  
34 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
35 Health and Safety Code if the advisory committee has 12 or more  
36 members.

37 (e) (1) A local agency may use teleconferencing without  
38 complying with the requirements of paragraph (3) of subdivision  
39 (b) if the legislative body complies with the requirements of

1 paragraph (2) of this subdivision in any of the following  
2 circumstances:

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

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

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

15 (2) A legislative body that holds a meeting pursuant to this  
16 subdivision shall do all of the following:

17 (A) The legislative body shall give notice of the meeting and  
18 post agendas as otherwise required by this chapter.

19 (B) The legislative body shall allow members of the public to  
20 access the meeting and the agenda shall provide an opportunity  
21 for members of the public to address the legislative body directly  
22 pursuant to Section 54954.3. In each instance in which notice of  
23 the time of the teleconferenced meeting is otherwise given or the  
24 agenda for the meeting is otherwise posted, the legislative body  
25 shall also give notice of the means by which members of the public  
26 may access the meeting and offer public comment. The agenda  
27 shall identify and include an opportunity for all persons to attend  
28 via a call-in option or an internet-based service option. This  
29 subparagraph shall not be construed to require the legislative body  
30 to provide a physical location from which the public may attend  
31 or comment.

32 (C) The legislative body shall conduct teleconference meetings  
33 in a manner that protects the statutory and constitutional rights of  
34 the parties and the public appearing before the legislative body of  
35 a local agency.

36 (D) In the event of a disruption~~which~~ that prevents the public  
37 agency from broadcasting the meeting to members of the public  
38 using the call-in option or internet-based service option, or in the  
39 event of a disruption within the local agency's control~~which~~ that  
40 prevents members of the public from offering public comments

1 using the call-in option or internet-based service option, the body  
2 shall take no further action on items appearing on the meeting  
3 agenda until public access to the meeting via the call-in option or  
4 internet-based service option is restored. Actions taken on agenda  
5 items during a disruption ~~which~~ *that* prevents the public agency  
6 from broadcasting the meeting may be challenged pursuant to  
7 Section 54960.1.

8 (E) The legislative body shall not require public comments to  
9 be submitted in advance of the meeting and must provide an  
10 opportunity for the public to address the legislative body and offer  
11 comment in real time. This subparagraph shall not be construed  
12 to require the legislative body to provide a physical location from  
13 which the public may attend or comment.

14 (F) Notwithstanding Section 54953.3, an individual desiring to  
15 provide public comment through the use of an internet website, or  
16 other online platform, not under the control of the local legislative  
17 body, that requires registration to log in to a teleconference may  
18 be required to register as required by the third-party internet  
19 website or online platform to participate.

20 (G) (i) A legislative body that provides a timed public comment  
21 period for each agenda item shall not close the public comment  
22 period for the agenda item, or the opportunity to register, pursuant  
23 to subparagraph (F), to provide public comment until that timed  
24 public comment period has elapsed.

25 (ii) A legislative body that does not provide a timed public  
26 comment period, but takes public comment separately on each  
27 agenda item, shall allow a reasonable amount of time per agenda  
28 item to allow public members the opportunity to provide public  
29 comment, including time for members of the public to register  
30 pursuant to subparagraph (F), or otherwise be recognized for the  
31 purpose of providing public comment.

32 (iii) A legislative body that provides a timed general public  
33 comment period that does not correspond to a specific agenda item  
34 shall not close the public comment period or the opportunity to  
35 register, pursuant to subparagraph (F), until the timed general  
36 public comment period has elapsed.

37 (3) If a state of emergency remains active, or state or local  
38 officials have imposed or recommended measures to promote  
39 social distancing, in order to continue to teleconference without  
40 compliance with paragraph (3) of subdivision (b), the legislative

1 body shall, not later than 30 days after teleconferencing for the  
2 first time pursuant to subparagraph (A), (B), or (C) of paragraph  
3 (1), and every 30 days thereafter, make the following findings by  
4 majority vote:

5 (A) The legislative body has reconsidered the circumstances of  
6 the state of emergency.

7 (B) Any of the following circumstances exist:

8 (i) The state of emergency continues to directly impact the  
9 ability of the members to meet safely in person.

10 (ii) State or local officials continue to impose or recommend  
11 measures to promote social distancing.

12 (4) For the purposes of this subdivision, “state of emergency”  
13 means a state of emergency proclaimed pursuant to Section 8625  
14 of the California Emergency Services Act (Article 1 (commencing  
15 with Section 8550) of Chapter 7 of Division 1 of Title 2).

16 *(f) A local agency may use teleconferencing without complying*  
17 *with paragraph (3) of subdivision (b) if, during the teleconference*  
18 *meeting, at least a quorum of the members of the legislative body*  
19 *participates in person from a singular location clearly identified*  
20 *on the agenda, which location shall be open to the public and*  
21 *situated within the boundaries of the territory over which the local*  
22 *agency exercises jurisdiction and the legislative body complies*  
23 *with all of the following:*

24 *(1) The legislative body shall give notice of the meeting and*  
25 *post agendas as otherwise required by this chapter.*

26 *(2) All members of the legislative body attending the meeting*  
27 *by teleconference shall participate only through both audio and*  
28 *visual technology.*

29 *(3) The legislative body shall allow members of the public to*  
30 *access the meeting and the agenda shall provide an opportunity*  
31 *for members of the public to address the legislative body directly*  
32 *pursuant to Section 54954.3. In each instance in which notice of*  
33 *the time of the meeting is otherwise given or the agenda for the*  
34 *meeting is otherwise posted, the legislative body shall also give*  
35 *notice of the means by which members of the public may access*  
36 *the meeting and offer public comment. The agenda shall identify*  
37 *and include an opportunity for all persons to attend via a call-in*  
38 *option or an internet-based service option, and an opportunity for*  
39 *members of the public to attend and address the legislative body*  
40 *at the in-person location of the meeting.*

1     (4) *The legislative body shall conduct teleconference meetings*  
2 *in a manner that protects the statutory and constitutional rights*  
3 *of the parties and the public appearing before the legislative body*  
4 *of a local agency.*

5     (5) *In the event of a disruption that prevents the public agency*  
6 *from broadcasting the meeting to members of the public using the*  
7 *call-in option or internet-based service option, or in the event of*  
8 *a disruption within the local agency's control that prevents*  
9 *members of the public from offering public comments using the*  
10 *call-in option or internet-based service option, the body shall take*  
11 *no further action on items appearing on the meeting agenda until*  
12 *public access to the meeting via the call-in option or internet-based*  
13 *service option is restored. Actions taken on agenda items during*  
14 *a disruption that prevents the public agency from broadcasting*  
15 *the meeting may be challenged pursuant to Section 54960.1.*

16     (6) *The legislative body shall not require public comments to*  
17 *be submitted in advance of the meeting and must provide an*  
18 *opportunity for the public to address the legislative body and offer*  
19 *comment in real time.*

20     (7) *Notwithstanding Section 54953.3, an individual desiring to*  
21 *provide public comment through the use of an internet website, or*  
22 *other online platform, not under the control of the local legislative*  
23 *body, that requires registration to log in to a teleconference may*  
24 *be required to register as required by the third-party internet*  
25 *website or online platform to participate.*

26     (8) *The legislative body shall have and implement a procedure*  
27 *for receiving and swiftly resolving requests for reasonable*  
28 *accommodation for individuals with disabilities, consistent with*  
29 *the federal Americans with Disabilities Act of 1990 (42 U.S.C.*  
30 *Sec. 12132), and resolving any doubt in favor of accessibility. In*  
31 *each instance in which notice of the time of the meeting is otherwise*  
32 *given or the agenda for the meeting is otherwise posted, the*  
33 *legislative body shall also give notice of the procedure for receiving*  
34 *and resolving requests for accommodation.*

35     ~~(f)~~

36     (g) *This section shall remain in effect only until January 1, 2024,*  
37 *and as of that date is repealed.*

38     SEC. 2. Section 54953 of the Government Code, as added by  
39 Section 4 of Chapter 165 of the Statutes of 2021, is amended to  
40 read:

1     54953. (a) All meetings of the legislative body of a local  
2 agency shall be open and public, and all persons shall be permitted  
3 to attend any meeting of the legislative body of a local agency,  
4 except as otherwise provided in this chapter.

5     (b) (1) Notwithstanding any other provision of law, the  
6 legislative body of a local agency may use teleconferencing for  
7 the benefit of the public and the legislative body of a local agency  
8 in connection with any meeting or proceeding authorized by law.  
9 The teleconferenced meeting or proceeding shall comply with all  
10 requirements of this chapter and all otherwise applicable provisions  
11 of law relating to a specific type of meeting or proceeding.

12     (2) Teleconferencing, as authorized by this section, may be used  
13 for all purposes in connection with any meeting within the subject  
14 matter jurisdiction of the legislative body. All votes taken during  
15 a teleconferenced meeting shall be by rollcall.

16     (3) If the legislative body of a local agency elects to use  
17 teleconferencing, it shall post agendas at all teleconference  
18 locations and conduct teleconference meetings in a manner that  
19 protects the statutory and constitutional rights of the parties or the  
20 public appearing before the legislative body of a local agency.  
21 Each teleconference location shall be identified in the notice and  
22 agenda of the meeting or proceeding, and each teleconference  
23 location shall be accessible to the public. During the teleconference,  
24 at least a quorum of the members of the legislative body shall  
25 participate from locations within the boundaries of the territory  
26 over which the local agency exercises jurisdiction, except as  
27 provided in subdivision (d). The agenda shall provide an  
28 opportunity for members of the public to address the legislative  
29 body directly pursuant to Section 54954.3 at each teleconference  
30 location.

31     (4) For the purposes of this section, “teleconference” means a  
32 meeting of a legislative body, the members of which are in different  
33 locations, connected by electronic means, through either audio or  
34 video, or both. Nothing in this section shall prohibit a local agency  
35 from providing the public with additional teleconference locations

36     (c) (1) No legislative body shall take action by secret ballot,  
37 whether preliminary or final.

38     (2) The legislative body of a local agency shall publicly report  
39 any action taken and the vote or abstention on that action of each  
40 member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (~~Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1~~) (*Division 10 (commencing with Section 7920.000) of Title 1*) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the

1 Health and Safety Code if the advisory committee has 12 or more  
2 members.

3 *(e) A local agency may use teleconferencing without complying*  
4 *with the requirements of paragraph (3) of subdivision (b) if, during*  
5 *the teleconference meeting, at least a quorum of the members of*  
6 *the legislative body participates in person from a singular location*  
7 *clearly identified on the agenda, which location shall be open to*  
8 *the public and situated within the boundaries of the territory over*  
9 *which the local agency exercises jurisdiction and the legislative*  
10 *body complies with all of the following:*

11 *(1) The legislative body shall give notice of the meeting and*  
12 *post agendas as otherwise required by this chapter.*

13 *(2) All members of the legislative body attending the meeting*  
14 *by teleconference shall participate only through both audio and*  
15 *visual technology.*

16 *(3) The legislative body shall allow members of the public to*  
17 *access the meeting and the agenda shall provide an opportunity*  
18 *for members of the public to address the legislative body directly*  
19 *pursuant to Section 54954.3. In each instance in which notice of*  
20 *the time of the meeting is otherwise given or the agenda for the*  
21 *meeting is otherwise posted, the legislative body shall also give*  
22 *notice of the means by which members of the public may access*  
23 *the meeting and offer public comment. The agenda shall identify*  
24 *and include an opportunity for all persons to attend via a call-in*  
25 *option or an internet-based service option, and an opportunity for*  
26 *members of the public to attend and address the legislative body*  
27 *at the in-person location of the meeting.*

28 *(4) The legislative body shall conduct teleconference meetings*  
29 *in a manner that protects the statutory and constitutional rights*  
30 *of the parties and the public appearing before the legislative body*  
31 *of a local agency.*

32 *(5) In the event of a disruption that prevents the public agency*  
33 *from broadcasting the meeting to members of the public using the*  
34 *call-in option or internet-based service option, or in the event of*  
35 *a disruption within the local agency's control that prevents*  
36 *members of the public from offering public comments using the*  
37 *call-in option or internet-based service option, the body shall take*  
38 *no further action on items appearing on the meeting agenda until*  
39 *public access to the meeting via the call-in option or internet-based*  
40 *service option is restored. Actions taken on agenda items during*

1 *a disruption that prevents the public agency from broadcasting*  
2 *the meeting may be challenged pursuant to Section 54960.1.*

3 *(6) The legislative body shall not require public comments to*  
4 *be submitted in advance of the meeting and must provide an*  
5 *opportunity for the public to address the legislative body and offer*  
6 *comment in real time.*

7 *(7) Notwithstanding Section 54953.3, an individual desiring to*  
8 *provide public comment through the use of an internet website, or*  
9 *other online platform, not under the control of the local legislative*  
10 *body, that requires registration to log in to a teleconference may*  
11 *be required to register as required by the third-party internet*  
12 *website or online platform to participate.*

13 *(8) The legislative body shall have and implement a procedure*  
14 *for receiving and swiftly resolving requests for reasonable*  
15 *accommodation for individuals with disabilities, consistent with*  
16 *the federal Americans with Disabilities Act of 1990 (42 U.S.C.*  
17 *Sec. 12132), and resolving any doubt in favor of accessibility. In*  
18 *each instance in which notice of the time of the meeting is otherwise*  
19 *given or the agenda for the meeting is otherwise posted, the*  
20 *legislative body shall also give notice of the procedure for receiving*  
21 *and resolving requests for accommodation.*

22 ~~(e)~~

23 *(f) This section shall become operative January 1, 2024.*

24 SEC. 3. The Legislature finds and declares that Sections 1 and  
25 2 of this act, which amend Section 54953 of the Government Code,  
26 impose a limitation on the public's right of access to the meetings  
27 of public bodies or the writings of public officials and agencies  
28 within the meaning of Section 3 of Article I of the California  
29 Constitution. Pursuant to that constitutional provision, the  
30 Legislature makes the following findings to demonstrate the interest  
31 protected by this limitation and the need for protecting that interest:

32 By removing the requirement for agendas to be placed at the  
33 location of each public official participating in a public meeting  
34 remotely, including from the member's private home or hospital  
35 room, this act protects the personal, private information of public  
36 officials and their families while preserving the public's right to  
37 access information concerning the conduct of the people's business.

38 SEC. 4. The Legislature finds and declares that Sections 1 and  
39 2 of this act, which amend Section 54953 of the Government Code,  
40 further, within the meaning of paragraph (7) of subdivision (b) of

1 Section 3 of Article I of the California Constitution, the purposes  
2 of that constitutional section as it relates to the right of public  
3 access to the meetings of local public bodies or the writings of  
4 local public officials and local agencies. Pursuant to paragraph (7)  
5 of subdivision (b) of Section 3 of Article I of the California  
6 Constitution, the Legislature makes the following findings:

7 This act is necessary to ensure minimum standards for public  
8 participation and notice requirements allowing for greater public  
9 participation in teleconference meetings.

# **Background Sheet**

## **AB 2449 (Rubio, B)**

### **Enhancing Public Access Through Teleconferencing**

#### **BACKGROUND**

As part of his response to the COVID-19 pandemic, Governor Newsom issued a series of Executive Orders to expand public access to meetings of local agencies by suspending some of the restrictions on teleconferencing. The effect was the expanded use of teleconferencing for meetings of a legislative body, resulting in enhanced meeting access and increased participation by the public.

#### **PROBLEM**

Recently enacted AB 361 allows for the teleconference provisions detailed in the Executive Orders to continue during a period of emergency declaration. However, once an emergency declaration has ended, local agencies will again be required to comply with antiquated provisions of existing law, making it potentially more difficult to hold meetings of the legislative body by teleconference. While current law does allow for “teleconference locations” under normal circumstances, it requires various actions be taken at the teleconference locations and fails to recognize in the modern digital age that a teleconference location is wherever there is a person with a computer, a tablet, or even a mobile phone.

#### **PROPOSED SOLUTION**

AB 2449 will eliminate the previously existing concept of teleconference locations and will revise notice requirements to allow for greater public participation in teleconference meetings of local agencies. The bill does not require teleconferencing, rather, it modernizes existing law to ensure greater public participation in meetings of the legislative bodies of local agencies who choose to utilize teleconferencing.

AB 2449 would require that a quorum of the governing body be physically present at a clearly identified meeting location for all public meetings. The bill also expresses legislative intent to improve and enhance public access to local agency meetings, consistent with the digital age, by allowing broader access through the teleconferencing options relevant to AB 361, on a consistent, ongoing basis outside of a declared emergency.

#### **SPONSOR**

- Three Valleys Municipal Water District

#### **SUPPORT**

- Three Valleys Municipal Water District
- Public Water Agency Group
- San Gabriel Valley Economic Partnership
- Southern California Water Coalition

#### **OPPOSITION**

- None on File

#### **CONTACT**

Kirk Howie  
Chief Administrative Officer  
Three Valleys Municipal Water District  
[khowie@tvmwd.com](mailto:khowie@tvmwd.com)  
909-621-5568, X 108

**ASSEMBLY BILL**

**No. 2957**

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**Introduced by Committee on Local Government**

March 2, 2022

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An act to amend Sections 56102, 56653, 56654, and 56658 of, and to add Section 56078.5 to, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2957, as introduced, Committee on Local Government. Local government: reorganization.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Existing law requires that an applicant seeking a change of organization or reorganization to submit a plan for providing services within the affected territory.

Existing law requires a petitioner or legislative body desiring to initiate proceedings to submit an application to the executive officer of the local agency formation commission, and requires the local agency formation commission, with regard to an application that includes an incorporation, to immediately notify all affected local agencies and any applicable state agency, as specified.

This bill would define the term “successor agency,” for these purposes to mean the local agency a commission designates to wind up the affairs of a dissolved district. This bill would also make clarifying changes to the above 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 56078.5 is added to the Government  
2     Code, to read:  
3     56078.5. “Successor Agency” means the local agency the  
4     commission designates to wind up the affairs of a dissolved district.  
5     SEC. 2. Section 56102 of the Government Code is amended  
6     to read:  
7     56102. For the purpose of any action to determine or contest  
8     the validity of any change of organization or reorganization, the  
9     change of organization or reorganization shall be deemed to ~~be~~  
10    ~~completed and in existence~~ *take effect* upon the date of execution  
11    of the certificate of completion.  
12    SEC. 3. Section 56653 of the Government Code, as amended  
13    by Section 1 of Chapter 43 of the Statutes of 2017, is amended to  
14    read:  
15    56653. (a) ~~If a proposal~~ *an application* for a change of  
16    organization or reorganization is submitted pursuant to this part,  
17    the applicant shall submit a plan for providing services within the  
18    affected territory.  
19    (b) The plan for providing services shall include all of the  
20    following information and any additional information required by  
21    the commission or the executive officer:  
22    (1) An enumeration and description of the services currently  
23    provided or to be extended to the affected territory.  
24    (2) The level and range of those services.  
25    (3) An indication of when those services can feasibly be  
26    extended to the affected territory, if new services are proposed.  
27    (4) An indication of any improvement or upgrading of structures,  
28    roads, sewer or water facilities, or other conditions the local agency  
29    would impose or require within the affected territory if the change  
30    of organization or reorganization is completed.  
31    (5) Information with respect to how those services will be  
32    financed.  
33    (c) (1) In the case of a change of organization or reorganization  
34    initiated by a local agency that includes a disadvantaged,  
35    unincorporated community as defined in Section 56033.5, a local

1 agency may include in its resolution of application for change of  
2 organization or reorganization an annexation development plan  
3 adopted pursuant to Section 99.3 of the Revenue and Taxation  
4 Code to improve or upgrade structures, roads, sewer or water  
5 facilities, or other infrastructure to serve the disadvantaged,  
6 unincorporated community through the formation of a special  
7 district or reorganization of one or more existing special districts  
8 with the consent of each special district's governing body.

9 (2) The annexation development plan submitted pursuant to this  
10 subdivision shall include information that demonstrates that the  
11 formation or reorganization of the special district will provide all  
12 of the following:

13 (A) The necessary financial resources to improve or upgrade  
14 structures, roads, sewer, or water facilities or other infrastructure.  
15 The annexation development plan shall also clarify the local entity  
16 that shall be responsible for the delivery and maintenance of the  
17 services identified in the application.

18 (B) An estimated timeframe for constructing and delivering the  
19 services identified in the application.

20 (C) The governance, oversight, and long-term maintenance of  
21 the services identified in the application after the initial costs are  
22 recouped and the tax increment financing terminates.

23 (3) If a local agency includes an annexation development plan  
24 pursuant to this subdivision, a local agency formation commission  
25 may approve the proposal for a change of organization or  
26 reorganization to include the formation of a special district or  
27 reorganization of a special district with the special district's  
28 consent, including, but not limited to, a community services district,  
29 municipal water district, or sanitary district, to provide financing  
30 to improve or upgrade structures, roads, sewer or water facilities,  
31 or other infrastructure to serve the disadvantaged, unincorporated  
32 community, in conformity with the requirements of the principal  
33 act of the district proposed to be formed and all required formation  
34 proceedings.

35 (4) Pursuant to Section 56881, the commission shall include in  
36 its resolution making determinations a description of the annexation  
37 development plan, including, but not limited to, an explanation of  
38 the proposed financing mechanism adopted pursuant to Section  
39 99.3 of the Revenue and Taxation Code, including, but not limited

1 to, any planned debt issuance associated with that annexation  
2 development plan.

3 (d) This section shall not preclude a local agency formation  
4 commission from considering any other options or exercising its  
5 powers under Section 56375.

6 (e) This section shall remain in effect only until January 1, 2025,  
7 and as of that date is repealed.

8 SEC. 4. Section 56653 of the Government Code, as amended  
9 by Section 2 of Chapter 43 of the Statutes of 2017, is amended to  
10 read:

11 56653. (a) If ~~a proposal~~ *an application* for a change of  
12 organization or reorganization is submitted pursuant to this part,  
13 the applicant shall submit a plan for providing services within the  
14 affected territory.

15 (b) The plan for providing services shall include all of the  
16 following information and any additional information required by  
17 the commission or the executive officer:

18 (1) An enumeration and description of the services currently  
19 provided or to be extended to the affected territory.

20 (2) The level and range of those services.

21 (3) An indication of when those services can feasibly be  
22 extended to the affected territory, if new services are proposed.

23 (4) An indication of any improvement or upgrading of structures,  
24 roads, sewer or water facilities, or other conditions the local agency  
25 would impose or require within the affected territory if the change  
26 of organization or reorganization is completed.

27 (5) Information with respect to how those services will be  
28 financed.

29 (c) This section shall become operative on January 1, 2025.

30 SEC. 5. Section 56654 of the Government Code is amended  
31 to read:

32 56654. (a) ~~A proposal~~ *An application* for a change of  
33 organization or a reorganization may be made by the adoption of  
34 a resolution of application by the legislative body of an affected  
35 local agency, except as provided in subdivision (b).

36 (b) Notwithstanding Section 56700, ~~a proposal~~ *an application*  
37 for a change of organization that involves the exercise of new or  
38 different functions or classes of services, or the divestiture of the  
39 power to provide particular functions or classes of services, within  
40 all or part of the jurisdictional boundaries of a special district, shall

1 only be initiated by the legislative body of that special district in  
2 accordance with Sections 56824.10, 56824.12, and 56824.14.

3 (c) At least 21 days before the adoption of the resolution, the  
4 legislative body may give mailed notice of its intention to adopt  
5 a resolution of application to the commission and to each interested  
6 agency and each subject agency. The notice shall generally describe  
7 the ~~proposal~~ *application* and the affected territory.

8 (d) Except for the provisions regarding signers and signatures,  
9 a resolution of application shall contain all of the matters specified  
10 for a petition in Section 56700 and shall be submitted with a plan  
11 for services prepared pursuant to Section 56653.

12 SEC. 6. Section 56658 of the Government Code is amended  
13 to read:

14 56658. (a) Any petitioner or legislative body desiring to initiate  
15 proceedings shall submit an application to the executive officer of  
16 the principal county.

17 (b) (1) Immediately after receiving an application and before  
18 issuing a certificate of filing, the executive officer shall give mailed  
19 notice that the application has been received to each affected local  
20 agency, the county committee on school district organization, and  
21 each school superintendent whose school district overlies the  
22 affected territory. The notice shall generally describe the ~~proposal~~  
23 *application* and the affected territory. The executive officer shall  
24 not be required to give notice pursuant to this subdivision if a local  
25 agency has already given notice pursuant to subdivision (c) of  
26 Section 56654.

27 (2) It is the intent of the Legislature that ~~a proposal~~ *an*  
28 *application* for incorporation or disincorporation shall be processed  
29 in a timely manner. With regard to an application that includes an  
30 incorporation or disincorporation, the executive officer shall  
31 immediately notify all affected local agencies and any applicable  
32 state agencies by mail and request the affected agencies to submit  
33 the required data to the commission within a reasonable timeframe  
34 established by the executive officer. Each affected agency shall  
35 respond to the executive officer within 15 days acknowledging  
36 receipt of the request. Each affected local agency and the officers  
37 and departments thereof shall submit the required data to the  
38 executive officer within the timelines established by the executive  
39 officer. Each affected state agency and the officers and departments  
40 thereof shall submit the required data to the executive officer within

1 the timelines agreed upon by the executive officer and the affected  
2 state departments.

3 (3) If a special district is, or as a result of a proposal will be,  
4 located in more than one county, the executive officer of the  
5 principal county shall immediately give the executive officer of  
6 each other affected county mailed notice that the application has  
7 been received. The notice shall generally describe the proposal  
8 and the affected territory.

9 (c) Except when a commission is the lead agency pursuant to  
10 Section 21067 of the Public Resources Code, the executive officer  
11 shall determine within 30 days of receiving an application whether  
12 the application is complete and acceptable for filing or whether  
13 the application is incomplete.

14 (d) The executive officer shall not accept an application for  
15 filing and issue a certificate of filing for at least 20 days after giving  
16 the mailed notice required by subdivision (b). The executive officer  
17 shall not be required to comply with this subdivision in the case  
18 of an application which meets the requirements of Section 56662  
19 or in the case of an application for which a local agency has already  
20 given notice pursuant to subdivision (c) of Section 56654.

21 (e) If the appropriate fees have been paid, an application shall  
22 be deemed accepted for filing if no determination has been made  
23 by the executive officer within the 30-day period. An executive  
24 officer shall accept for filing, and file, any application submitted  
25 in the form prescribed by the commission and containing all of  
26 the information and data required pursuant to Section 56652.

27 (f) When an application is accepted for filing, the executive  
28 officer shall immediately issue a certificate of filing to the  
29 applicant. A certificate of filing shall be in the form prescribed by  
30 the executive officer and shall specify the date upon which the  
31 proposal shall be heard by the commission. From the date of  
32 issuance of a certificate of filing, or the date upon which an  
33 application is deemed to have been accepted, whichever is earlier,  
34 an application shall be deemed filed pursuant to this division.

35 (g) If an application is determined not to be complete, the  
36 executive officer shall immediately transmit that determination to  
37 the applicant specifying those parts of the application which are  
38 incomplete and the manner in which they can be made complete.

39 (h) Following the issuance of the certificate of filing, the  
40 executive officer shall proceed to set the proposal for hearing and

1 give published notice thereof as provided in this part. The date of  
2 the hearing shall be not more than 90 days after issuance of the  
3 certificate of filing or after the application is deemed to have been  
4 accepted, whichever is earlier. Notwithstanding Section 56106,  
5 the date for conducting the hearing, as determined pursuant to this  
6 subdivision, is mandatory.

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## **Executive Officer Report**

**March 9, 2022**

### **Agenda Item No. 13.a.**

The Executive Officer reports the following:

- **CALAFCO Executive Director:** The CALAFCO Board of Directors has appointed René LaRoche as the new Executive Director; she started on February 16<sup>th</sup>, part-time, and in a full-time capacity as of February 28<sup>th</sup>. Ms. LaRoche served as the Clerk of the Board of Supervisors in Maricopa County since 2012, she is a past president of the California Clerk of the Board of Supervisors Association, and she is an Institute Fellow of the California State Association of Counties. Outgoing Executive Director Pamela Miller remains as a part-time consultant to CALAFCO through mid-March to assist with the transition.
- **CALAFCO Staff Workshop:** The CALAFCO Board of Directors has canceled the 2022 Staff Workshop, originally planned for March 23-25 in Newport Beach. Registration was significantly lower than in previous years, which is believed to be related to concerns about traveling and meeting during the on-going COVID pandemic.

### **Staff Recommendation:**

1. Receive and file the Executive Officer Report.