

# Local Agency Formation Commission OF KINGS COUNTY

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**CITY MEMBERS**

Sid Palmerin

Francisco Ramirez

Alvaro Preciado, Alternate

**COUNTY MEMBERS**

Joe Neves

Doug Verboon

Richard Valle, Alternate

**PUBLIC MEMBERS**

Dan Chin

Vacant, Alternate

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Greg Gatzka, Executive Officer, (559) 852-2682

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*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Agency at (559) 852- 2680 by 4:00 p.m. on the Monday prior to this meeting.*

*Agenda backup information and any public records provided to the Commission after the posting of the agenda for this meeting will be available for public review at the Kings County Community Development Agency, 1400 W. Lacey Blvd., Hanford, CA 93230.*

## AGENDA

**SPECIAL MEETING DATE AND TIME:  
Wednesday, May 12, 2021 at 3:00 P.M.**

### **KINGS LAFCO PUBLIC MEETING PROTOCOL IN RESPONSE TO CORONAVIRUS COVID-19**

California Governor Gavin Newsom issued Executive Orders N-25-20 and N-29-20 on March 12, 2020 and March 17, 2020, respectively, relating to the convening of public agency meetings in light of the COVID-19 pandemic. Kings LAFCO hereby provides notice that it will convene a regular meeting by teleconference going forward, and will close its Board Chambers to the public generally, except as described below, until further notice.

Pursuant to the Executive Orders, and to maintain the orderly conduct of the meeting, Kings LAFCO will allow the Commission, staff and interested members of the public to attend the meeting telephonically or by the Internet, and to participate in the meeting to the same extent as if they were present in the Board Chambers. Only those members of the public who cannot participate virtually, due to a need for a special accommodation (vision, hearing, etc.), may attend the meeting in the Board Chambers. A maximum of 10 individuals will be allowed in the Chambers at a time. To secure the accommodation consistent with the American's with Disabilities Act (ADA) and to attend in person, interested parties will need to contact the Secretary of LAFCO as directed below no later than 8:30 a.m. the morning of the meeting.

Members of the public who wish to participate in the meeting virtually can do so one of three ways: Via the worldwide web; by telephone; or by postal or electronic mail. Members of the public, who participate via their computers or through the WebEx app, may provide public comment at the meeting by using the "Raise Your Hand" function. Public comment will be limited to two (2) minutes during the "Unscheduled Appearances" section of the meeting. Public comment will not be available via phone. All others who wish to submit comments may only do so as outlined below.

- **Web Access:** To access the meeting via computer, please go to the Kings LAFCO homepage (<https://www.kingslafco.com>) and click on the link that says **Join Meeting**. You may also participate from your smart phone by downloading the WebEx Meetings app to your smartphone. After opening the app, click on Join Meeting, and then enter the meeting information.

The meeting number is **133 676 9924** and the password is **KingsLAFCO**.

- If you have trouble logging in through the Internet, you may join the meeting via telephone by calling **(415) 655-0003**, then enter the access code of **1336769924#**.

Members of the public who wish to comment may submit written comments on any matter within LAFCO's subject matter jurisdiction, regardless of whether it is on the agenda for Commission consideration or action, and those comments will be entered into the administrative record of the meeting. To submit written comments by U.S. Mail or email for inclusion in the meeting record, they must be received by the Secretary of LAFCO no later than 8:00 a.m. on the morning of the noticed meeting. To submit written comments by email, please forward them to [Terri.Yarbrough@co.kings.ca.us](mailto:Terri.Yarbrough@co.kings.ca.us). To submit such comments by U.S. Mail, please forward them to: Kings LAFCO, 1400 W. Lacey Blvd. Building #6, Hanford, CA 93230.

## **I. CALL MEETING TO ORDER – Chairman**

### **A. Unscheduled Appearances:**

Any person may address the Commission on any subject matter within the jurisdiction or responsibility of the Commission at the beginning of the meeting; or may elect to address the Commission on any agenda item at the time the item is called by the Chair, but before the matter is acted upon by the Commission. Unscheduled comments will be limited to five minutes.

### **B. Approval of March 24, 2021 Minutes (Voice Vote)**

## **II. OLD BUSINESS**

None

## **III. NEW BUSINESS**

### **A. LAFCO Preliminary Budget FY 2021-2022**

- 1) Executive Officer's Report**
- 2) Public Hearing**
- 3) Continue Hearing to May 26, 2021**

## **IV. LEGISLATION**

### **A. Assembly Local Government Committee Bill (AB 1581)**

- 1) Executive Officer's Report**
- 2) Consider a letter of support**

## **V. MISCELLANEOUS**

- A. Correspondence –**
- B. Items from the Commission -**
- C. Staff Comments –**

## **VII. ADJOURNMENT**

- A. Next Scheduled Meeting – Regular Meeting Date May 26, 2021 at 3:00 p.m.**

# LOCAL AGENCY FORMATION COMMISSION MINUTES

## CITY MEMBERS

Sid Palmerin  
Francisco Ramirez  
Alvaro Preciado - Alternate

## COUNTY MEMBERS

Joe Neves – Chair  
Doug Verboon – Vice Chair  
Richard Valle - Alternate

## PUBLIC MEMBERS

Dan Chin  
Vacant - Alternate

**CALL TO ORDER:** A regular meeting of the Local Agency Formation Commission of Kings County was called to order by Chairman, Joe Neves, at 3:00 p.m., on March 24, 2021 in the Board of Supervisors Chambers of the Kings County Government Center, located at 1400 W. Lacey Blvd., in Hanford, California.

**COMMISSIONERS PRESENT:** Joe Neves, Doug Verboon, Sid Palmerin, Dan Chin

**COMMISSIONERS ABSENT:** Francisco Ramirez

**STAFF PRESENT:** Greg Gatzka – Executive Officer, Diane Freeman – Counsel, Chuck Kinney – Assistant Executive Officer, Terri Yarbrough – Clerk

**VISITORS PRESENT:** Martin Devine

**UNSCHEDULED APPEARANCES:** None

## ELECTION OF OFFICERS:

A motion was made and seconded (Verboon/Chin) to nominate Commissioner Neves for Chairman. Motion carried with three in favor and Ramirez absent. A motion was made and seconded (Palmerin/Verboon) to nominate Palmerin for Vice Chairman. Motion carried with three in favor and Ramirez absent.

## APPROVAL OF MINUTES:

A motion was made and seconded (Verboon/Chin) to approve the minutes of the September 23, 2020 meeting. Motion carried with three in favor and Ramirez absent.

## OLD BUSINESS:

None

## NEW BUSINESS

### LAFCO Preliminary Budget FY 2021-2022

Mr. Gatzka presented the preliminary budget. He stated that the LAFCO budget is required to be approved before the end of May and two Public Hearings are necessary.

A motion was made and seconded (Verboon/Palmerin) to set Public Hearings for April 28 and May 26, 2021. Motion carried unanimously with Ramirez absent.

## LEGISLATION

Mr. Gatzka stated that the CALAFCO Omnibus Bill was being prepared and that more information would be provided at the next meeting.

**MISCELLANEOUS**

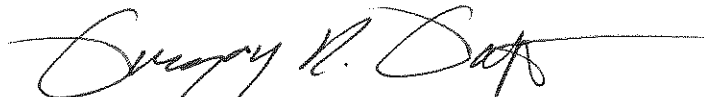
- A. Correspondence** – Mr. Gatzka reported the 2020 CALAFCO Annual Report was included in the agenda packet.
- B. Items from the Commission** – Commissioner Palmerin reported the new park in Corcoran is scheduled to open next month.
- C. Staff Comments** – Mr. Gatzka announced that Francisco Ramirez and Alvaro Perciado had been appointed to the LAFCO Commission by the City Selection Committee. He also announced that Vern Costa, the Public Alternate, had resigned. Mr. Martin Devine was in the audience and expressed interest in filling that vacancy.

**ADJOURNMENT** – With no further business before the Commission, the meeting was adjourned at 3:21 p.m.

- A. A meeting is scheduled for April 28, 2021 at 3:00 p.m.**

Respectfully submitted,

**LOCAL AGENCY FORMATION COMMISSION  
OF KINGS COUNTY**



Gregory R. Gatzka, Executive Officer

# Local Agency Formation Commission OF KINGS COUNTY

GREGORY R. GATZKA, EXECUTIVE OFFICER

MAILING ADDRESS: 1400 W. LACEY BLVD., HANFORD, CA 93230

OFFICES AT: ENGINEERING BUILDING, KINGS COUNTY GOVERNMENT CENTER, HANFORD

(559) 852-2670 • FAX: (559) 584-8989 • WWW.KINGSLAFCO.COM

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**TO: LAFCO Commissioners**  
**FROM: Greg Gatzka, Executive Officer**  
**DATE: May 12, 2020**  
**SUBJECT: 2021-2022 Proposed Budget Review**

## **I. INTRODUCTION:**

Attached is the summary review of the proposed budget recommended by the Executive Officer for Fiscal Year 2021-2022. This proposed Budget includes all the updated costs related to other County Departments. The requested budget of \$76,140 is \$455 more than last year's request, a 0.60% increase. The requested amount covers LAFCO's general activities as required by Assembly Bill 2838, the Cortese – Knox – Hertzberg Act, and continued involvement with CALAFCO to keep current on legislative and procedural changes. The largest adjustments in the budget this year are an increase of \$690 in publications and legal notices and increases of \$994 in administrative allocation. The net result of all of the budget changes resulted in the budget with an increase of \$455. Revenues are projected at \$40,320, up \$977 from the 2020-2021 Budget. This amount includes the estimated LAFCO Application Fees of \$4,500 and City shares for half of the remaining LAFCO budget. The County covers the remaining half of the LAFCO Budget share of \$35,820, which is a decrease of \$523 from last FY. The total budget estimate is \$76,140.

## **II. LAFCO 2021-2022 FISCAL YEAR OBJECTIVES**

The primary objectives for the 2021-2022 Fiscal Year Budget will center on continued training for LAFCO staff on operational procedures and processes, timely processing of reorganization and extension of service applications, processing of all spheres of influence amendments for the cities, communities, and special districts in Kings County, and preparing resources for the next required update. Staff will also review and assist Cities and Districts with the preparation of detailed MSRs for any Sphere of Influence Amendment application submitted to LAFCO to ensure compliance with Government Code Section 56430. As LAFCO staff is often relied upon by Cities to advise their prospective development applicants on annexation processes, staff needs to remain current on LAFCO processes, procedures, issues and implementation strategies. Continuing Legislative changes to LAFCO processes and procedures also necessitates staff's need for continual update through CALAFCO legislative review activities. LAFCO

staff has remained actively involved with CALAFCO workshops and other training venues to fulfill that need. The two annual CALAFCO training events are organized by LAFCO volunteers to keep all LAFCOs current on issues and implementation strategies.

### III. SUMMARY OF RECOMMENDATION:

The recommended draft budget for FY 2021-2022 will require a budget of approximately \$76,140. After applying the estimated \$4,500 in fee revenue, the County's share is \$35,820. The Cities share is also \$35,820. An estimated summary of individual City shares based on population (not including prison populations) is provided in the chart below. The Executive Officer recommends that the Commission open the public hearing to receive public comment and testimony on the proposed LAFCO Budget and continue the public hearing to the May 26, 2021, Commission meeting. A copy of the detailed line item Budget for the proposed LAFCO Expenditures and Revenues is attached.

**2010 City/County Population Percentages for LAFCO Budget  
April 16, 2021**

County/City	Population 4/1/2010	Percentage of Population	City Share Percentage	LAFCO Cost
<b>KINGS COUNTY POP.</b>	<b>152982</b>			
AVENAL	9083	5.94%	9.06%	\$3,245.29
CORCORAN	12697	8.30%	12.66%	\$4,534.81
HANFORD	53967	35.28%	53.82%	\$19,278.32
LEMOORE	24531	16.04%	24.46%	\$8,761.57
<b>CITY SUB TOTAL</b>	<b>100278</b>	<b>65.55%</b>	<b>100.00%</b>	<b>\$35,820</b>
Prison Population	18538	12.12%		
<b>Federal Territories</b>	<b>7799</b>	<b>5.10%</b>		
<b>UNINCORPORATED</b>	<b>26367</b>	<b>17.24%</b>		<b>\$35,820</b>
		100.00%		\$71,640.00

Prepared by: LAFCO of Kings County, April 16, 2021

LOCAL AGENCY FORMATION COMMISSION OF KINGS CO.

UNIT NUMBER:	280000
UNIT TITLE:	LAFCO
FUNCTION:	Pub. Safety
ACTIVITY:	Other Protect.

Fiscal Year 2021-2022

Department: Local Agency Formation Commission of Kings County (LAFCO)

Run date:

ACCOUNT DESCRIPTION	ACCT. NO.	Budget 20-21	To Date 4/9/21	Difference 4/9/21	% of Bud. Expended to Date	4/9/21 Estimated 20-21	DEPT. REQ'T 2021-2022	Change 20-21 to 21-22 20-21	% Change 20-21 to 21-22 20-21	
<b>SALARIES &amp; BENEFITS:</b>										
Regular Employees	91000	82-1010	\$ -	\$ -	\$ -	NA	\$ -	\$ 0	\$ -	N/A
Extra Help	91001	82-1020	\$ -	\$ -	\$ -	NA	\$ -	\$ 0	\$ -	N/A
Overtime	91002	82-1030	\$ -	\$ -	\$ -	NA	\$ -	\$ 0	\$ -	N/A
O.A.S.D.I.	91005	82-1100	\$ -	\$ -	\$ -	NA	\$ -	\$ 0	\$ -	N/A
Retirement	91007	82-1110	\$ -	\$ -	\$ -	NA	\$ -	\$ 0	\$ -	N/A
Health Insurance	91008	82-1120	\$ -	\$ -	\$ -	NA	\$ -	\$ 0	\$ -	N/A
Unemployment Insurance	91010	82-1122	\$ -	\$ -	\$ -	NA	\$ -	\$ 0	\$ -	N/A
Insurance-Work Comp.	91011	82-1123	\$ -	\$ -	\$ -	NA	\$ -	\$ 0	\$ -	N/A
Management Benefits	91012	82-1140	\$ -	\$ -	\$ -	NA	\$ -	\$ 0	\$ 0	N/A
<b>TOTAL LABOR:</b>			\$ -	\$ -	\$ -	N/A	\$ -	\$ 0	\$ 0	N/A

<b>SERVICES &amp; SUPPLIES:</b>										
ACCOUNT DESCRIPTION	ACCT. NO.	Budget 20-21	To Date 4/9/21	Difference 4/9/21	% of Bud. Expended to Date	4/9/21 Estimated 20-21	DEPT. REQ'T 2021-2022	Change 20-21 to 21-22 20-21	% Change 20-21 to 21-22 20-21	
Communications	92006	82-212000	\$ 80	\$ 58	\$ 22	72.00%	\$ 75	\$ 80	\$ -	0.00%
Office Expenses	92018	82-222000	\$ 250	\$ 106	\$ 144	42.56%	\$ 138	\$ 250	\$ -	0.00%
Memberships	92027	82-220000	\$ 3,133	\$ 3,133	\$ -	100.00%	\$ 3,261	\$ 3,158	\$ 25	0.80%
Record Storage Charges	92032	82-222015	\$ 360	\$ 219	\$ 141	60.88%	\$ 316	\$ 293	\$ (67)	-18.61%
Postage & Freight	92033	82-222030	\$ 85	\$ 91	\$ (6)	107.00%	\$ 400	\$ 94	\$ 9	10.59%
Offset Printing/Stores	92035	82-222040	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ -	#DIV/0!
Legal Expenses	92038	82-223005	\$ 8,000	\$ 131	\$ 7,869	1.64%	\$ 170	\$ 8,000	\$ -	0.00%
Publi. and Legal Notices	92056	82-224000	\$ 360	\$ -	\$ 360	0.00%	\$ -	\$ 1,050	\$ 690	191.67%
Rents & Leases - Equipment	92057	82-225000	\$ 1,229	\$ 970	\$ 259	78.94%	\$ 1,256	\$ 1,215	\$ (14)	-1.14%
Purchasing Charges	92068	82-228200	\$ 120	\$ 87	\$ 33	72.90%	\$ 113	\$ 120	\$ -	0.00%
Bd. & Comm. Mem. Expenses	92069	82-228205	\$ 3,064	\$ -	\$ 3,064	0.00%	\$ -	\$ 3,064	\$ -	0.00%
Travel & Expenses	92069	82-229010	\$ 6,700	\$ -	\$ 6,700	0.00%	\$ -	\$ 6,700	\$ -	0.00%
Motor Pool Serv.	92089	82-229000	\$ -	\$ -	\$ -	N/A	\$ -	\$ -	\$ -	N/A
Utilities	92094	82-230000	\$ 550	\$ 369	\$ 181	67.17%	\$ 478	\$ 600	\$ 50	9.09%
CAP Charges	93038	82-314060	\$ 3,762	\$ 3,762	\$ -	100.00%	\$ 4,869	\$ 2,625	\$ (1,137)	-30.22%
Information Tech Services	93048	82-314050	\$ 1,137	\$ 1,137	\$ -	100.00%	\$ 1,472	\$ 1,031	\$ (106)	
Administrative Allocation	93057	82-314000	\$ 46,508	\$ 28,947	\$ 17,561	62.24%	\$ 37,467	\$ 47,502	\$ 994	2.14%
Utility Bond	98001	82-8100010	\$ 347	\$ 322	\$ 25	92.85%	\$ 417	\$ 358	\$ 11	3.17%
Consultant Expense		82-223060	\$ -	\$ -	\$ -	0.00%	\$ -	\$ -	\$ -	0.00%
<b>TOTAL SERV/SUPP:</b>			\$ 75,685	\$ 39,334	\$ 36,351	51.97%	\$ 50,431	\$ 76,140	\$ 455	0.60%

<b>REVENUE:</b>										
ACCOUNT DESCRIPTION	ACCT. NO.	Budget 20-21	To Date 4/9/21	Difference 4/9/21	% of Bud. Expended to Date	4/9/21 Estimated 20-21	DEPT. REQ'T 2021-2022	Change 20-21 to 21-22 20-21	% Change 20-21 to 21-22 20-21	
INTERGOV'T REVENUE										
Cities-LAFCO Shares	80008	81-540012	\$ 36,343	\$ -	\$ (36,343)	0.00%	\$ -	\$ 35,820	\$ (523)	-1.44%
CHARGES FOR SERVICES										
LAFCO Fees	87095	81607025	\$ 3,000	\$ 500	\$ (2,500)	16.67%	\$ 647	\$ 4,500	\$ 1,500	50.00%
LAFCO MSR/SOI Fees			\$ -	\$ -	\$ -	0.00%	\$ -	\$ -	\$ -	0.00%
<b>TOTAL REVENUE:</b>			\$ 39,343	\$ 500	\$ (38,843)	1.27%	\$ 647	\$ 40,320	\$ 977	2.5%

<b>TOTALS</b>										
ACCOUNT DESCRIPTION	ACCT. NO.	Budget 20-21	To Date 4/9/21	Difference 4/9/21	% of Bud. Expended to Date	4/9/21 Estimated 20-21	DEPT. REQ'T 2021-2022	Change 20-21 to 21-22 20-21	% Change 20-21 to 21-22 20-21	
<b>SALARIES &amp; BENEFITS:</b>			\$ -	\$ -	\$ -	N/A	\$ -	\$ 0	\$ 0	N/A
<b>SERVICES &amp; SUPPLIES:</b>			\$ 75,685	\$ 39,334	\$ 36,351	51.97%	\$ 50,431	\$ 76,140	\$ 455	0.60%
<b>FIXED ASSETS:</b>	824500		\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0.00%
<b>GROSS EXPENDITURES:</b>			\$ 75,685	\$ 39,334	\$ 36,351	0.00%	\$ 50,431	\$ 76,140	\$ 455	0.60%
<b>REVENUE:</b>			\$ 39,343	\$ 500	\$ (38,843)	1.27%	\$ 647	\$ 40,320	\$ 977	2.48%
<b>COST APPLIED:</b>	98000	825380	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0.00%
<b>GEN. FUND CONTRIBUTION:</b>			\$ (36,342)	\$ 500	\$ (36,842)	-1.38%	\$ (49,784)	\$ (35,820)	\$ 522	-1.44%



# Local Agency Formation Commission OF KINGS COUNTY

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Date: April 28, 2021

To: LAFCO Commissioners

From: Greg Gatzka, Executive Officer

Subject: Letter of Support for CALAFCO Omnibus Bill (AB 1581)

## **Background**

Annually, CALAFCO takes recommendations from their Legislative Committee made up of LAFCO Executive Officers representing the various regions throughout the State. These types of recommended legislative changes are generally technical clean up, clarification or other minor changes to the Cortese-Knox-Hertzberg Local Government Act of 2000 that guides and defines LAFCO processes and procedures.

This year CALAFCO is sponsoring Assembly Local Government Committee Bill AB 1581 and is asking for letters of support from the various LAFCO Commissions across the State. A draft letter of support has been prepared by staff, and the proposed AB 1581 language is attached for reference.

## **Recommend**

The Executive Officer recommends that the LAFCO Commission consider authorizing the Commission Chair to sign a letter of support on behalf of LAFCO of Kings County.

# Local Agency Formation Commission OF KINGS COUNTY

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May 12, 2021

Honorable Cecilia Aguiar-Curry, Chair  
Assembly Local Government Committee  
California State Assembly  
State Capitol, Room 5144  
Sacramento, CA 95814

Subject: Support of Assembly Bill 1581 (Omnibus Bill)

Dear Chair Aguiar-Curry:

The Local Agency Formation Commission of Kings County is pleased to support the Assembly Local Government Committee Bill (AB 1581), sponsored by the California Association of Local Agency Formation Commissions (CALAFCO), which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH Act").

This annual bill includes technical changes to the CKH Act which governs the work of LAFCOs. These changes are necessary as Commissions implement the CKH Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. AB 1581 currently makes minor technical corrections to language used in the CKH Act. Santa Cruz LAFCO is grateful to your Committee, staff and CALAFCO, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the CKH Act for all stakeholders.

This legislation helps insure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the State. We appreciate your Committee's authorship and support of this bill, and your support of the mission of LAFCOs.

Sincerely,

Joe Neves, Chair  
Kings County LAFCO Commission

cc: Members, Assembly Local Government Committee  
Jimmy MacDonald, Consultant, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus  
Pamela Miller, Executive Director, CALAFCO

March 18, 2021

Honorable Cecilia Aguiar-Curry, Chair  
Assembly Local Government Committee  
California State Assembly  
State Capitol, Room 5144  
Sacramento, CA 95814

**RE: SUPPORT of AB 1581: Local Government Committee Omnibus Bill**

Dear Chair Aguiar-Curry:

The California Association of Local Agency Formation Commissions (CALAFCO) is pleased to sponsor and support the Assembly Local Government Committee Bill **AB 1581** which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of Local Agency Formation Commissions. These changes are necessary as Commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. **AB 1581** currently makes minor technical corrections to language used in the Act. CALAFCO is grateful to your Committee and staff, and the members of our Legislative Committee, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

This legislation helps insure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state. We appreciate your Committee's authorship and support of this bill, and your support of the mission of Local Agency Formation Commissions. As always, I am happy to provide any additional information needed.

Yours sincerely,



Pamela Miller  
Executive Director

cc: Members, Assembly Local Government Committee  
Jimmy MacDonald, Consultant, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus

**ASSEMBLY BILL**

**No. 1581**

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**Introduced by Committee on Local Government**

March 9, 2021

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An act to amend Sections 56133, 56427, and 56879 of, and to amend and renumber Section 56325.1 of, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1581, as introduced, Committee on Local Government. Local government: omnibus.

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 a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Existing law requires the commission, in order to prepare and update spheres of influence in accordance with this requirement, to conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission, as specified.

Existing law requires the commission to adopt, amend, or revise spheres of influence after a public hearing called and held for that purpose.

This bill would revise and recast that provision to provide that the commission is required to adopt, amend, or update spheres of influence after a public hearing called and held for that purpose.

Existing law authorizes a commission in the county which an extension of service is proposed to approve (1) a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundary in writing, (2) a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization, and (3) a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory if specified conditions are met.

This bill would revise and recast those provisions to remove the general requirement the commission must be in the county which an extension of service is proposed and provide that a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission of the county in which the affected territory is located.

Existing law requires the commission to dissolve inactive districts and provides that dissolved districts are not subject to specified provisions.

This bill would add that dissolved districts are not subject to specified taxation provisions related to jurisdictional changes.

This bill would make other nonsubstantive changes.

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 56133 of the Government Code is
- 2 amended to read:
- 3 56133. (a) A city or district may provide new or extended
- 4 services by contract or agreement outside its jurisdictional
- 5 boundary only if it first requests and receives written approval
- 6 from the ~~commission~~ *commission of the county in which the*
- 7 *affected territory is located.*
- 8 (b) The commission may authorize a city or district to provide
- 9 new or extended services outside its jurisdictional boundary but
- 10 within its sphere of influence in anticipation of a later change of
- 11 organization.

1 (c) The commission may authorize a city or district to provide  
2 new or extended services outside its jurisdictional boundary and  
3 outside its sphere of influence to respond to an existing or  
4 impending threat to the health or safety of the public or the  
5 residents of the affected territory, if both of the following  
6 requirements are met:

7 (1) The entity applying for approval has provided the  
8 commission with documentation of a threat to the health and safety  
9 of the public or the affected residents.

10 (2) The commission has notified any alternate service provider,  
11 including any water corporation as defined in Section 241 of the  
12 Public Utilities Code, that has filed a map and a statement of its  
13 service capabilities with the commission.

14 (d) The executive officer, within 30 days of receipt of a request  
15 for approval by a city or district to extend services outside its  
16 jurisdictional boundary, shall determine whether the request is  
17 complete and acceptable for filing or whether the request is  
18 incomplete. If a request is determined not to be complete, the  
19 executive officer shall immediately transmit that determination to  
20 the requester, specifying those parts of the request that are  
21 incomplete and the manner in which they can be made complete.  
22 When the request is deemed complete, the executive officer shall  
23 place the request on the agenda of the next commission meeting  
24 for which adequate notice can be given but not more than 90 days  
25 from the date that the request is deemed complete, unless the  
26 commission has delegated approval of requests made pursuant to  
27 this section to the executive officer. The commission or executive  
28 officer shall approve, disapprove, or approve with conditions the  
29 extended services. If the new or extended services are disapproved  
30 or approved with conditions, the applicant may request  
31 reconsideration, citing the reasons for reconsideration.

32 (e) This section does not apply to any of the following:

33 (1) Two or more public agencies where the public service to be  
34 provided is an alternative to, or substitute for, public services  
35 already being provided by an existing public service provider and  
36 where the level of service to be provided is consistent with the  
37 level of service contemplated by the existing service provider.

38 (2) The transfer of nonpotable or nontreated water.

39 (3) The provision of surplus water to agricultural lands and  
40 facilities, including, but not limited to, incidental residential

1 structures, for projects that serve conservation purposes or that  
2 directly support agricultural industries. However, prior to extending  
3 surplus water service to any project that will support or induce  
4 development, the city or district shall first request and receive  
5 written approval from the commission in the affected county.

6 (4) An extended service that a city or district was providing on  
7 or before January 1, 2001.

8 (5) A local publicly owned electric utility, as defined by Section  
9 9604 of the Public Utilities Code, providing electric services that  
10 do not involve the acquisition, construction, or installation of  
11 electric distribution facilities by the local publicly owned electric  
12 utility, outside of the utility’s jurisdictional boundary.

13 (6) A fire protection contract, as defined in subdivision (a) of  
14 Section 56134.

15 ~~(f) This section applies only to the commission of the county~~  
16 ~~in which the extension of service is proposed.~~

17 SEC. 2. Section 56325.1 of the Government Code is amended  
18 and renumbered to read:

19 ~~56325.1.~~

20 *56331.4* While serving on the commission, all commission  
21 members shall exercise their independent judgment on behalf of  
22 the interests of residents, property owners, and the public as a  
23 whole in furthering the purposes of this division. Any member  
24 appointed on behalf of local governments shall represent the  
25 interests of the public as a whole and not solely the interests of the  
26 appointing authority. This section does not require the abstention  
27 of any member on any matter, nor does it create a right of action  
28 in any person.

29 SEC. 3. Section 56427 of the Government Code is amended  
30 to read:

31 *56427.* The commission shall adopt, amend, or ~~revise~~ *update*  
32 spheres of influence after a public hearing called and held for that  
33 purpose. At least 21 days prior to the date of that hearing, the  
34 executive officer shall give mailed notice of the hearing to each  
35 affected local agency or affected county, and to any interested  
36 party who has filed a written request for notice with the executive  
37 officer. In addition, at least 21 days prior to the date of that hearing,  
38 the executive officer shall cause notice of the hearing to be  
39 published in accordance with Section 56153 in a newspaper of  
40 general circulation which is circulated within the territory affected

1 by the sphere of influence proposed to be adopted. The commission  
2 may continue from time to time any hearing called pursuant to this  
3 section.

4 At any hearing called and held pursuant to this section, the  
5 commission shall hear and consider oral or written testimony  
6 presented by any affected local agency or affected county or any  
7 interested person who wishes to appear.

8 This section shall only apply to spheres of influence adopted by  
9 the commission after January 1, 1975.

10 SEC. 4. Section 56879 of the Government Code is amended  
11 to read:

12 56879. (a) On or before November 1, 2018, and every year  
13 thereafter, the Controller shall create a list of special districts that  
14 are inactive, as defined in Section 56042, based upon the financial  
15 reports received by the Controller pursuant to Section 53891. The  
16 Controller shall publish the list of inactive districts on the  
17 Controller's ~~Internet Web site~~; *internet website*. The Controller  
18 shall also notify the commission in the county or counties in which  
19 the district is located if the Controller has included the district in  
20 this list.

21 (b) The commission shall initiate dissolution of inactive districts  
22 by resolution within 90 days of receiving notification from the  
23 Controller pursuant to subdivision (a), unless the commission  
24 determines that the district does not meet the criteria set forth in  
25 Section 56042. The commission shall notify the Controller if the  
26 commission determines that a district does not meet the criteria  
27 set forth in Section 56042.

28 (c) The commission shall dissolve inactive districts. The  
29 commission shall hold one public hearing on the dissolution of an  
30 inactive district pursuant to this section no more than 90 days  
31 following the adoption of the resolution initiating dissolution. The  
32 dissolution of an inactive district shall not be subject to any of the  
33 following:

34 (1) Chapter 1 (commencing with Section 57000) to Chapter 7  
35 (commencing with Section 57176), inclusive, of Part 4.

36 (2) Determinations pursuant to subdivision (b) of Section 56881.

37 (3) Requirements for commission-initiated changes of  
38 organization described in paragraph (3) of subdivision (a) of  
39 Section 56375.



1     (4) *Sections 99 and 99.01 of the Revenue and Taxation Code.*

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