

YOLO LOCAL AGENCY FORMATION COMMISSION

Regular Meeting AGENDA

May 27, 2021 - 9:00 a.m.

COMMISSIONERS

OLIN WOODS, CHAIR (PUBLIC MEMBER)
DON SAYLOR, VICE CHAIR (COUNTY MEMBER)
NORMA ALCALA (CITY MEMBER)
GARY SANDY (COUNTY MEMBER)
TOM STALLARD (CITY MEMBER)

ALTERNATE COMMISSIONERS

ANGEL BARAJAS (COUNTY MEMBER)
WADE COWAN (CITY MEMBER)
RICHARD DELIBERTY (PUBLIC MEMBER)

This meeting will be conducted utilizing teleconferencing and electronic means to allow the Commission, staff and the public to participate in the meeting pursuant to the provisions of the Governor's Executive Order N-29-20 (March 17, 2020), available at the following [link](#).

Teleconference Options to join Zoom meeting:
By PC: <https://yolocounty.zoom.us/j/94657093415>

or

By Phone: (408) 638-0968
Webinar ID: 946 5709 3415

Further instructions on how to electronically participate and submit your public comment can be found in the PUBLIC PARTICIPATION instructions at the end of this agenda. In the rare event of a widespread internet disruption where Zoom is not available either at the beginning or during the meeting, the meeting will be conducted utilizing the following teleconference call dial in number (605) 475-6006 using Access Code 680-0491.

CHRISTINE CRAWFORD
EXECUTIVE OFFICER

ERIC MAY
COMMISSION COUNSEL

NOTICE:

This agenda has been posted at least five (5) calendar days prior to the meeting in a location freely accessible to members of the public, in accordance with the Brown Act and the Cortese Knox Hertzberg Act. The public may subscribe to receive emailed agendas, notices and other updates by contacting staff at lafco@yolocounty.org.

All persons are invited to testify and submit written comments to the Commission. If you challenge a LAFCo action in court, you may be limited to issues raised at the public hearing or submitted as written comments prior to the close of the public hearing. If you wish to submit written material at the hearing, please supply 8 copies.

FPPC - Notice to All Parties and Participants in LAFCo Proceedings

All parties and participants on a matter to be heard by the Commission that have made campaign contributions totaling \$250 or more to any Commissioner in the past 12 months must disclose this fact, either orally or in writing, for the official record as required by Government Code Section 84308.

Contributions and expenditures for political purposes related to any proposal or proceedings before LAFCo are subject to the reporting requirements of the Political Reform Act and the regulations of the Fair Political Practices Commission, and must be disclosed to the Commission prior to the hearing on the matter.

PLEASE NOTE - The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Chair or Commission members.

CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Public Comment: This is an opportunity for members of the public to address the Commission on subjects relating to LAFCo purview but not relative to items on this Agenda. The Commission reserves the right to impose a reasonable time limit on any topic or on any individual speaker.

CONSENT AGENDA

4. Approve the LAFCo Meeting Minutes of April 22, 2021
5. Correspondence

PUBLIC HEARINGS

6. Public Hearing to consider approval of **Resolution 2021-04** adopting the Joint Powers Agency (JPA) Service Review for the Yolo Habitat Conservancy (YHC) (LAFCo No. 21-03)
7. Consider adoption of the Final LAFCo Budget for FY 2021/22

REGULAR AGENDA

8. Consider an amendment to Yolo LAFCo Project Policies to: (1) Amend Policy 6.2 "Criteria – Municipal Services Review (MSR)" to add broadband access and availability as a determination; (2) Incorporate the key elements of the Shared Services Strategic Plan into the Yolo LAFCo Project Policies including new broadband-related policies; and (3) Other non-substantive edits
9. Consider and adopt the Fiscal Year (FY) 2021/22 Annual Work Plan including Commission direction regarding broadband shared services and other proposal updates

EXECUTIVE OFFICER'S REPORT

10. A report by the Executive Officer on recent events relevant to the Commission and an update of staff activity for the month. The Commission or any individual Commissioner may request that action be taken on any item listed.
 - a. Long Range Planning Calendar
 - b. EO Activity Report - April 19 through May 21, 2021
 - c. CALAFCO Legislation Report

COMMISSIONER REPORTS

11. Action items and reports from members of the Commission, including announcements, questions to be referred to staff, future agenda items, and reports on meetings and information which would be of interest to the Commission or the public.

ADJOURNMENT

12. Adjourn to the next Regular LAFCo Meeting

I declare under penalty of perjury that the foregoing agenda was posted by 5:00 p.m. on Friday, May 21, 2021, at the following places:

- On the bulletin board outside the east entrance of the Erwin W. Meier County Administration Building, 625 Court Street, Woodland, CA;
- On the LAFCo website at: www.yololafco.org.

ATTEST:

Terri Tuck, Clerk
Yolo LAFCo

If requested, this agenda can be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact the Commission Clerk for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting should contact the Commission Clerk as soon as possible and at least 24 hours prior to the meeting. The Commission Clerk may be reached at (530) 666-8048 or at the following address: Yolo LAFCo, 625 Court Street, Suite 107, Woodland, CA 95695

PUBLIC PARTICIPATION INSTRUCTIONS:

Based on guidance from the California Department of Public Health and the California Governor's Office, in order to minimize the spread of COVID-19, please consider the following:

Join the Yolo LAFCo meeting at <https://yolocounty.zoom.us/j/94657093415>, or by phone via 1-408-638-0968, Webinar ID: 946 5709 3415.

1. Submit live comment by joining the meeting and press the "raise a hand" button or if joining by phone only, press *9 to indicate a desire to make a comment. The chair will call you by name or phone number when it is your turn to comment. The Commission reserves the right to impose a reasonable limit on time afforded to any topic or to any individual speaker.

* If you are joining by zoom and phone, still use the zoom raise a hand button as *9 will not work.

2. Submit written comment on any matter within the Commission's subject matter jurisdiction, regardless of whether it is on the agenda for Commission consideration or action. Submit your comment, limited to 250 words or less, via email to <https://www.yololafco.org>, or by U.S. mail to Yolo LAFCo at 625 Court Street, Suite 107, Woodland, CA, 95695, by 1 p.m. on the Wednesday prior to the Commission meeting. Your comment will be read at the meeting.
3. Submit verbal comment by calling (530) 666-8048; state and spell your name, mention the agenda item number you are calling about and leave your comment. Verbal comments must be received no later than 1 p.m. on the Wednesday prior to the Commission meeting. Your comment will be read at the meeting by the Commission Clerk; limited to 3 minutes per item.

Consent 4.

LAFCO

Meeting Date: 05/27/2021

Information

SUBJECT

Approve the LAFCo Meeting Minutes of April 22, 2021

RECOMMENDED ACTION

Approve the LAFCo Meeting Minutes of April 22, 2021.

Attachments

ATT-LAFCo Minutes 04.22.21

Form Review

Form Started By: Terri Tuck
Final Approval Date: 05/06/2021

Started On: 05/06/2021 12:08 PM

YOLO LOCAL AGENCY FORMATION COMMISSION

MEETING MINUTES

April 22, 2021

The Yolo Local Agency Formation Commission met on the 22nd day of April 2021, at 9:00 a.m. via teleconference. Voting members present were Chair and Public Member Olin Woods, County Members Don Saylor and Gary Sandy, and City Members Tom Stallard and Norma Alcalá. Others present were Alternate Public Member Richard DeLiberty, Executive Officer Christine Crawford, Clerk Terri Tuck, Analyst Mark Krummenacker, and Counsel Eric May.

CALL TO ORDER

Chair Woods called the Meeting to order at 9:01 a.m.

Item № 1 Pledge

Richard DeLiberty led the Pledge of Allegiance.

Item № 2 Roll Call

PRESENT: Alcalá, Sandy, Saylor, Stallard, Woods ABSENT: None

Item № 3 Public Comments

None.

CONSENT

Item № 4 Approve the LAFCo Meeting Minutes of March 25, 2021

Item № 5 Review and file Fiscal Year 2020/21 Third Quarter Financial Update

Item № 6 Correspondence

Minute Order 2021-13: The recommended actions were approved.

Approved by the following vote:

MOTION: Stallard SECOND: Alcalá

AYES: Alcalá, Sandy, Saylor, Stallard, Woods

NOES: None

ABSENT: None

PUBLIC HEARINGS**Item № 7 Public Hearing to consider approval of Resolution 2021-03 adopting the Joint Powers Agency (JPA) Service Review for the Valley Clean Energy Alliance (VCEA) (LAFCo No. 21-02)**

After an overview report by staff, the Chair opened the Public Hearing. Comments were made by Daniel Carson, VCE Chair, and Mitch Sears, VCE Interim General Manager. The Public Hearing was closed.

Minute Order 2021-14: The recommended action was approved, adopting **Resolution 2021-03** approving the Service Review for the Valley Clean Energy Alliance JPA.

Approved by the following vote:

MOTION: Sandy SECOND: Saylor
 AYES: Alcalá, Sandy, Saylor, Stallard, Woods
 NOES: None
 ABSENT: None

Item № 8 Consider adopting modifications to the Yolo LAFCo Deposit/Fee Schedule effective May 1, 2021

After an overview report by staff, the Chair opened the Public Hearing. There were no comments and the Public Hearing was closed.

Minute Order 2021-15: The recommended action was approved. Additionally, staff was directed to add an explanation at the top of the schedule explaining how the deposit/fee process would be handled for applications.

Approved by the following vote:

MOTION: Saylor SECOND: Stallard
 AYES: Alcalá, Sandy, Saylor, Stallard, Woods
 NOES: None
 ABSENT: None

REGULAR**Item № 9 Consider the status of broadband services and provide staff direction regarding LAFCo Shared Service initiatives for the FY 2021/22 Annual Work Plan**

After an overview report by staff, the Chair opened the item for public comment. Speakers included Lee Gerney, the County's Chief Technology Officer, and Tara Thronson, Deputy to Supervisor Saylor.

Minute Order 2021-16: No action was taken on this item. Following discussion, staff was directed to:

- Include a section on the municipal service review checklist to monitor the progress of broadband within those jurisdictions being reviewed;

- Include a broadband section to the annual website transparency scorecard; and,
- Articulate overriding principles regarding broadband;
- Update the Commission on Assembly Member Aguiar-Curry’s current assembly bill regarding reliable broadband service for all communities;
- Bring back the item for discussion and staff direction at the next meeting.

Item № 10 Consider and approve reappointment of Richard DeLiberty as the Alternate Public Member to another four-year term through May 2025

Minute Order 2021-17: The recommended action was approved.

Approved by the following vote:

MOTION: Stallard SECOND: Sandy
 AYES: Alcala, Sandy, Saylor, Stallard, Woods
 NOES: None
 ABSENT: None

Item № 11 Elect a Chair and Vice Chair to the Commission to serve one-year terms, beginning May 1, 2021 and ending May 1, 2022

Minute Order 2020-18: Commissioner Woods was elected to another one year term as Chair, ending May 2022.

Approved by the following vote:

MOTION: Saylor SECOND: Sandy
 AYES: Alcala, Sandy, Saylor, Stallard, Woods
 NOES: None
 ABSTAIN: None
 ABSENT: None

Minute Order 2020-19: Commissioner Saylor was elected to a one year term as Vice Chair, ending May 2022.

Approved by the following vote:

MOTION: Stallard SECOND: Alcala
 AYES: Alcala, Sandy, Saylor, Stallard, Woods
 NOES: None
 ABSTAIN: None
 ABSENT: None

Item № 12 Executive Officer’s Report

The Commission was given written reports of the Executive Officer’s activities for the period of January 25 through March 19, 2021, and was verbally updated on recent events relevant to the Commission, including the Long Range Planning Calendar.

Staff mentioned that the deadline for responses to the request for proposals for independent professional auditing services is May 10, 2021.

Item № 13 Commissioner Reports

Commissioner Stallard commented that throughout the year the City of Woodland would be celebrating its 150th year of incorporation with special monthly events. Stallard stated there would be an outdoor street event around city hall on October 16, 2021, and everyone is welcome to attend.

Item № 14 Adjournment

Minute Order 2021-20: By order of the Chair, the meeting was adjourned at 10:37 a.m. to the next Regular LAFCo Meeting.

Olin Woods, Chair
Local Agency Formation Commission
County of Yolo, State of California

ATTEST:

Terri Tuck
Clerk to the Commission

Consent 5.

LAFCO

Meeting Date: 05/27/2021

Information

SUBJECT

Correspondence

RECOMMENDED ACTION

Receive and file the following correspondence;

A. CALAFCO Quarterly - May 2021

Attachments

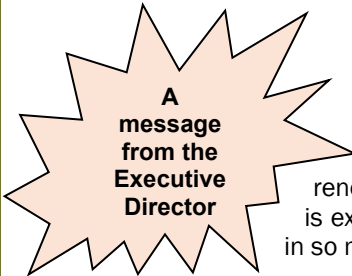
ATT A-CALAFCO Quarterly-May 2021

Form Review

Form Started By: Terri Tuck

Started On: 05/18/2021 09:32 AM


Final Approval Date: 05/18/2021



**A
message
from the
Executive
Director**

Greetings from your CALAFCO Board of Directors and Executive Director. Spring is in the air and things seem to be shifting. Spring is a time of renewal and re-awakening and that is exactly what it feels like this year - in so many ways.

This Second Quarterly Report of 2021 will begin by highlighting the good news in our CALAFCO family first, followed by Association updates. Happy reading!



LAFcos in the News

Alameda LAFCo Awarded Sustainable Agricultural Lands Conservation (SALC) Grant

In our last Quarterly Report we announced SALC grants for San Bernardino and San Diego LAFcos. CALAFCO inadvertently omitted Alameda LAFcos grant award and apologize for the oversight. We are pleased to announce their grant award.

Alameda LAFCo, in partnership with the Alameda County Resource Conservation District, was awarded a SALC planning grant for \$250,000. The planning grant project is aimed at collaborative stakeholder planning in Alameda County to ensure the identification and preservation of agricultural and working lands, an infill development focus on healthy and resilient communities for disadvantaged and low-income populations, and a reduction in greenhouse gas emissions.

The Strategic Growth Council (SGC) added LAFcos to the list of eligible entities to apply for SALC grants in January 2019 after many years of CALAFCO trying to get LAFcos eligible for state-level grant funding. We are pleased that to date, three of our member LAFcos have received these grants.

Los Angeles LAFCo Executive Officer Receives State Appointment

On January 4, 2021, Assembly Speaker Anthony Rendon appointed **Los Angeles LAFCo Executive Officer Paul Novak** to the Board for Professional Engineers, Land Surveyors, and Geologists. The Board regulates the practices of engineering (civil, electrical, structural, geotechnical/soils), land surveying, geology, and geophysics in the State of California to safeguard the life, health, property and welfare of the public. The Board licenses qualified individuals, based on experience and successfully passing examinations; establishes regulations and promotes professional conduct; enforces laws and regulations; and provides information to the public on using professional engineering and land surveying services. Paul's term runs to June 30, 2023.

Marin LAFCo Holds Shared Services Workshop For Agencies

Marin LAFCo held a Shared Services Workshop on April 29, 2021. Partners for the workshop included Marin County Council of Mayors and Councilmembers, Marin County Special Districts Association, and Marin County Office of Education. The workshop had 2 panels, one on successful shared services in Marin, and another exploring how to successfully implement shared services. Marin LAFCo reports the workshop was a success with 78 people attending, including elected officials and staff throughout the County, as well as staff from 2 other LAFcos. If you are curious about this event, a recording is posted on their website at www.marinlafco.org. Marin LAFCo thanks CALAFCO for offering their Zoom account, noting the webinar function played a large role in the success of this workshop.

Orange LAFCo Welcomes New Assistant EO

Orange LAFCo is pleased to welcome a new member to the Orange LAFCo team. **Raymond Barragan** will serve as Orange LAFCo's Assistant Executive Officer and brings extensive experience in local government to his new role. Before joining Orange LAFCo, he served as the Acting Director of Community Development with the City of Gardena where he was employed since 2012. Raymond holds a bachelor's degree in urban and regional planning and is a master's candidate in Community and Economic Development at Penn State.

San Luis Obispo Announces New Hire and Promotion

San Luis Obispo LAFCo is excited to announce **Robert "Rob" Fitzroy** as its new Executive Officer. Most recently he was the Director of the Community Development Department for the City of Arroyo Grande. Prior to that, Rob was the Asst. Director for the County Planning & Building Department. Rob graduated from Cal Poly San Luis Obispo with a bachelor's degree and has a master's of Natural Resource Management, Environmental Planning & Public Policy. He begins his new role on May 24, 2021.

Imelda Marquez, **San Luis Obispo LAFCo** Clerk, was promoted to Analyst late last year. Imelda has been with SLO LAFCo for about 19 months. Her broad range of skills and analytical abilities are numerous. She is a proud Fresno St. Bulldog with a Geography degree and according to Interim EO David Church, "is an absolute delight to work with".



News from the Board of Directors

CALAFCO QUARTERLY

May 2021

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Welcome to Our Newest Associate Members

CALAFCO is pleased to welcome two new Silver Associate Members.

We welcome the return of **SWALE, Inc.** SWALE's consulting services focus on LAFCo's critical issues including MSRs, SOIs, CEQA compliance, strategic planning, workshops and mapping with GIS. Their northern California office is expanding to bring you the best of consulting services. To learn more about the services provided by SWALE, contact **Kateri Harrison** at harrison@swaleinc.com, or visit their website at www.swaleinc.com.

We also welcome **DTA**. DTA is a national public finance and urban economics consulting firm specializing in infrastructure and public service finance. Their financing programs have utilized a variety of public financing mechanisms such as Ads, CFDs, LLDs and various types of fee programs. To learn more about DTA, contact **Nathan Perez** at Nate@FinanceDTA.com, or visit their website at www.FinanceDTA.com.

CALAFCO Educational Events

MARK YOUR CALENDARS FOR THESE UPCOMING CALAFCO EDUCATIONAL EVENTS!

CALAFCO 2021 ANNUAL CONFERENCE

Join us **October 6-8** at the **Hyatt Regency Newport Beach John Wayne Airport** for the 2021 Annual Conference. It's been so long since we've gathered in person and the time is finally here! The program planning committee is forming and CALAFCO staff is working with the facility on details to keep all of our attendees safe. Watch for Conference registration and hotel reservations to be open soon. Conference registration rates will be at the 2019 rates. We look forward to seeing you in Newport Beach later this year.

CALAFCO UNIVERSITY

We are pleased to continue offering webinars at no cost to our membership and are preparing several great sessions for you. Registration is now open for our **June 7** session: **Financial Health Indicators for Cities and Districts**. Registration is open until June 2. You will find all the details on the CALAFCO website at www.calafco.org.

We are also working on a very unique 4-part series on **Fire & EMS** services and a session on **Forming a CSD**. Watch for details and registration for these offerings coming soon.



CALAFCO Board of Directors

CALAFCO BOARD ACTIONS

The Board met virtually on April 30 with a full agenda. Under the leadership of **Chair Mike Kelley**, the Board took a number of important actions.



- ✓ **The FY 2021-22 budget was adopted.** For the first time, the Board considered a rolling 2-year budget. The FY 21-22 budget reflects a decrease of 2.1% over the current FY operating budget. The adopted budget can be found on the CALAFCO website.
- ✓ **The 2021-22 Strategic Plan was adopted.** The three primary strategies for the Association are: (1) Serve as an educational resource to member LAFCo Commissioners, LAFCo staff, Associate Members, and stakeholders; (2) Focus efforts on Association member relations, development, recognition and communication. Continue development of a strong and sustainable Association; and (3) Serve as an information resource to all Association members, work as a legislative and policy advocate for LAFCo issues and provide information to the Legislature and other stakeholders. The adopted Strategic Plan can be found on the CALAFCO website.
- ✓ **Updated Policies for Sections I and II of the current CALAFCO Policies were adopted.** One of the goals for 2021 is to conduct a comprehensive review of CALAFCO Policies, considering two sections per quarter. This is the first of a three-phase update process. The updated policies can be found on the CALAFCO website.
- ✓ **The new Annual Achievement Awards program was approved.** As the membership is aware, last year the Board approved consideration of an update to the Achievement Awards program. CALAFCO staff and Regional Officers worked for many months in crafting two options for the Achievement Awards Committee to consider. The Committee unanimously approved one of the options and recommended adoption of that option to the Board, which was unanimously approved. Watch for an announcement on the new program and the opening of the nomination period coming soon!
- ✓ **The Board ratified approval of filing an amicus letter in support of San Luis Obispo (SLO) LAFCo's appeal to the State Supreme Court.** As a follow up to the Superior Court decision in favor of the City of Pismo Beach, and at the request of SLO LAFCo, CALAFCO filed an amicus letter requesting the court review the case. The Court of Appeal opinion in *San Luis Obispo Local Agency Formation Commission v. City of Pismo Beach*



threatens to change operations across of LAFCos throughout the state.

By limiting the ability of LAFCos to require indemnification agreements from annexation applicants, the opinion conflicts with a number of decisions on which LAFCos reasonably relied to require indemnification as part of their implied powers. We thank **BBK** for their work on this amicus letter (which was preceded by an amicus brief). CALAFCO will keep our members posted on the appeal process.

- ✓ **The Board received the 3rd quarter financial reports and the projected FY 20-21 year-end fiscal report.**
- ✓ **The Board received several verbal updates from staff.**

All Board meeting documents are on the CALAFCO website.

CALAFCO Administrative Update

The 2021-22 CALAFCO Membership Directory is out! Each LAFCo received their requested number of hard copy directories and each Associate Member also received a copy. There is an electronic version of the Membership Directory on the CALAFCO website.



CALAFCO Legislative Update



What an interesting and busy legislative year this is turning out to be! CALAFCO is sponsoring the 2021 Assembly Local Government Committee (ALGC) **Omnibus bill, AB 1581**. This year's Omnibus contains a record number of items, totaling 13. Six of the items came from member LAFCos and seven from the protest provisions rewrite working group (deleting obsolete provisions). CALAFCO is currently tracking 32 bills, has a formal position on 9, and has been actively engaged on amendment negotiations for 10 bills.

This year there seems to be a number of bills addressing the same issue by several different authors, who, at the beginning of the year, did not appear to be talking with each other. The primary topics include COVID relief, wildfire prevention, climate resilience, homelessness and affordable housing, bridging the equity divide and transparency and public participation.

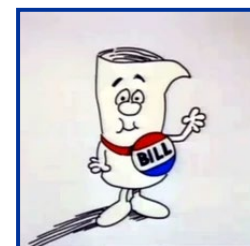
To complicate matters, the Legislature is still meeting under COVID restrictions with the majority of their staff working remotely. There are only a handful of meeting rooms in the Capitol that allow for social distancing, so the number of committee meetings have been reduced and the timeframe condensed.

Here are a few of the bills of importance we are tracking or working on:

- ✓ **AB 339 (Lee) CALAFCO Watch** - Open meetings. Requirements recently drastically amended and narrowed the scope to now apply only to cities and counties with a population over 250,000 with a sunset of 12-31-23 (requirements no longer applies to LAFCo).
- ✓ **AB 1195 (C. Garcia) CALAFCO Watch With Concerns** - Drinking water. Creates the So LA County Human Rights to Water Collaboration Act and gives the Water Board authority to appoint a Commissioner to oversee the Central Basin Municipal Water District.
- ✓ **SB 403 (Gonzalez) CALAFCO Oppose Unless Amended** - Drinking water consolidation. Authorizes the Water Board to order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined. Two of our three requested amendments have been taken (define "at risk" and put a cap on the number of users to be added to the subsuming system). The third request to add GSAs to the list of entities the Board must consult with has not yet been taken.

The last day for all policy committees to pass bills originating in their house was May 14. With one additional week for fiscal committees to pass bills to the respective floors, the Legislature will spend the last several weeks of May focusing on passing bills to the other house and the first part of June negotiating last minute budget deals for the June 15 budget passage deadline.

All bills being tracked by CALAFCO can be found on the CALAFCO website inside the Legislation section of the site (log in with your member id first to access this section). CALAFCO's position on all bills is reflected there, and any letters issued by CALAFCO are posted. The CALAFCO Legislative Committee meets regularly and all meeting materials are located in the Legislation section of the CALAFCO website.





CALAFCO Associate Members' Corner



This section is dedicated to highlighting our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.

Cucamonga Valley Water District

The **Cucamonga Valley Water District** has been a Silver Associate Member since 2014.

Formed in 1995, the district provides water and wastewater service to 200,000 customers in a 47 square mile area. The district has a mission of providing high quality, reliable water and wastewater service while practicing good stewardship of natural and financial resources. CVWD's water supply is comprised of two main sources: groundwater and imported water. Supplemented by surface water, recycled water and water conservation, the district's average daily demand is 43 million gallons. For more information on the district, contact **Cindy Cisneros** at cindyc@cvwdwater.com or visit their website at www.cvwdwater.com.



P. Scott Browne

Scott Browne has been a Silver Associate member since 2007. Scott provides legal services and staff support to various LAFcos throughout the state. He has served as a member of the CALAFCO Legislative Committee for a number of years. To learn more about the services he provides or to contact him, email him at scott@scottbrowne.com or visit his website at www.scottbrowne.com.

E Mulberg & Associates

E Mulberg & Associates has been a Silver Associate Member since 2011. Services offered include Municipal Service Reviews, Sphere of Influence updates, changes in organization, staff reports, CEQA analysis, and assistance with applications to LAFco. For more information, contact **Elliot Mulberg** at elliott@emulberg.com or visit their website at www.emulberg.com.

Policy Consulting Associates

A Silver Associate member since 2010, **Policy Consulting Associates** (PCA) prepares interdisciplinary research studies for LAFcos, councils of government, counties, cities, states, elected representatives and candidates, with an emphasis on MSRs and fiscal studies. The PCA team's combined experience covers the spectrum of governance configurations and alternatives, and runs the gamut of services under LAFco jurisdiction. For more information on PCA, contact **Jennifer Stephenson** or **Oxana Wolfson** at info@pcateam.com, or visit their website at www.pcateam.com.

CALAFCO wishes to thank all of our Associate Members for your ongoing support and partnership. We look forward to continuing to highlighting you in future Quarterly Reports.

Did You Know??

Meeting Documents Online

Did you know that all **CALAFCO Board of Directors and Legislative Committee meeting documents are online?** Visit the Boards & Committees pages in the Members Section of the site. Board documents cover 2008 to present and Legislative Committee documents span 2007 to present.



CALAFCO Webinars & Courses Archived

Did you know that all **CALAFCO Webinar recordings are archived on the CALAFCO website and available at no cost for on-demand viewing?** Visit the CALAFCO website in the CALAFCO Webinars section (log in as a member first).

Certificate of Recognition Program

Did you know that CALAFCO has a **Certificate of Recognition Program** and offers it at no cost to our members (both LAFco and Associate members)? The program has been in place several years and while a few of you utilize this service, most of you do not. For details, visit the CALAFCO website in the Member Services Section and upload the program packet or contact the CALAFCO Executive Director.



Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO Legislative Committee virtual meeting – 6/18
- ❖ CALAFCO Legislative Committee virtual meeting – 7/23
- ❖ CALAFCO Board of Directors virtual meeting – 7/30



The **CALAFCO 2021 Calendar of Events** can be found on the CALAFCO website.

LAFCO

Meeting Date: 05/27/2021

Information

SUBJECT

Public Hearing to consider approval of **Resolution 2021-04** adopting the Joint Powers Agency (JPA) Service Review for the Yolo Habitat Conservancy (YHC) (LAFCo No. 21-03)

RECOMMENDED ACTION

1. Receive staff presentation on the JPA Service Review and open the Public Hearing for any comments on this item.
2. Close the Public Hearing and consider the information presented in the staff report and during the Public Hearing. Discuss and direct staff to make any necessary changes.
3. Consider approval of Resolution 2021-04 adopting the JPA Service Review for YHC.

FISCAL IMPACT

No fiscal impact. The JPA Service Review was prepared "in-house" and appropriate funds were budgeted.

REASONS FOR RECOMMENDED ACTION

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), is LAFCo's governing law and outlines the requirements for preparing periodic Municipal Service Reviews (MSRs) and Sphere of Influence (SOI) updates. MSRs and SOIs are tools created to empower LAFCo to satisfy its legislative charge of "discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances".

While MSRs are not legally required of Joint Powers Agencies/Authorities, LAFCo has been requested by the cities and County (i.e. JPA member agencies) to provide MSR-like service reviews of selected types of JPAs in the county. LAFCo has the authority to furnish informational studies and analyze independent data to make informed recommendations regarding the efficient, cost-effective, and reliable delivery of services to residents, landowners, and businesses via these JPAs. With this intention, LAFCo has modified its MSR checklist to conduct service reviews of JPAs.

BACKGROUND

Agency Information

The Yolo County Habitat / Natural Community Conservation Plan Joint Powers Agency, now referred to as the Yolo Habitat Conservancy (YHC), was created in 2002 pursuant to the Joint Exercise of Powers Act and is a public agency separate from its members. YHC was formed to (1) assist in the planning, preparation, and subsequent administration of the Yolo Habitat Conservation Plan / Natural Community Conservation Plan (Yolo HCP/NCCP or Plan) and the Yolo Local Conservation Strategy; and (2) to facilitate acquisition of conservation easements to mitigate adverse effects on the Swainson's hawk habitat during the planning process. The Plan provides a process for landowners and developers to comply with the requirements of federal and state endangered species laws without having to work directly with federal and state conservation agencies. In exchange for obtaining the Plan's benefits, landowners and developers must pay a fee to the YHC for mitigation of the adverse effects of their development on the Plan's 12 covered species and their habitat.

In 2005, the YHC entered into a Planning Agreement with the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS) that defined the initial scope of the Yolo HCP/NCCP program as well as the roles and responsibilities of the parties involved in the development of the Yolo HCP/NCCP. The YHC prepared the Yolo HCP/NCCP, a model conservation plan to provide incidental take permits pursuant to the federal Endangered Species Act and the Natural Communities Conservation Planning Act for infrastructure (e.g. roads, bridges, and levees) and development activities (e.g. agricultural facilities, housing, and commercial buildings), identified for construction over the next 50 years in Yolo County.

In June 2018, the member agencies amended and restated the original agreement as a means of affirming the Conservancy's role as the local agency responsible for Yolo HCP/NCCP implementation and to ensure that it has adequate legal authority to carry out its duties as the implementing entity, including but not limited to the adoption of mitigation fees for development projects within the plan area. The Plan was fully approved and permitted as of January 11, 2019. Implementation of the Plan has proceeded from that date. The Plan provides a centralized process for the coordinated establishment of contiguous conservation land reserves in Yolo County, which effectively benefits the Plan's 12 covered species.

The YHC also developed a voluntary, non-regulatory, Yolo Regional Conservation Investment Strategy/Local Conservation Plan (RCIS/LCP) that provides a framework for the conservation of natural communities and certain sensitive species, including those not covered by the Yolo HCP/NCCP. The Yolo HCP/NCCP was approved by the CDFW in November 2020.

YHC is governed by a Board of Directors of its member agencies; two members of the Yolo County Board of Supervisors, one member each from the city councils of the cities of Davis, West Sacramento, Winters, and Woodland, and one nonvoting, ex officio member from the University of California, Davis (UCD). In addition, YHC utilizes a Science and Technical Advisory Committee and is in the process of establishing members for an Implementation Advisory Committee to advise the Board of Directors.

Agency Involvement

LAFCo staff worked with the YHC Executive Director to provide required information. Administrative drafts were shared with YHC staff and comments/edits were discussed and resolved during virtual meetings. One additional recommendation has been added to the draft report in addition to attaching YHC's latest Annual Report. The additional text is shown in track

changes as compared to the version posted for public review on May 7th.

JPA Service Review Determinations and Recommendations

Considering all the changes YHC has gone through, its remarkable this JPA is functioning so well and is very accountable and stable.

Six of the required seven MSR determinations are applicable to JPAs (the determination for disadvantaged unincorporated communities was removed for the JPA Service Review checklist). YHC's determinations and recommendations for Commission review and consideration are as follows:

Growth and Population Determination

The Yolo HCP/NCCP, administered by YHC, anticipates construction over the next 50 years in Yolo County. Therefore, YHC is prepared to accommodate development and population growth and is structured so that it can adjust to cycles in development activity. YHC has recently reduced its staffing levels to be proportionate to lower than anticipated development countywide, so it has been able to remain nimble and respond to actual development demand.

Capacity and Adequacy of Public Facilities and Services Determination

The nature of YHC is such that it created a 50-year plan to provide required mitigation for project-related potential environmental impacts countywide, therefore it is prepared for existing and future growth. Now that the HCP/NCCP has been approved, the YHC can scale with its contract staff model and remain nimble to fluctuations in development trends. The HCP/NCCP has made assumptions for future climate change events and Annual Report documents changed circumstances due to climate change.

Financial Ability Determination

YHC financial status currently looks secure. However, the new financial model may present challenges during years with little mitigation fee revenue. Staffing and use of contractor services were modified to control expenditures under this new model. As long as expenditures are controlled within available resources, the agency should remain viable. YHC should consider increasing reserves to cover management of the program during years when little or no mitigation fees are received.

Financial Ability MSR Recommendation(s)

- Consider establishing separate revenue accounts to record revenue in a more meaningful way. Currently, mitigation fees, cost reimbursements, special participating entity fees and other revenues are often grouped into "Other Miscellaneous Revenue".
- Consider separating the principal portion of endowments from the interest income to protect the principal from inadvertently being spent.
- Review the annual financial statements and compare the reported numbers to the balances in the accounting system. Any differences should be documented and understood by agency staff.
- Consider increasing reserves for use during years when little or no mitigation fees are received to ensure the ongoing operation of YHC.

Shared Services Determination

YHC is, by its very nature, an agency created for more efficient habitat conservation collectively in Yolo County. Members include Yolo County, the cities of Davis, West Sacramento, Winters, and Woodland, and the University of California, Davis (UCD). Now that the Conservation Plan is adopted, no new members outside the Plan area can join in. It provides a "one-stop shop" for

landowners/farmers to meet environmental and conservation requirements established by various local, state and federal agencies.

Accountability, Structure and Efficiencies Determination

The YHC obtained state and federal approval in 2019 and currently is in the implementation process. No different organizational structure is recommended for YHC’s implementation. Board members are elected officials who are appointed to the YHC board by the member agencies, therefore, there are no issues with filling vacancies. Staff sets up individual meetings with new Board members to provide information regarding program issues, easement acquisitions, and financial management.

Since approval of the HCP/NCCP, the operational model for YHC has changed as efforts shifted from plan preparation to implementation. As of July 1, 2020, YHC has contracted with Yolo County for general administration and day to day operation of YHC. Monthly financial updates, annual audits, budgets reviewed by member Chief Financial Officers. YHC is current on its officers’ Statements of Economic Interests, annual independent audits and is highly transparent and accountable with the public providing access to its records on its website.

Attachments

- ATT A-YHC JPA Service Review Reso 2021-04
 - ATT B-Public Hearing Draft YHC JPA Service Review 05.18.2021
-

Form Review

Inbox	Reviewed By	Date
Christine Crawford (Originator)	Christine Crawford	05/19/2021 10:09 AM
Form Started By: Christine Crawford		Started On: 05/07/2021 11:08 AM
Final Approval Date: 05/19/2021		

YOLO LOCAL AGENCY FORMATION COMMISSION

Resolution № 2021-04

**Adopting the Joint Powers Agency/Authority (JPA) Service Review for the
Yolo Habitat Conservancy (YHC)
(LAFCo No. 21-03)**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, set forth in Government Code Sections 56000 et seq., governs the organization and reorganization of cities and special districts by local agency formation commissions established in each county, as defined and specified in Government Code Sections 56000 et seq. (unless otherwise indicated all statutory references are to the Government Code); and

WHEREAS, Section 56378(a) provides for a local agency formation commission to initiate and make studies of existing governmental agencies, including inventorying those agencies and determining their maximum service area and service capacities requesting studies, joint powers agreements, and plans of joint powers agencies and joint powers authorities; and

WHEREAS, the cities within Yolo County and the County of Yolo adopted the Yolo Local Government Transparency and Accountability Program at the meeting of each respective governing body in fall 2017, which requested that the Yolo Local Agency Formation Commission (LAFCo) add selected types of joint powers authorities/agencies (JPA) to its municipal service review process; and

WHEREAS, the Yolo Local Government Transparency and Accountability Program implementation requests LAFCo conduct Municipal Service Reviews every five years of selected types of JPAs whose service area is mostly within the county and includes: (1) JPAs that provide municipal services; (2) JPAs that employ staff; and/or (3) JPAs with boards comprised of agency staff; and

WHEREAS, in 2020/21, LAFCo conducted a JPA Service Review of YHC; and

WHEREAS, staff has reviewed the JPA Service Review pursuant to the California Environmental Quality Act (CEQA) and determined that a JPA Service Review is not a “project” per CEQA Guidelines Section 21065 because it is not an activity which may cause a direct or indirect physical change to the environment; and

WHEREAS, the Executive Officer set a public hearing for May 27, 2021, for consideration of the draft JPA Service Review and caused notice thereof to be posted, published, and mailed at the times and in the manner required by law at least twenty-one (21) days in advance of the date; and

WHEREAS, on May 27, 2021, the draft JPA Service Review came on regularly for hearing before LAFCo, at the time and place specified in the Notice; and

WHEREAS, at said hearing, LAFCo reviewed the draft JPA Service Review, and the Executive Officer's Report and Recommendations, and all other matters presented as prescribed by law; and

WHEREAS, at that time, an opportunity was given to all interested persons, organizations, and agencies to present oral or written testimony and other information concerning the proposal and all related matters; and

WHEREAS, the Commission received, heard, discussed, and considered all oral and written testimony related to the JPA Service Review, including but not limited to protests and objections, the Executive Officer's report and recommendations, and determinations and the service review.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Yolo Local Agency Formation Commission hereby adopts Resolution 2021-04 adopting the JPA Service Review for the Yolo Habitat Conservancy (YHC) dated May 27, 2021, and incorporated herein by this reference, subject to the following finding and recommendations:

FINDING

Finding: Approval of the JPA Service Review is consistent with all applicable state laws and local Yolo Local Government Transparency and Accountability Program.

Evidence: The JPA Service Review was prepared consistent with the requirements in the Cortese-Knox-Hertzberg Act for requesting information from and furnishing studies for government agencies. Staff followed the steps outlined in the Program including: Compiling publicly and readily available information; requesting any additional information from the JPA, minimizing JPA staff time; developing JPA recommendations regarding each of the determinations; completing an administrative draft report for preview by JPA management; responding to any comments and preparing a draft report available for public review; publishing a hearing notice for public review and comment of the draft JPA Service Review; adopting the JPA Service Review at a public hearing, finalizing the report, and posting it online; and sharing findings with city/county managers, including any cumulative recommendations on ways to streamline and improve efficiencies with the governance structures countywide.

RECOMMENDATIONS

1. Consider establishing separate revenue accounts to record revenue in a more meaningful way. Currently, mitigation fees, cost reimbursements, special participating entity fees, and other revenues are often grouped into "Other Miscellaneous Revenue."
2. Consider separating the principal portion of endowments from the interest income to protect the principal from inadvertently being spent.
3. Review the annual financial statements and compare the reported numbers to the balances in the accounting system. Any differences should be documented and understood by agency staff.
4. Consider increasing reserves for use during years when little or no mitigation fees are received to ensure the ongoing operation of YHC.

PASSED AND ADOPTED by the Yolo Local Agency Formation Commission, State of California, this 27th day of May, 2021, by the following vote:

Ayes: Alcala, Sandy, Saylor, Stallard, Woods
Noes: None
Abstentions: None
Absent: None

Olin Woods, Chair
Yolo County Local Agency Formation Commission

Attest:



Christine Crawford, Executive Officer
Yolo County Local Agency Formation Commission

Approved as to form:



Eric May, Commission Counsel

**Joint Powers Agency
Service Review
for the
Yolo Habitat Conservancy
LAFCo No. 21-03**



Public Hearing Draft May 187, 2021



Joint Powers Agency Service Review for the Yolo Habitat Conservancy (LAFCo No. 21-03)

SUBJECT AGENCY:

Yolo Habitat Conservancy
625 Court Street, Suite 202
Woodland, CA 95695
(530) 666-8150
www.yolohabitatconservancy.org

Date last JPA Service Review adopted: N/A

Board Members:

Will Arnold, City of Davis CHAIR
Matt Dulcich, UC Davis
Chris Ledesma, City of West Sacramento
Pierre Neu, City of Winters
Victoria Fernandez, City of Woodland
Gary Sandy, Yolo County Supervisor VC
Don Saylor, Yolo County Supervisor

Staff Contact(s):

Alexander Tengolics, Executive Director
Charlie Tschudin, Associate Planner

CONDUCTED BY:

Yolo Local Agency Formation Commission
625 Court Street, Suite 107
Woodland, CA 95695
(530) 666-8048
www.yololafco.org

Commissioners:

Olin Woods, Chair, Public Member
Don Saylor, Vice Chair, County Member
Norma Alcala, City Member
Tom Stallard, City Member
Gary Sandy, County Member

Commission Alternates:

Richard DeLiberty, Public Member
Angel Barajas, County Member
Wade Cowan, City Member

Staff:

Christine Crawford, Executive Officer
Terri Tuck, Admin Specialist/Commission Clerk
Mark Krummenacker, Financial Analyst
Eric May, Counsel

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BACKGROUND

ROLE AND RESPONSIBILITY OF LAFCo

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended (“CKH Act”) (California Government Code §§56000 et seq.), is LAFCo’s governing law and outlines the requirements for preparing Municipal Service Reviews (MSRs) for periodic Sphere of Influence (SOI) updates. MSRs and SOIs are tools created to empower LAFCo to satisfy its legislative charge of “discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances (§56301). CKH Act Section 56301 further establishes that “one of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities.”

Based on that legislative charge, LAFCo serves as an arm of the State; preparing and reviewing studies and analyzing independent data to make informed, quasi-legislative decisions that guide the physical and economic development of the state (including agricultural uses) and the efficient, cost-effective, and reliable delivery of services to residents, landowners, and businesses. While SOIs are required to be updated every five years, they are not time-bound as planning tools by the statute, but are meant to address the “probable physical boundaries and service area of a local agency” (§56076). SOIs therefore guide both the near-term and long-term physical and economic development of local agencies, and MSRs provide the near-term and long-term time-relevant data to inform LAFCo’s SOI determinations.

PURPOSE OF A JPA SERVICE REVIEW

LAFCo has broad discretion in conducting informational studies, including geographic focus, scope of study, and the identification of alternatives for improving the efficiency, cost-effectiveness, accountability, and reliability of public services. In 2017, the cities and the County requested LAFCo apply its MSR process to some of the local joint power authorities/agencies (JPAs) in order to provide additional oversight¹. The intent of the JPA Services Review is to provide a comprehensive inventory and analysis of the services provided by local JPAs, service areas, and evaluation of the finances, structure and operation of the local agency and discuss possible areas for improvement and coordination. From the state required MSR determinations, the following determinations remain relevant to the comprehensive inventory and analysis of local JPAs:

1. Growth and population projections for the service area;
2. Present and planned capacity of any public facilities, adequacy of services, and infrastructure needs or deficiencies;
3. Financial ability of agencies to provide services;
4. Status of, and opportunities for, shared services and facilities; and
5. Accountability for community service needs, including governmental structure and operational efficiencies.

The JPA Service Review is organized according to these determinations listed above. Information regarding each of the above issue areas is provided in this document. This report has been organized in a checklist format to focus the information and discussion on key issues that may be particularly relevant to the subject agency.

¹ Yolo Local Government Transparency and Accountability Program adopted by the cities and County Oct/Nov 2017

AGENCY PROFILE

The Yolo County Habitat / Natural Community Conservation Plan Joint Powers Agency, now referred to as the Yolo Habitat Conservancy (YHC), was created in 2002 pursuant to the Joint Exercise of Powers Act and is a public agency separate from its members. YHC was formed to (1) assist in the planning, preparation, and subsequent administration of the Yolo Habitat Conservation Plan / Natural Community Conservation Plan (Yolo HCP/NCCP or Plan) and the Yolo Local Conservation Strategy; and (2) to facilitate acquisition of conservation easements to mitigate adverse effects on the Swainson’s hawk habitat during the planning process.

YHC Mission:

“To conserve natural and working landscapes, and the species on which they depend, by working with local communities and conservation partners to coordinate mitigation and implement regional habitat conservation.”

The Plan provides a process for landowners and developers to comply with the requirements of federal and state endangered species laws without having to work directly with federal and state conservation agencies. In exchange for obtaining the Plan’s benefits, landowners and developers must pay a fee to the YHC for mitigation of the adverse effects of their development on the Plan’s 12 covered species and their habitat.

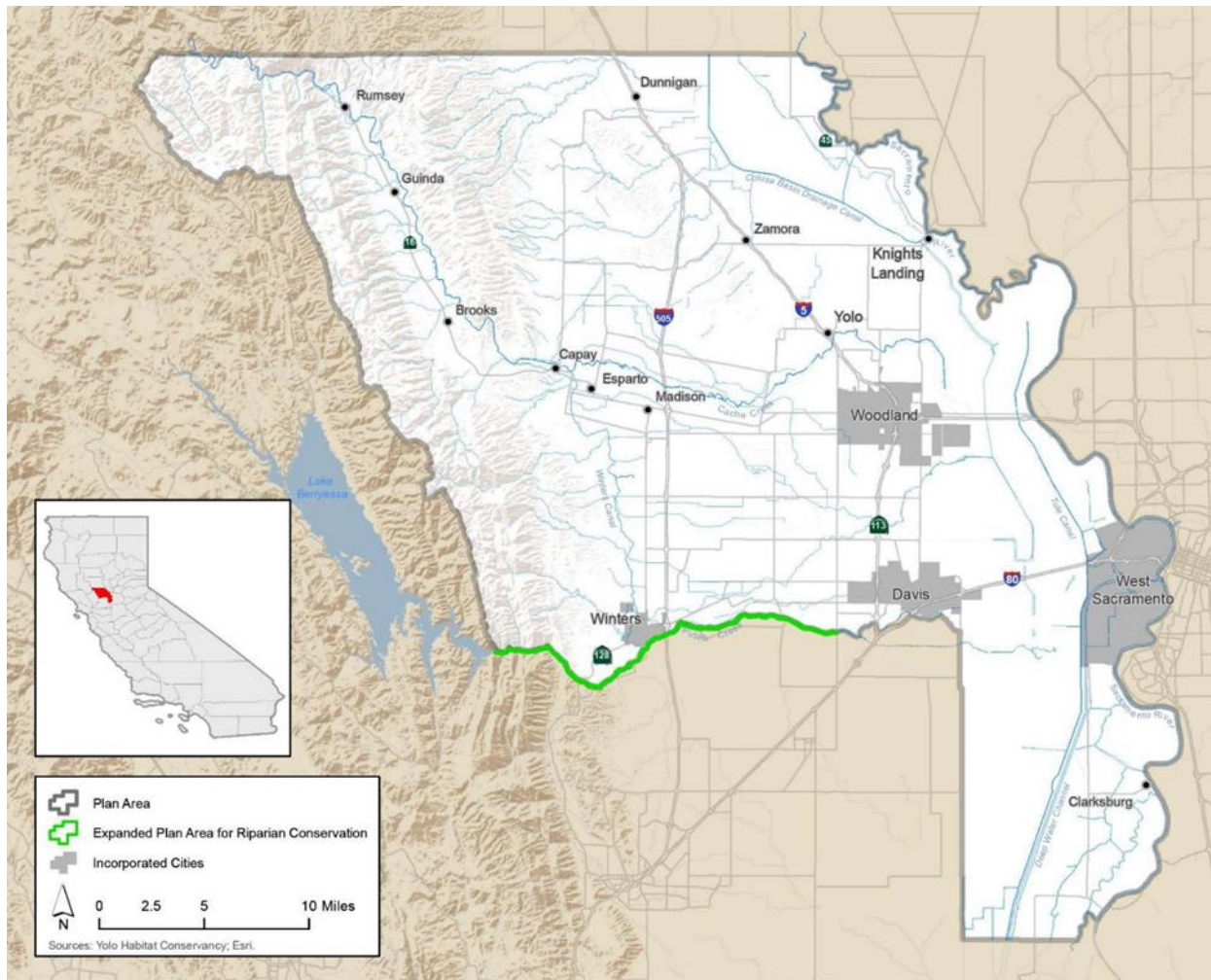
In 2005, the YHC entered into a Planning Agreement with the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS) that defined the initial scope of the Yolo HCP/NCCP program as well as the roles and responsibilities of the parties involved in the development of the Yolo HCP/NCCP. The YHC prepared the Yolo HCP/NCCP, a model conservation plan to provide incidental take permits pursuant to the federal Endangered Species Act and the Natural Communities Conservation Planning Act for infrastructure (e.g. roads, bridges, and levees) and development activities (e.g. agricultural facilities, housing, and commercial buildings), identified for construction over the next 50 years in Yolo County.

In June 2018, the member agencies amended and restated the original agreement as a means of affirming the Conservancy’s role as the local agency responsible for Yolo HCP/NCCP implementation and to ensure that it has adequate legal authority to carry out its duties as the implementing entity, including but not limited to the adoption of mitigation fees for development projects within the plan area.

The Plan was fully approved and permitted as of January 11, 2019. Implementation of the Plan has proceeded from that date. The 2019-2020 Grand Jury found that the Plan as developed and approved is well-constructed to accomplish its species and habitat conservation goals. The Plan provides a centralized process for the coordinated establishment of contiguous conservation land reserves in Yolo County, which effectively benefits the Plan’s 12 covered species.

The YHC also developed a voluntary, non-regulatory, Yolo Regional Conservation Investment Strategy/Local Conservation Plan (RCIS/LCP) that provides a framework for the conservation of natural communities and certain sensitive species, including those not covered by the Yolo HCP/NCCP. The Yolo HCP/NCCP was approved by the CDFW in November 2020.

The Plan area coincides with the Yolo County boundary, excepting an expanded area for riparian conservation along Putah Creek as shown below.



JPA Governance

YHC is governed by a Board of Directors of its member agencies; two members of the Yolo County Board of Supervisors, one member each from the city councils of the cities of Davis, West Sacramento, Winters, and Woodland, and one nonvoting, ex officio member from the University of California, Davis (UCD). Upon formal request of UCD and subject to concurrence of a majority of the governing body of each member agency, UCD may join the Board as a regular voting member. The Board typically meets every other month on the third Monday from 5:30-7:30 p.m. in the Yolo County Board of Supervisors Chamber, although meetings have been held virtually during the pandemic.

Science and Technical Advisory Committee

The biologists of the Science and Technical Advisory Committee (STAC) provide scientific and technical guidance to the YHC on the selection of proposed conservation easement properties and mitigation receiving sites (e.g. regarding species biology, species habitat requirements, and habitat restoration actions). The STAC may also advise the YHC on other issues as requested by the Executive Director, such

as site-specific management and monitoring plans, habitat management and/or enhancement opportunities, and easements that benefit covered species eligible for grants.

HCP/NCCP Advisory Committee

In 2004, the YHC created the Advisory Committee to provide public input and expert advice during the development of the Yolo HCP/NCCP and the Yolo Local Conservation Plan. The Advisory Committee consisted of representatives of the primary groups with an interest in the Plan, including YHC member agency staff, landowners, the agricultural community, conservation organizations, citizens' groups, and land developers. The YHC Board appointed members based on their expertise and interest in Yolo HCP/NCCP planning efforts. YHC Board, member agency, and wildlife agency liaisons also attended the Advisory Committee meetings.

During the planning of the Yolo HCP/NCCP, the group held open meetings on a regular basis to review relevant materials and documents; evaluate and synthesize ideas, data, and information; and discuss and resolve complex issues related to the planning process. The Advisory Committee provided recommendations to the YHC Board on a range of matters pertinent to the HCP/NCCP and the Local Conservation Strategy.

Advisory Committee appointments ended in April 2018, once the Yolo HCP/NCCP was in its final form.

Implementation Advisory Committee

Notice and recruitment is currently in process to form an Implementation Advisory Committee in accordance with the Yolo HCP/NCCP. The Yolo Habitat Conservancy Implementation Advisory Committee will advise the Conservancy Board of Directors on the development and management of the reserve system of public and private lands consistent with the biological goals and objectives of the Yolo HCP/NCCP.

JPA Staff

YHC evaluates and forecasts its organizational needs as part of its annual budget process. Accordingly, at the present time and for the foreseeable future, agency staffing (including consultant support) will adjust from time to time to match revenues and needs.

Since approval of the HCP/NCCP, the operational model for YHC has changed as efforts shifted from plan preparation to implementation. As of July 1, 2020, YHC has contracted with Yolo County for general administration and day to day operation of YHC. The Executive Director and the Associate Planner are County employees who provide services to the YHC on a part-time basis through this contract. The contract term is July 1, 2020 to June 30, 2021. YHC is also developing an easement monitoring and land management program and is talking to other public sector partners.

Consultants

In addition to County staff, the following subject matter experts have been hired to provide support as needed:

- Alford Environmental – acquiring conservation easements
- Jim Estep – permitting issues, Swainson's hawk expertise
- ICF – permitting issues
- Consero Solutions – historically provided Executive Director services, but now limited to certain project functions

JPA SERVICE REVIEW

POTENTIALLY SIGNIFICANT DETERMINATIONS

The JPA Service Review determinations checked below are potentially significant, as indicated by “yes” or “maybe” answers to the key policy questions in the checklist and corresponding discussion on the following pages. If most or all of the determinations are not significant, as indicated by “no” answers, the Commission may find that a JPA Service Review update is not warranted.

- Growth and Population
- Capacity, Adequacy & Infrastructure to Provide Services
- Financial Ability
- Shared Services
- Accountability
- Other

LAFCO JPA SERVICE REVIEW:

- On the basis of this initial evaluation, the required determinations are not significant and staff recommends that a comprehensive JPA Service Review is NOT NECESSARY. The subject agency will be reviewed again in five years per the Commission adopted review schedule.
- The subject agency has potentially significant determinations and staff recommends that a comprehensive JPA Service Review IS NECESSARY and has been conducted via this checklist.

1. GROWTH AND POPULATION

Growth and population projections for the affected area.	YES	MAYBE	NO
a) <i>Will development and/or population projections over the next 5-10 years impact the subject agency's service needs and demands?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) *Will development and/or population projections over the next 5-10 years impact the subject agency's service needs and demands?*

No. The Yolo HCP/NCCP, administered by YHC, provides incidental take permits and associated mitigation for infrastructure (e.g. roads, bridges, and levees) and development activities (e.g. agricultural facilities, housing, and commercial buildings), identified for construction over the next 50 years in Yolo County. Therefore, YHC is prepared to accommodate development and population growth for the next 50 years. YHC has recently reduced its staffing levels to be proportionate to lower than anticipated development countywide, so it has been able to remain nimble and respond to actual agency demand.

Growth and Population MSR Determination

The Yolo HCP/NCCP, administered by YHC, anticipates construction over the next 50 years in Yolo County. Therefore, YHC is prepared to accommodate development and population growth and is structured so that

YOLO LAFCo JOINT POWERS AGENCY SERVICE REVIEW

it can adjust to cycles in development activity. YHC has recently reduced its staffing levels to be proportionate to lower than anticipated development countywide, so it has been able to remain nimble and respond to actual development demand.

2. CAPACITY AND ADEQUACY OF PUBLIC FACILITIES AND SERVICES

Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies.

	YES	MAYBE	NO
a) <i>Are there any deficiencies in agency capacity to meet existing service needs for which the agency does not have a plan in place to resolve (including deficiencies created by new state regulations)? Also note how services are provided (i.e. number of staff and/or contracts).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Are there any issues regarding the agency's capacity to meet the service demand of reasonably foreseeable future growth?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Is the agency needing to consider climate adaptation in its assessment of infrastructure/service needs?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a-b) *Are there any deficiencies in agency capacity to meet existing service needs for which the agency does not have a plan in place to resolve (including deficiencies created by new state regulations)? Also note how services are provided (i.e. number of staff and/or contracts). Are there any issues regarding the agency's capacity to meet the service demand of reasonably foreseeable future growth?*

No. The nature of YHC is such that it created a 50-year plan to provide required mitigation for project-related potential environmental impacts countywide, therefore it is prepared for existing and future growth. Now that the HCP/NCCP has been approved, the YHC can scale with its contract staff model and remain nimble to fluctuations in development trends. YHC is tracking development projects in the pipeline so that it can stay ahead of upcoming mitigation needs, can plan for it and include it in its annual work plan.

c) *Is the agency needing to consider climate adaptation in its assessment of infrastructure/service needs?*

No. The Yolo HCP/NCCP Annual Report documents changed circumstances due to climate change. Under the Yolo HCP/NCCP, an increase in temperature of up to 2.5°C (4.5°F), measured as a 10-year running average for three baseline periods (i.e., average annual temperature, average summer temperature [June, July, and August], and average winter temperature [December, January, and February]) is considered a changed circumstance. The Yolo HCP/NCCP anticipates up to four catastrophic fires (each more than 10,000 acres) within the study area over the course of the permit term. In addition, the Yolo HCP/NCCP anticipates flooding and will fund remedial actions for up to five droughts that occur during the permit term. Of the five droughts, only one is anticipated to be more than six years in duration.

Capacity and Adequacy of Public Facilities and Services MSR Determination

The nature of YHC is such that it created a 50-year plan to provide required mitigation for project-related potential environmental impacts countywide, therefore it is prepared for existing and future growth. Now that the HCP/NCCP has been approved, the YHC can scale with its contract staff model and remain nimble to fluctuations in development trends. The HCP/NCCP has made assumptions for future climate change events and Annual Report documents changed circumstances due to climate change.

4. FINANCIAL ABILITY

Financial ability of agencies to provide services.

	YES	MAYBE	NO
a) <i>Is the subject agency in an unstable financial position, i.e. does the 5-year trend analysis indicate any issues?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Can the subject agency improve its use of generally accepted accounting principles including: summaries of all fund balances, summaries of revenues and expenditures, general status of reserves, and any un-funded obligations (i.e. pension/retiree benefits)? Does the agency have accounting and/or financial policies that guide the agency in how financial transactions are recorded and presented?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Does the agency staff need to review financial data on a more regular basis and are discrepancies identified, investigated and corrective action taken in a timely manner? The review may include reconciliations of various accounts, comparing budgets-to-actual, analyzing budget variances, comparing revenue and expense balances to the prior year, etc. If the agency uses Yolo County's financial system and the County Treasury, does the agency review monthly the transactions in the County system to transactions the agency submitted to the County for processing?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Does the agency board need to receive more regular financial reports (quarterly or mid-year at a minimum) that provide a clear and complete picture of the agency's assets and liabilities, fully disclosing both positive and negative financial information to the public and financial institutions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Is there an issue with the organization's revenue sources being reliable? For example, is a large percentage of revenue coming from grants or one-time/short-term sources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Is the organization's rate/fee schedule insufficient to fund an adequate level of service, necessary infrastructure maintenance, replacement and/or any needed expansion? Is the fee inconsistent with the schedules of similar local agencies? Does the rate/fee schedule include a specific amount identified for capital asset replacement (tied to a capital improvement plan with implementation policies)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) <i>Is the organization needing additional reserves to protect against unexpected events or upcoming significant costs (excluding capital asset replacement, see 4f)? Has the agency identified and quantified what the possible significant risks and costs of infrastructure or equipment failure? Does the agency have a reserve policy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Does the agency have any debt, and if so, is the organization's debt at an unmanageable level? Does the agency need a clear debt management policy, if applicable?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

YOLO LAFCo JOINT POWERS AGENCY SERVICE REVIEW

**YOLO HABITAT CONSERVANCY
STATEMENT OF REVENUE, EXPENDITURES AND CHANGES IN FUND BALANCES**

	2016	2017	2018	2019	2020
Revenue					
Member contributions	\$ 264,900	\$ 214,900	\$ 164,900	\$ -	\$ -
Mitigation fees	-	172,553	-	483,022	533,768
Pre-payment of mitigation fees	-	-	-	126,186	-
Governmental grants	741,477	452,361	521,679	191,326	177,368
Charges for services	5,099	4,218	8,257	93,626	7,746
Interest	14,101	10,586	20,072	49,529	41,937
Special participating entities fees	-	-	-	25,556	19,045
Other revenue	-	14,525	-	-	45,379
Long-term debt proceeds	-	-	-	213,523	-
Total Revenue	1,025,577	869,143	714,908	1,182,768	825,243
Expenditures					
Salaries and benefits	62,071	58,496	65,089	66,768	62,685
Accounting and auditing	11,406	12,300	15,140	19,224	15,404
Legal	19,650	32,350	22,332	13,965	10,614
Other professional services	819,949	579,246	694,015	543,837	662,949
IT services	1,620	1,846	4,023	4,860	3,783
Insurance	2,509	2,511	2,510	2,536	2,519
Facility expenditures	11,960	11,334	12,180	12,607	12,180
Office expenditures	10,204	18,107	18,083	10,857	5,351
Easements	-	-	-	452,450	-
Total Expenditures	939,369	716,190	833,372	1,127,104	775,485
Net income (loss)	86,208	152,953	(118,464)	55,664	49,758
Beginning Fund Balance	1,513,218	1,599,426	1,752,379	1,633,915	1,689,579
Restatements	-	-	-	-	(164,620)
Beginning Fund Balance, restated	1,513,218	1,599,426	1,752,379	1,633,915	1,524,959
Ending Fund Balances	\$1,599,426	\$1,752,379	\$1,633,915	\$1,689,579	\$1,574,717
Fund Balances					
Restricted	\$1,375,894	\$1,590,931	\$1,553,700	\$1,137,875	\$1,238,175
Assigned	52,166	137,862	60,087	60,087	60,087
Unassigned	171,366	23,586	20,128	491,617	276,455
Total Fund Balances	\$1,599,426	\$1,752,379	\$1,633,915	\$1,689,579	\$1,574,717
Y-T-Y Change in total Fund Balances					
Amount Increase (Decrease)	223,532	152,953	(118,464)	55,664	(114,862)
Percentage Increase (Decrease)	16.25%	9.56%	-6.76%	3.41%	-6.80%

Discussion:

a) *Is the subject agency in an unstable financial position, i.e. does the 5-year trend analysis indicate any issues?*

No.

Pre-plan financial analysis (2016 – 2018):

Through fiscal year 2018, while YHC was completing the Plan, the agency was funded primarily from member contributions and state and federal grants, which were 25% and 66% of total revenue, respectively. During this time total revenue decreased from a high of \$1,025,577 in 2016 to \$714,908 in 2018, while total annual expenditures decreased some. The decrease in revenue was as a result of

decreasing State and Federal grants and a reduction in member contributions. Total fund balance increased by \$120,697, however the increase was attributable to receipt of \$172,553 of restricted mitigation fees, while the difference of \$54,263 was a decrease to unrestricted fund balance.

Post-plan financial analysis (2019-2020):

Beginning with FY 2019 the agency implemented a new financing structure that corresponds to the implementation of the Plan. YHC will primarily be funded through mitigation fees, grants, cost recovery services and other operating revenues. Staffing and contractor services were adjusted to achieve a model that will expend resources as funds are received or can be billed. For example, there are no longer permanent employees, external contractors are used on an as-needed basis. Day to day management of the agency has been contracted with the County.

For FY 2019 and 2020 the primary revenues consisted of the following, mitigation fees (57%), grants (18%), charges for services (5%) and debt proceeds (11%). Of these revenues, \$126,186 of the mitigation fees were prepaid by member agencies and \$213,523 was a loan from the County. As of June 30, 2020 there was a balance of \$217,232 of prepaid mitigation fees and the loan from the County was still outstanding. In addition to funding ongoing operating costs primarily from mitigation fees, the pre-paid mitigation fees and County balances will need to be liquidated. Total fund balance from the beginning of 2019 to the end of 2020 decreased by a total of \$59,198. Restricted fund balance decreased by \$315,525, due to an easement purchase, while unrestricted fund balance increased by \$256,327, primarily due to the receipt of the loan from the County.

While the current financial status of the agency looks good, YHC still needs to liquidate mitigation fee prepayments and repay the County loan while operating in the new financial environment of being dependent on revenue derived from mitigation fees as a result of new development which can vary greatly from year to year. The FY 2021 budget does not contemplate additional loans or prepayments from member agencies.

- b) *Can the subject agency improve its use of generally accepted accounting principles including: summaries of all fund balances, summaries of revenues and expenditures, general status of reserves, and any unfunded obligations (i.e. pension/retiree benefits)? Does the agency have accounting and/or financial policies that guide the agency in how financial transactions are recorded and presented?*

Maybe. YHC undergoes an annual financial audit performed by independent auditors and has received a clean opinion each year. However, review of the agency's audited financial statements and the underlying accounting data recorded in the County's financial system indicate revenues have not been consistently recorded in the financial system in accordance to the State Controller's manual of Accounting Standards and Procedures. Mitigation fees, cost reimbursements, special participating entity fees and other revenues are often grouped to one account, "Other Miscellaneous Revenue". Reports generated from the accounting system need more timely and closer review (i.e. accounting errors are not being detected and corrected prior to the close of the fiscal year). Agency staff should review the draft financials in a comprehensive manner to avoid transactions being misclassified and mislabeled in the published audited financial statements.

- c) *Does the agency staff need to review financial data on a more regular basis and are discrepancies identified, investigated and corrective action taken in a timely manner? The review may include reconciliations of various accounts, comparing budgets-to-actual, analyzing budget variances, comparing revenue and expense balances to the prior year, etc. If the agency uses Yolo County's financial system and the County Treasury, does the agency review monthly the transactions in the County system to transactions the agency submitted to the County for processing?*

No. Agency staff prepares various reports for reporting to the Board and to grantors on a monthly basis. If errors are found, corrections are processed in a timely manner.

- d) *Does the agency board need to receive more regular financial reports (quarterly or mid-year at a minimum) that provide a clear and complete picture of the agency's assets and liabilities, fully disclosing both positive and negative financial information to the public and financial institutions?*

No. The board receives the following financial reports:

- A monthly financial report that presents the current year budget, expenditure and revenue data by month, with year-to-date totals;
- Quarterly grant report which presents inception to end of quarter expenditure totals and grant balances;
- Mid-year budget status report; and
- Annual endowment fund report.

e) *Is there an issue with the organization's revenue sources being reliable? For example, is a large percentage of revenue coming from grants or one-time/short-term sources?*

Maybe. Since the Plan's implementation in 2019, mitigation fees received were significantly below the current fiscal year budget and far below the annualized projections in the 50-year model. Under the Plan, a portion of the mitigation fees received is allocated to the YHC's administrative costs. If revenue from mitigation fees are less than expected, fewer dollars are available to pay administrative expenses.

f) *Is the organization's rate/fee schedule insufficient to fund an adequate level of service, necessary infrastructure maintenance, replacement and/or any needed expansion? Is the fee inconsistent with the schedules of similar local agencies? Does the rate/fee schedule include a specific amount identified for capital asset replacement (tied to a capital improvement plan with implementation policies)?*

No. Revenue provided in the form of Yolo HCP/NCCP fees depends on new development. Project applicants/landowner payment of fees to the Yolo Habitat Conservancy is a one-time expense. The methodology and primary assumptions used to establish the standard Yolo HCP/NCCP land cover and wetlands fees are described in Chapter 8 of the Yolo HCP/NCCP. The cost model developed to calculate these fees was developed by an economist with extensive experience evaluating costs associated with HCPs. The underlying cost model calculations and inputs are included in Appendix H of the Yolo HCP/NCCP. The Yolo HCP/NCCP utilizes two methods for making fee adjustments to ensure that funds collected are adequate to implement the Yolo HCP/NCCP. The first is an automatic annual adjustment, which uses a fee calculator that takes into account inflation and fluctuating land costs. The second fee adjustment method is a periodic assessment and adjustment of fees, which is completed every 5 years and involves the review of the costs and underlying assumptions developed as part of the funding plan as well as an estimate of the remaining costs to implement the Yolo HCP/NCCP. Consistency with the fees of other HCP/NCCP's is not directly relevant in this case because land costs for easement acquisition vary widely in different regions. YHC fees go directly to capital assets (i.e. land/easement acquisition).

g) *Is the organization needing additional reserves to protect against unexpected events or upcoming significant costs (excluding capital asset replacement, see 4f)? Has the agency identified and quantified what the possible significant risks and costs of infrastructure or equipment failure? Does the agency have a reserve policy?*

No. The agency has an adopted contingency appropriation policy and a general reserve of \$60,087. A contingency appropriation of 3%-10% is recommended in the annual budget based on the level of assessed risk. Due to the nature of the agency infrastructure and equipment failure is not applicable.

h) *Does the agency have any debt, and if so, is the organization's debt at an unmanageable level? Does the agency need a clear capital financing and debt management policy, if applicable?*

No. The only debt the agency has is a \$213,523 loan from the County. This was loaned to the agency in 2019 during the transition to the new financial model. The Conservancy anticipates repaying these loans as part of its FY21-22 budget.

Financial Ability MSR Determination

YHC financial status currently looks secure. However, the new financial model may present challenges during years with little mitigation fee revenue. Staffing and use of contractor services were modified to

control expenditures under this new model. As long as expenditures are controlled within available resources, the agency should remain viable. YHC should consider increasing reserves to cover management of the program during years when little or no mitigation fees are received.

Financial Ability MSR Recommendation(s)

- Consider establishing separate revenue accounts to record revenue in a more meaningful way. Currently, mitigation fees, cost reimbursements, special participating entity fees and other revenues are often grouped into “Other Miscellaneous Revenue”.
- Consider separating the principal portion of endowments from the interest income to protect the principal from inadvertently being spent.
- Review the annual financial statements and compare the reported numbers to the balances in the accounting system. Any differences should be documented and understood by agency staff.
- Consider increasing reserves for use during years when little or no mitigation fees are received to ensure the ongoing operation of YHC.

5. SHARED SERVICES AND FACILITIES

Status of, and opportunities for, shared facilities.

	YES	MAYBE	NO
a) <i>Are there any opportunities for the organization to share services or facilities with neighboring, overlapping or other organizations that are not currently being utilized?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) *Are there any opportunities for the organization to share services or facilities with neighboring, overlapping or other organizations that are not currently being utilized?*

No. YHC is, by its very nature, an agency created for more efficient habitat conservation collectively in Yolo County. Members include Yolo County, the cities of Davis, West Sacramento, Winters, and Woodland, and the University of California, Davis (UCD). YHC is also supported by a Science and Technical Advisory Committee comprised of biologists and planners to provide scientific and technical guidance to the YHC on the selection of proposed conservation easement properties and mitigation receiving sites (e.g. regarding species biology, species habitat requirements, and habitat restoration actions). Therefore, YHC is already taking full advantage of shared services and collaboration.

Now that the Plan is adopted, no new members outside the Plan area can join in. It provides a “one-stop shop” for landowners/farmers to meet environmental and conservation requirements established by various local, state and federal agencies. Landowners can also sell conservation easements or establish mitigation receiving sites on their property to help fulfill the goals of the Plan.

Shared Services MSR Determination

YHC is, by its very nature, an agency created for more efficient habitat conservation collectively in Yolo County. Members include Yolo County, the cities of Davis, West Sacramento, Winters, and Woodland, and the University of California, Davis (UCD). Now that the Conservation Plan is adopted, no new members outside the Plan area can join in. It provides a “one-stop shop” for landowners/farmers to meet environmental and conservation requirements established by various local, state and federal agencies.

6. ACCOUNTABILITY, STRUCTURE AND EFFICIENCIES

Accountability for community service needs, including governmental structure and operational efficiencies.

	YES	MAYBE	NO
a) Are there any recommended changes to the organization's governmental structure or operations that will increase accountability and efficiency (i.e. overlapping boundaries that confuse the public, service inefficiencies, and/or higher costs/rates)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Are there any issues with filling board vacancies and maintaining board members? Is there a lack of board member training regarding the organization's program requirements and financial management?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Are there any issues with staff capacity and/or turnover? Is there a lack of staff member training regarding the organization's program requirements and financial management?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the agency need adequate policies (as applicable) relating to personnel/payroll, general and administrative, board member and meetings, and segregating financial and accounting duties among staff and/or board to minimize risk of error or misconduct (see suggested policies list)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Are any agency officials and designated staff <u>not</u> current in making their Statement of Economic Interests (Form 700) disclosures?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Does the agency need to secure independent audits of financial reports that meet California State Controller requirements? Are the same auditors used for more than six years? Are audit results <u>not</u> reviewed in an open meeting?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) If the agency is not audited annually, does the agency need to have a qualified external person review agency finances each year (at a minimum), comparing budgets to actuals, comparing actuals to prior years, analyzing significant differences or changes, and determining if the reports appear reasonable?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Does the organization need to improve its public transparency via a website (see https://www.yololafco.org/yolo-local-government-website-transparency-scorecards)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) Are there any recommended changes to the organization's governmental structure or operations that will increase accountability and efficiency (i.e. overlapping boundaries that confuse the public, service inefficiencies, and/or higher costs/rates)?

No. HCP/NCCPs take considerable time to formulate and JPAs are a common structure to prepare an HCP/NCCP. The YHC obtained state and federal approval in 2019 and currently is in the implementation process. No different organizational structure is recommended for YHC's implementation.

The YHC was criticized by the 2015-2016 Yolo County Grand Jury for both the length of time it was taking to develop a plan and plan preparation costs incurred to that point². Several decades of

² 2016-17 Yolo County Grand Jury Final Report June 30, 2017

YOLO LAFCo JOINT POWERS AGENCY SERVICE REVIEW

expenditures in excess of the current \$15 million have been spent to develop a long-term plan to address compliance with state and federal Endangered Species Act regulations in Yolo County. Based on responses reported in the media and citizen concerns regarding the functioning of the YHC, the 2016-2017 Grand Jury decided to reopen the investigation to review lingering concerns. However, over the course of the investigation and after reviewing the current development of the long-term HCP/NCCP, all concerns of the 2016-17 Grand Jury were resolved.

The YHC has since implemented a Performance Measurement Matrix. This matrix shows Adopted Organizational Goals, Sub goals, Performance Measure, Outcome, Performance Measure Met and Pending Actions. The Yolo HCP/NCCP uses best practices found and/or implemented by other HCP/NCCPs within California to establish common practices and save on development costs.

- b) *Are there any issues with filling board vacancies and maintaining board members? Is there a lack of board member training regarding the organization's program requirements and financial management?*

No. Board members are elected officials who are appointed to the YHC board by the member agencies, therefore, there are no issues with filling vacancies. Staff sets up individual meetings with new Board members to provide information regarding program issues, easement acquisitions, and financial management.

- c) *Are there any issues with staff capacity and/or turnover? Is there a lack of staff member training regarding the organization's program requirements and financial management?*

No. Since approval of the HCP/NCCP, the operational model for YHC has changed as efforts shifted from plan preparation to implementation. As of July 1, 2020, YHC has contracted with Yolo County for general administration and day to day operation of YHC. The contract term is July 1, 2020 to June 30, 2021. YHC evaluates and forecasts its organizational needs as part of its annual budget process. Accordingly, at the present time and for the foreseeable future, agency staffing (including consultant support) will adjust from time to time to match revenues and needs. Monthly financial updates, annual audits, budgets reviewed by member Chief Financial Officers.

- d) *Does the agency need adequate policies (as applicable) relating to personnel/payroll, general and administrative, board member and meetings, and segregating financial and accounting duties among staff and/or board to minimize risk of error or misconduct?*

No. The YHC follows Yolo County's Administrative Policy and Procedures Manual.

- e) *Are any agency officials and designated staff not current in making their Statement of Economic Interests (Form 700) disclosures?*

No. YHC officials are current with their Statement of Economic Interests disclosures with the County Clerk.

- f) *Does the agency need to secure independent audits of financial reports that meet California State Controller requirements? Are the same auditors used for more than six years? Are audit results not reviewed in an open meeting?*

No. The YHC is audited annually and reports are posted on the JPA's website. The same auditors are not repeatedly used. Reports are presented and reviewed in an open, public meeting.

- g) *If the agency is not audited annually, does the agency need to have a qualified external person review agency finances each year (at a minimum), comparing budgets to actuals, comparing actuals to prior years, analyzing significant differences or changes, and determining if the reports appear reasonable?*

Not applicable.

- h) *Does the organization need to improve its public transparency via a website (see <https://www.yololafco.org/yolo-local-government-website-transparency-scorecards>)?*

No. YHC received a 95% website transparency score in 2020.

Accountability, Structure and Efficiencies MSR Determination

The YHC obtained state and federal approval in 2019 and currently is in the implementation process. No different organizational structure is recommended for YHC’s implementation. Board members are elected officials who are appointed to the YHC board by the member agencies, therefore, there are no issues with filling vacancies. Staff sets up individual meetings with new Board members to provide information regarding program issues, easement acquisitions, and financial management.

Since approval of the HCP/NCCP, the operational model for YHC has changed as efforts shifted from plan preparation to implementation. As of July 1, 2020, YHC has contracted with Yolo County for general administration and day to day operation of YHC. Monthly financial updates, annual audits, budgets reviewed by member Chief Financial Officers. YHC is current on its officers’ Statements of Economic Interests, annual independent audits and is highly transparent and accountable with the public providing access to its records on its website.

7. OTHER ISSUES

Any other matter related to effective or efficient service delivery, as required by commission policy.

	YES	MAYBE	NO
a) <i>Are there any recommendations from the agency’s previous JPA Service Review that have not been implemented?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a) *Are there any recommendations from the agency’s previous JPA Service Review that have not been implemented?*

No. This is YHC’s first JPA Service Review conducted by LAFCo.

Other Issues MSR Determination

There are no other matters related to effective or efficient service delivery, nor previous LAFCo JPA Service Review recommendations to check status of.

ATTACHMENTS

[A. Yolo HCP/NCCP Annual Report for Fiscal Year 2019/2020](#)



Yolo HCP/NCCP Annual Report for Fiscal Year 2019/2020

Yolo HCP/NCCP Annual Report

for Fiscal Year 2019/2020

Yolo Habitat Conservancy Board Members during FY19/20

Jim Provenza, Yolo County

Don Saylor, Yolo County

Gary Sandy, Yolo County

Will Arnold, City of Davis

Martha Guerrero, City of West Sacramento

Pierre Neu, City of Winters

Xochitl Rodriguez, City of Woodland

Matt Dulcich, UC Davis

Prepared By:

Yolo Habitat Conservancy & Alford Environmental



March 2021

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Acronyms and Abbreviations

AMM	Avoidance and Minimization Measure
CCRMP	Creek Resources Management Plan
CDFW	California Department of Fish and Wildlife
CE	Conservation Easement
CNLM	Center for Natural Lands Management
Conservancy	Yolo Habitat Conservancy
CRA	Conservation Reserve Area
FY19/20	Fiscal Year 2019/2020
HCP	Habitat Conservation Plan
NCCP	Natural Community Conservation Plan
PBBB	palmate-bracted bird's-beak
Permits	incidental take permits
Permittees	Yolo Habitat Conservancy, County of Yolo, and the Cities of Davis, Winters, West Sacramento, and Woodland
Plan Area	all lands within the boundary of Yolo County and an expanded area consisting of 1,174 acres for riparian conservation along Putah Creek in Solano County
SPE	Special Participating Entity
STAC	science and technical advisory committee
USFWS	U.S. Fish and Wildlife Service
VELB	valley elderberry longhorn beetle
WCB	Wildlife Conservation Board

1. Introduction and Overview

This is the second Annual Report for the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP or Plan). This Annual Report summarizes activities undertaken by the Yolo Habitat Conservancy (Conservancy) and its partners between July 1, 2019 and June 30, 2020, which was the first full year of Yolo HCP/NCCP implementation. The content of this report provides information per the Plan, the Implementing Agreement, and permits. It also provides the Conservancy Board of Directors, U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and the general public the opportunity to review the Conservancy's actions and progress toward Yolo HCP/NCCP implementation.

The components of this annual report include:

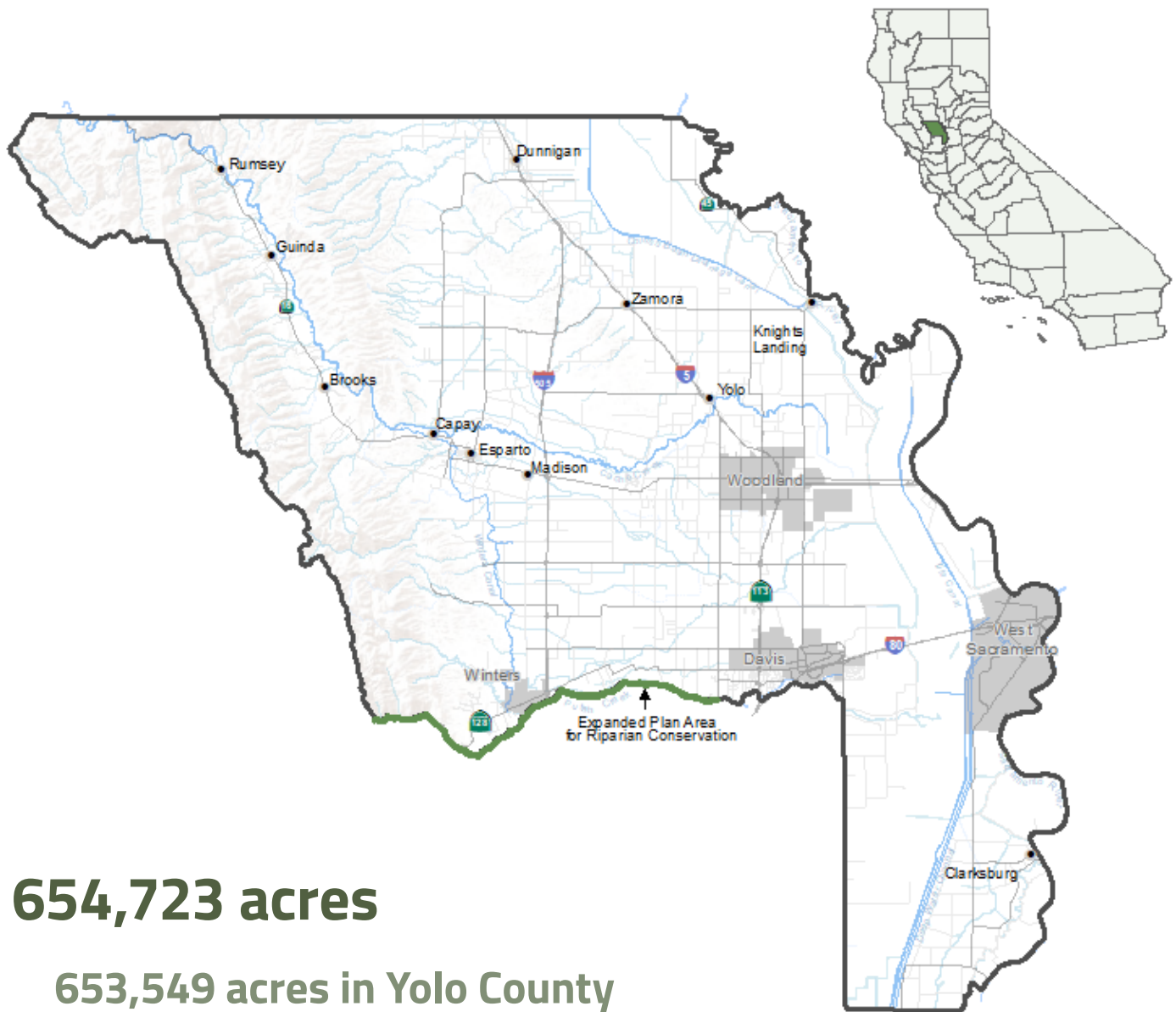
- Covered Activities and Impacts
- Acquisition and Restoration
- Reserve Management
- Monitoring, Research, and Adaptive Management
- Stay-Ahead Provisions
- Changed and Unforeseen Circumstances
- Program Administration
- Finances

Yolo Habitat Conservation Plan / Natural Community Conservation Plan



The Yolo HCP/NCCP is a locally developed plan that offers a streamlined permitting process for development activities while implementing a regional conservation strategy that protects, enhances, and restores valuable natural resources in Yolo County and contributes to the recovery of 12 covered plant and wildlife species. The Yolo HCP/NCCP strikes a sensible balance between natural resource conservation and economic growth in the region.

Figure 1-1: **Yolo HCP/NCCP Plan Area**



654,723 acres

653,549 acres in Yolo County

Primary Plan Area that encompasses Yolo County and defines the area where the Yolo HCP/NCCP can provide permit coverage for development and other covered activities.

1,174 acres in Solano County

Expanded Plan Area that encompasses the riparian habitat on the southern half of Putah Creek that is included in the Yolo HCP/NCCP conservation strategy.

Overview

The Yolo HCP/NCCP is a 50-year regional plan to protect endangered species and natural resources while allowing for orderly development in Yolo County consistent with local General Plans. The Yolo HCP/NCCP is both a Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP). This means that the Conservancy and the member agencies (County of Yolo, City of Davis, City of West Sacramento, City of Winters, and City of Woodland), known together as the Permittees, have obtained permits issued by USFWS and CDFW that allow the Permittees to comply with Section 10 of the federal Endangered Species Act and California's Natural Community Conservation Planning Act. The Permittees received permits from USFWS on September 26, 2018. The permits issued by CDFW were signed on January 10, 2019, which is the effective start date of the 50-year term of the Yolo HCP/NCCP.

Over the 50-year permit term of the Yolo HCP/NCCP, impacts from urban and rural projects, including operations and maintenance activities, will be offset by the creation of a reserve system managed for the benefit of 12 covered species (See Table 1-1), as well as the natural communities that they—and hundreds of other species—depend upon for habitat. Unlike individual site mitigation efforts, the Yolo HCP/NCCP reserve system takes a regional approach to species conservation that includes the protection of a network of habitat areas that support the life cycle and population needs of covered species to aid in the recovery of these species. The Yolo HCP/NCCP also commits to providing 8,231 acres of new conservation and the enrollment of 8,000 acres of existing conservation land in addition to the 16,175 acres of mitigation for development activities covered by the Yolo HCP/NCCP permits.

Through the Permittees, the Yolo HCP/NCCP provides local public agencies, private developers, consultants, and property owners a streamlined and cost-effective approach for requesting and receiving incidental take coverage for development projects. Prior to the Yolo HCP/NCCP, an applicant for any development that involved loss of federally or state protected plants, wildlife, or their habitats was, in many cases, required to obtain permits directly from state or federal agencies—a process that could take several years and incur high costs.

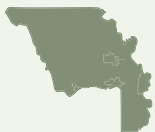
Yolo HCP/NCCP permit coverage applies only to eligible projects, known as covered activities, undertaken within the Yolo HCP/NCCP Plan Area (Plan Area). The Yolo HCP/NCCP covers a total of 21,559 acres of activities within five categories, including: urban and rural projects (17,550 acres), public/private operations and maintenance (706 acres), conservation strategy implementation (956 acres), and neighboring landowner agreements (2,347 acres). The Plan Area is 654,723 acres, including 653,549 acres contained within Yolo County and 1,174 acres in the expanded area for riparian conservation in Solano County on the south side of Putah Creek (See Figure 1-1).

Table 1-1: Yolo HCP/NCCP covered species

Common Name	Scientific Name	Status ^a Federal/State
Plants		
Palmate-bracted bird’s beak	<i>Chloropyron palmatum</i>	E/E
Invertebrates		
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	T/-
Amphibians		
California tiger salamander (Central California DPS)	<i>Ambystoma californiense</i>	T/T
Reptiles		
Western pond turtle	<i>Actinemys marmorata</i>	-/CSC
Giant garter snake	<i>Thamnophis gigas</i>	T/T
Birds		
Swainson’s hawk	<i>Buteo swainsoni</i>	-/T
White-tailed kite	<i>Elanus leucurus</i>	-/FP
Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	T/E
Western burrowing owl	<i>Athene cunicularia hypugaea</i>	-/CSC
Least Bell’s vireo	<i>Vireo bellii pusillus</i>	E/E
Bank swallow	<i>Riparia riparia</i>	-/T
Tricolored blackbird	<i>Agelaius tricolor</i>	-/T

^a. Status: C=Candidate for listing, CSC=California species of special concern, E=Endangered, FP=Fully protected under California Fish and Game Code, T=Threatened, - = no designation

Benefits of the Yolo HCP/NCCP



Local control.

The Yolo HCP/NCCP moves compliance with state and federal endangered species laws for public and private activities from state and federal agencies to the local level. The Yolo Habitat Conservancy administers the permits and implements the Yolo HCP/NCCP in coordination with the member agencies (Yolo County, City of Davis, City of West Sacramento, City of Winters, and City of Woodland) with oversight from the CDFW and the USFWS to streamline the existing process while still providing comprehensive regulatory coverage for currently listed species and those that may be listed in the future.



Improved and increased species conservation.

Coordinated conservation planning through the Yolo HCP/NCCP will provide significant benefits to endangered and threatened species in Yolo County during and beyond the 50-year permit term as it replaces piecemeal mitigation with a regional conservation strategy and adds conservation beyond mitigation.



Streamlined permitting process.

The Yolo HCP/NCCP replaces a project-by-project mitigation process characterized by uncertainties associated with timing, costs, and litigation. This efficiency provides an economic benefit to public agencies and other projects in the form of streamlined Endangered Species Act permitting.



Preservation of working agricultural lands.

The Yolo HCP/NCCP recognizes that many agricultural working landscapes provide habitat. The premise of habitat and species conservation through preserved and carefully managed agriculture is foundational to the HCP/NCCP and integral to the values of Yolo County.

2. Covered Activities and Impacts

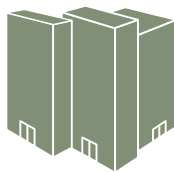
- This chapter provides an overview of the covered activities to which Permittees granted a certificate of approval, compliance, or inclusion during the reporting period.

Reporting Period Activities

Between July 1, 2019 and June 30, 2020, a total of eleven projects received permit coverage through the Yolo HCP/NCCP. The projects include five urban projects and activities, four rural projects and activities, and two conservation strategy implementation projects. Table 2-1 provides a list of all covered activities for which a Permittee granted take coverage during the reporting period. Information provided for each project includes a brief description of the covered activity, the Permittee extending the coverage, and permanent and temporary acreages disturbed. Figure 2-1 provides a map showing the location of covered activities. Table 2-2 provides a summary of permanent and temporary acreages disturbed by land cover type for the collective covered activities in the reporting period and cumulatively. Table 2-3 provides a summary of permanent and temporary acreages disturbed by modeled habitat for the collective covered activities in the reporting period and cumulatively. A total of 14 projects have received permit coverage between the start of Yolo HCP/NCCP implementation and the end of FY19/20.

No Permittee, applicant, or Special Participating Entity (SPE) reported observations of harassment or mortality of covered species occurred during the reporting period.

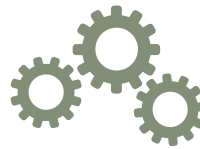
Covered Activity Categories



Urban Projects and Activities



Rural Projects and Activities



Public/Private Operations and Maintenance



Conservation Strategy Implementation

Urban Projects and Activities

Urban projects and activities include covered activities that consist of general urban development, urban public services, infrastructure, and utilities within urban planning units (Planning Units 19, 20, 21, and 22). During the reporting period, five urban projects received streamlined permits through the Yolo HCP/NCCP. These projects included two hotels, residential roads and stormwater

collection associated with a residential housing site, and public trails within city owned open space areas providing a range of benefits for the communities in the Plan Area. Highlights of these approved projects are provided below.

General Urban Development:

The City of Woodland issued permits for two hotel projects, the Staybridge Hotel and Avid Hotel. Both of these projects are on developed or barren land cover so no natural community land cover types were impacted by these projects.

General Urban Development and Public Services:

The Yolo Habitat Conservancy issued a permit to the Yocha Dehe Wintun Nation for the construction of new residential roads and supporting stormwater collector channel associated with the Kisi Community project. This project is not subject to the jurisdiction of the Permittees due to its location on tribal lands; however, the Yolo Dehe Wintun Nation requested coverage under the Yolo HCP/NCCP as a SPE. The other two general urban development and public services projects covered by the Yolo HCP/NCCP during the reporting period included trails on parks managed by the City of Woodland and City of Davis. These projects are classified as urban projects due to the location of the project sites being within urban planning units.



*Woodland Regional Park Trail project construction.
Photo Credit: Lars Anderson*

Public and Private Operations and Maintenance

Operations and maintenance activities include activities that are necessary for the ongoing operations and maintenance of existing and planned land uses, facilities, and services in both urban and rural planning units throughout the Plan Area. Activity types that are eligible for coverage for operations and maintenance include: general urban and rural development operations and maintenance; public services, infrastructure, and utilities operations and maintenance; roads, bridges, bike lanes, and multi-use pathways; flood control facilities; general utilities; and activities associated with the Cache Creek Resources Management Plan. No operations and maintenance activities received permit coverage under the Yolo HCP/NCCP during FY19/20.

Conservation Strategy Implementation Projects

The Yolo HCP/NCCP provides take authorization for the actions described in Chapter 6, Conservation Strategy, of the Plan. The activity types include all the habitat modification, management and monitoring activities undertaken for the purposes of implementing this HCP/NCCP, as well as projects implemented by other groups that build on and support decades of local, state, and federal conservation efforts in the Plan Area, including conservation activities within the Yolo Bypass Wildlife Area, implementation of the Cache Creek Resources Management Plan (CCRMP) and Willow Slough Watershed Integrated Resources Management Plan, and the efforts of the Lower Putah Creek Coordinating Committee.

Public Access and Recreation in the Reserve System:

The City of Woodland issued itself permits to cover the habitat restoration activities associated with the creation of the Woodland Regional Park wetlands. The acreages of restored habitat will count directly towards the HCP/NCCP Conservation Strategy goals once the site is enrolled in the reserve system.

Habitat Enhancement, Restoration, and Creation:

The Conservancy issued permits to Granite Construction Company to implement a CCRMP activity consistent with the HCP/NCCP Conservation Strategy. The project involved skimming a gravel bar within Cache Creek to improve the downstream flow that will result in improved creek health and net benefits to covered species.

Figure 2-1: **Covered Activities FY19/20**

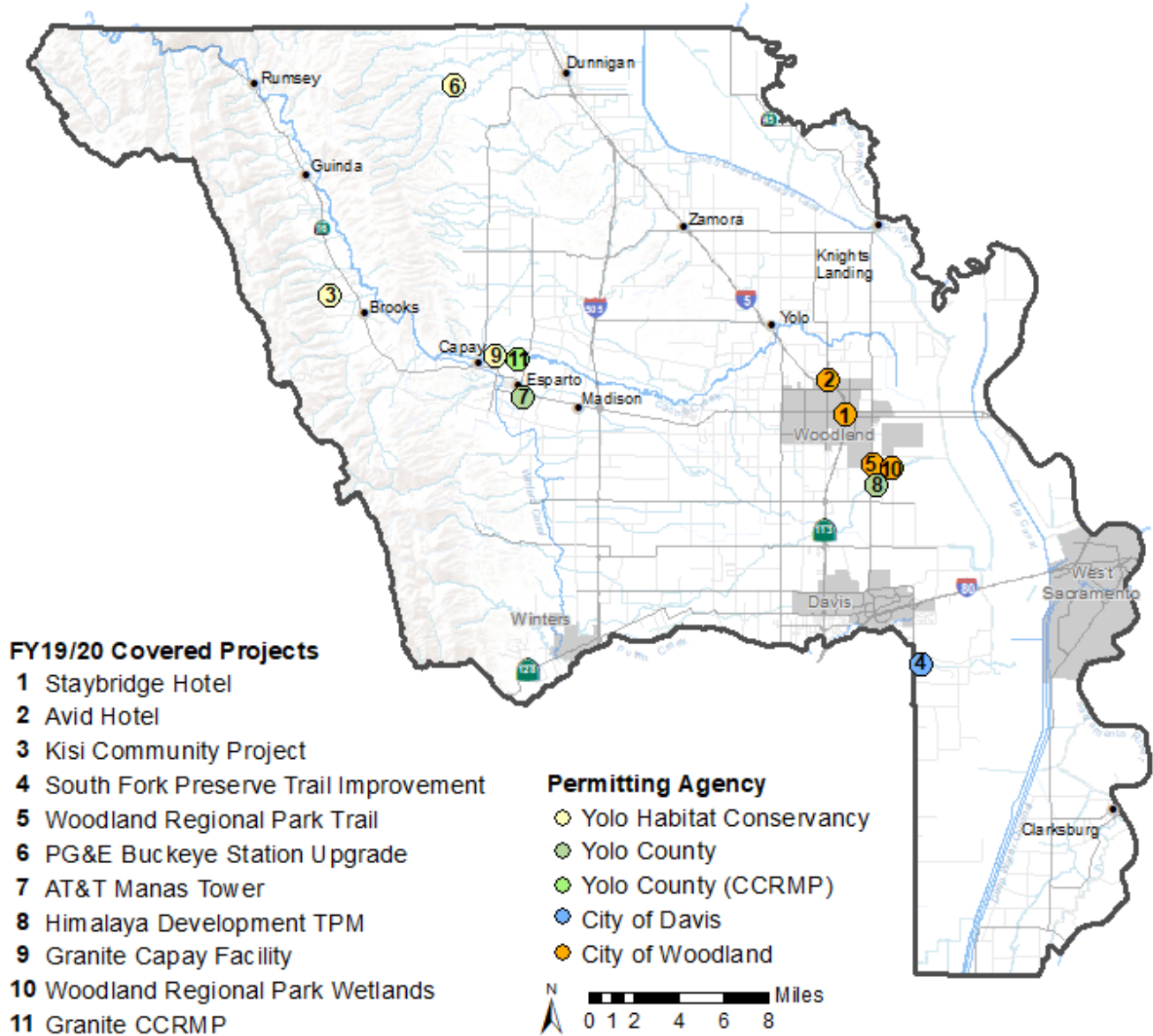


Table 2-1: All covered activities for which take coverage was granted during FY19/20

Project ID	Project Name	Activity Type	Covered By	Description	Perm. Impacts (acres)	Temp. Impacts (acres)
Urban Projects and Activities						
(1) 2018_05	Staybridge Hotel	General Urban Development	City of Woodland	The project consists of the construction of a 109 room, 4-story, 75,286 square foot hotel.	0	0
(2) 2018_10	Avid Hotel	General Urban Development	City of Woodland	The project consists of the construction of a 79 room, 4-story, 37,003 square foot hotel.	0	0
(3) 2019_09	Kisi Community Project	General Urban Development and Public Services	YHC (SPE)	The project consists of construction of new residential roads and supporting stormwater collector channel.	1.19	0
(4) 2019_11	South Fork Preserve Trail Improvement	General Urban Development, Public Service	City of Davis	The project enhances the public accessibility of the preserve in an effort to increase access and protect the habitat.	1.82	0
(5) 2019_22	Woodland Regional Park Trail	General Urban Dev., Public Services, Public Access and Recreation in the Reserve System	City of Woodland	The project consists of construction of a 1,600-foot pedestrian trail along a constructed wetland within a regional park.	0.9	0
Rural Projects and Activities						
(6) 2019_04	PG&E Buckeye Station Upgrade	Rural Public Service, Infrastructure and Utilities	YHC (SPE)	The project consists of replacing and/or upgrading the control valves and control hardware at Buckeye Creek Pressure Limiting Station for significantly improved reliability and performance.	9	0
(7) 2019_19	AT&T Manas Cell Tower	Rural Public Service, Infrastructure and Utilities	Yolo County	The project consists of the construction of a cellular tower.	0	0
(8) 2019_21	Himalaya Development TPM	General rural development and agricultural economic development	Yolo County	A parcel map to divide an approximately 157-acre agricultural parcel into a 43-acre parcel and a 113.5-acres parcel.	2.5	0
(9) 2019_23	Granite Capay Facility	Aggregate Mining	YHC (SPE)	The project consists of removal of one isolated elderberry shrub to facilitate mining activities as a part of an approved mining and reclamation plan.	0.3	0

Table 2-1 (continued)

Project ID	Project Name	Activity Type	Covered By	Description	Perm. Impacts (acres)	Temp. Impacts (acres)
Urban Projects and Activities						
Public and Private Operations and Maintenances						
none						
Conservation Strategy Implementation^{a,b}						
(10) 2019_22	Woodland Regional Park Wetlands	Conservation Strategy	City of Woodland	The project consists of converting an approximately 22-acre landfill borrow pit to a wetland.	0	22.2
(11) ---	Granite CCRMP	CCRMP and Conservation Strategy Implementation	Yolo County (CCRMP)	The project consists of skimming an in-channel gravel bar to support CCRMP activities covered by the HCP/NCCP, “erosion control and channel maintenance” and “channel stabilization.”	0.0	58

^a The Yolo HCP/NCCP take limits do not apply to area of impact on natural communities or covered species habitat when the impacts result from conservation measures because the Yolo HCP/NCCP assumes conservation measures will have substantial net benefits to covered species. The limits imposed by the permits only apply to acres of natural communities or habitat for covered species that are lost to covered activities that are not conservation measures.

^b The Yolo HCP/NCCP incorporated the CCRMP restoration and enhancement actions into its conservation strategy to help meet the HCP/NCCP’s biological objectives for ecosystem processes, natural communities and covered species, as described in Section 6.5.8.1.1 of the HCP/NCCP. Implementation of the CCRMP is both a covered activity and a conservation measure. The exception to this rule is for bank swallow nesting habitat, the HCP/NCCP provides for no more than 37 acres of barren floodplain to be permanently affected by bank stabilization activities along Cache Creek to protect property or valuable resources (Yolo HCP/NCCP, Section 5.7.11.1.1).

Table 2-2: Permanent and temporary acreages disturbed by land cover type for the collective covered activities in the reporting period and cumulatively.

	Reporting Period Impacts (acres)		Cumulative Impacts (acres)		Total Allowed Impacts (acres)		Cumulative Impacts (% toward cap)	
	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary
Natural Communities								
Rice	--	--	--	--	87	--	0.00%	NA
Cultivated Lands (non-rice)	--	--	18.9	--	9,910	203	0.19%	NA
Grassland	7	--	8.8	1.9	1,734	28	0.51%	6.78%
Blue Oak Woodland	0.4	--	0.4	0	3	--	13.30%	NA
Alkali Prairie	--	--	0	0	4	4	0.00%	NA
Fresh Emergent Wetland	--	--	0.20 ^a	--	88	--	0.22%	NA
Valley Foothill Riparian	2.23	--	2.33	--	588	--	0.40%	NA
Lacustrine and Riverine	0.78	--	0.88	0.4	236	31	0.37%	1.29%
Barren Floodplain	--	--	--	--	37	--	0.00%	NA
Total Natural Communities^{b,c}	10.41	0	31.51	2.3	12,649	266	0.25%	0.86%

^a The Annual Report prepared for FY18/19 documented 0.1-acres of temporary loss of Fresh Emergent Wetland. Because Table 5-1 of the HCP/NCCP does not identify any acres of temporary loss for that land cover type the acreages were shifted to the permanent column for the cumulative impacts and the percentage towards the total allowed impacts were recalculated.

^b The totals for natural community loss do not match total impacts in Table 2-1 because some of the impacts consisted of land cover types that provide covered species habitat but do not belong to any natural communities with maximum allowable loss as listed in Table 5-1 of the HCP/NCCP (e.g., barren land that may support covered species).

^c The Yolo HCP/NCCP take limits do not apply to area of impact on natural communities or covered species habitat when the impacts result from conservation measures because the Yolo HCP/NCCP assumes conservation measures will have substantial net benefits to covered species. The temporary impact acres resulting from Conservation Strategy Implementation are not included in Table 2-2 because by definition, any temporary loss of natural communities or habitat as a result of conservation measures is assumed to have substantial net benefits to the covered species. The exception to this rule is for bank swallow nesting habitat. The HCP/NCCP provides for no more than 37 acres of barren floodplain to be permanently affected by bank stabilization activities along Cache Creek to protect property or valuable resources (Yolo HCP/NCCP, Section 5.7.11.1.1).

Table 2-3: Permanent and temporary acreages disturbed by modeled habitat for the collective covered activities in the reporting period and cumulatively.

Covered Species	Reporting Period Impacts (acres except where noted)		Cumulative Impacts (acres except where noted)		Total Allowed Impacts (acres except where noted)		Cumulative Impacts (% toward cap)	
	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary
Valley elderberry longhorn beetle								
Riparian habitat	3	0	3	0	523	0	0.57%	NA
Non-riparian habitat	0	0	0	0	61	1	0%	0%
Total	3	0	3	0	584	1	0.51%	0%
California tiger salamander								
Aquatic breeding habitat	0	0	0	0	12	1	0%	0%
Upland habitat	6.2	0	6.2	0	398	1	1.56%	0%
Total	0	0	6.2	0	410	2	1.50%	0%
Western pond turtle								
Aquatic habitat	0.78	0	0.98	0.41	369	31	0.27%	1.32%
Nesting and overwintering habitat	6.84	0	6.84	0	3,133	112	0.22%	0.00%
Total	7.62	0	7.82	0.41	3,502	143	0.22%	0.29%
Giant garter snake								
Rice habitat	0	0	0	0	87	0	0.00%	NA
Aquatic habitat	0	0	0.2	0.36	109	1	0.18%	36.00%
Freshwater emergent habitat	0	0	0	0.05	76	0	0.00%	NA
Active season upland movement	0	0	0.8	0.42	441	3	0.18%	14.00%
Overwintering habitat	0	0	0.06	0	1,235	5	0.00%	0.00%
Total	0	0	1.06	0.83	1,948	9	0.05%	9.22%
Swainson's hawk								
Nesting habitat	2.63	0	2.64	0	651	0	0.40%	NA
Natural foraging habitat	6.7	0	8.37	1.85	1,407	22	0.59%	8.41%
Cultivated lands foraging habitat	0	0	17.83	0	9,399	202	0.19%	0.00%
Total	9.33	0	28.84	1.85	10,806	224	0.27%	0.83%
Nest trees	0	0	0	0	20 ^a	0	0.00%	NA
White-tailed kite								
Nesting habitat	3.41	0	3.42	0	661	0	0.52%	NA
Primary foraging habitat	6.7	0	8.37	1.85	2,609	29	0.32%	6.38%
Secondary foraging habitat	0	0	17.83	0	7,969	205	0.22%	0.00%
Total	10.11	0	29.62	1.85	10,578	234	0.22%	0.79%
Western yellow-billed cuckoo								
Nesting/foraging habitat	0	0	0	0	59	0	0%	0%
Western burrowing owl								
Primary habitat	9.5	0	9.5	0	861	1	1.10%	0%
Other habitat	0	0	0	0	2,311	218	0%	0%
Total	0	0	0	0	3,172	219	0.30%	0%
Least Bell's vireo								
Nesting/foraging habitat	1.82	0	1.82	0	39	0	4.66%	0%
Bank swallow								
Nesting habitat	0	0	0	0	37	0	0%	0%
Tricolored blackbird								
Nesting habitat	0	0	0	0	86	0	0%	0%
Foraging habitat	5.8	0	5.8	0	8,942	230	0.06%	0%
Total	5.8	0	0	0	9,028	230	0.06%	0%
Palmate-bracted bird's beak								
Habitat	0	0	0	0	4	0	0%	0%

^a The Swainson's hawk nest tree take limit is set at 20 to account for the implementation of avoidance and minimization measures. The number of nest trees per planning unit will not exceed those provided in Table 5-5 and the total will not exceed 20 nest trees.

3. Acquisition and Restoration

- This chapter describes Yolo HCP/NCCP land acquisition and restoration activities that occurred during the reporting period.

Acquisition

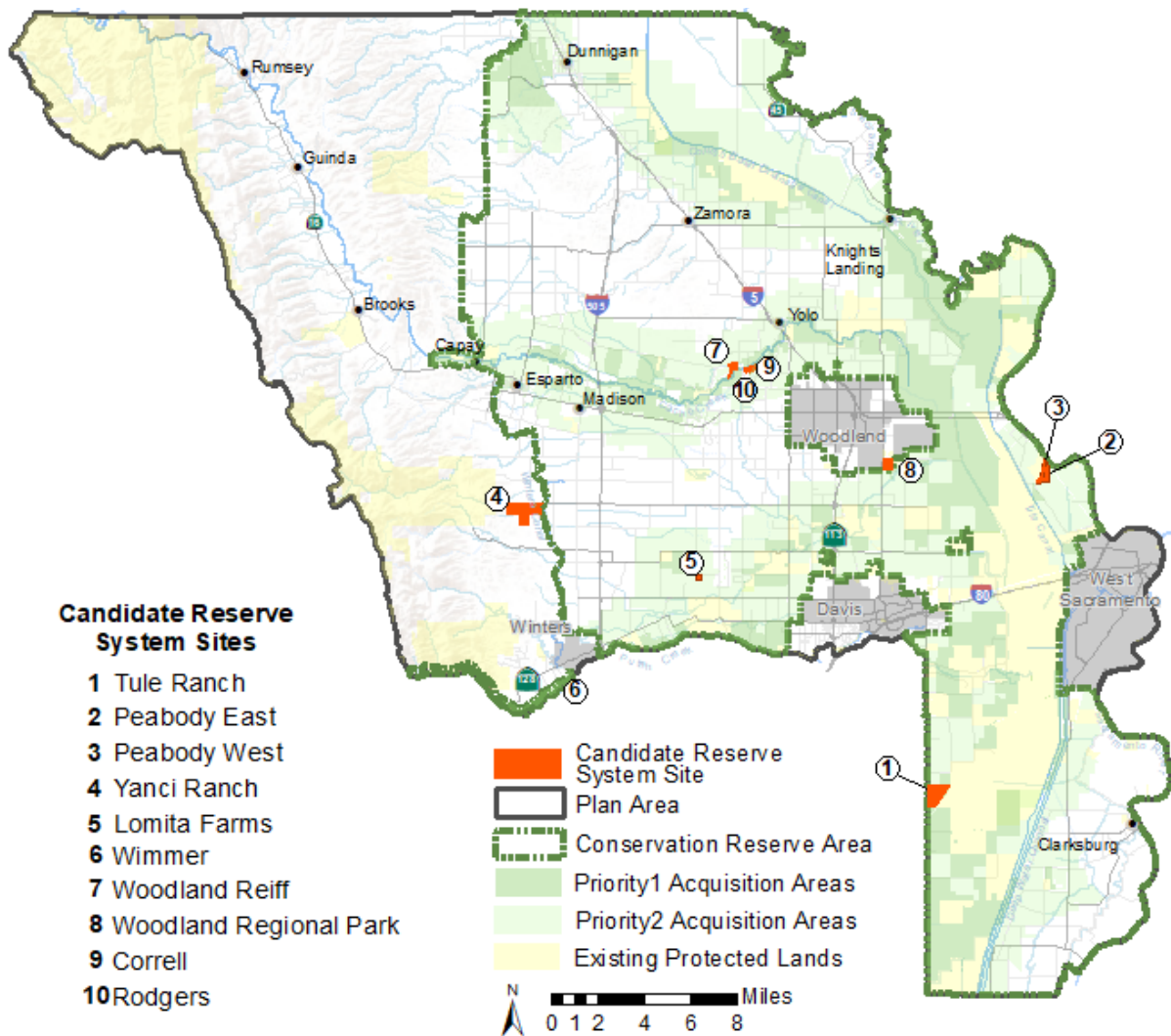
The heart of the Yolo HCP/NCCP conservation strategy is the creation of a reserve system that will include at least 33,406 acres (and up to 956 acres of additional restored natural community if loss of all allowable acres occurs) for the benefit of covered species, natural communities, biological diversity, and ecosystem function. The Conservancy will select lands for the reserve system based on reserve system assembly principles, criteria, and guidelines described in Yolo HCP/NCCP Section 6.4.1 Conservation Measure 1: Establish Reserve System. Of the 32,406 acres, 24,406 acres will consist of newly protected lands and 8,000 acres will consist of pre-permit reserve lands that the Conservancy enrolls into the reserve system and manages and monitors consistent with the Yolo HCP/NCCP.



STAC site evaluation at Correll Site.
Photo Credit: Chris Alford

No sites were enrolled in the Yolo HCP/NCCP reserve system in, or prior to, FY19/20. However, as shown in Table 3-1, the Conservancy has been actively working on making progress towards the enrollment of 10 sites. The Yolo HCP/NCCP has a two-step approval process for enrolling reserve system sites that is described along with the rest of the acquisition process in Yolo HCP/NCCP Section 7.5.2 Acquisition Process. The initial step involves determining whether the site is an appropriate site for inclusion in the reserve system based on information provided in an initial evaluation conducted by Conservancy representatives and a site and species evaluation conducted by the Yolo HCP/NCCP Science and Technical Advisory Committee (STAC). Once the Conservancy, CDFW, and USFWS all approve of a site as a candidate reserve system site, the Conservancy conducts remaining due diligence steps and works with the landowner, CDFW, and USFWS to develop a conservation easement and site-specific management plan using the Yolo HCP/NCCP

Figure 3-1: **Candidate reserve system sites FY19/20**



approved templates. Conservancy representatives then seek approval from the Conservancy’s board of directors, CDFW, and USFWS to finalize these documents and enroll the site as a reserve system site. The dates in which approvals are granted are used by the Conservancy to identify the status of a site as an application site, candidate site, or reserve system site. The sites in Table 3-1 are all sites that have been approved as candidate sites either during or prior to FY19/20. The Tule Ranch site received its final approvals for reserve system enrollment during FY19/20; however, due to COVID, fires, and other factors the landowner opted to postpone recording the easement on the property. Since the easement for Tule Ranch was recorded in FY20/21, the Conservancy will document the acquisition of the site and the amount of natural and semi-natural community land cover and covered species habitat it provides in the FY20/21 annual report.

Table 3-1: Status of reserve system site acquisitions through FY19/20

Site Name	Approximate Area (acres)	Primary Land Cover Type(s)	Candidate Site Approvals			Final Enrollment Approval		
			YHC	CDFW	USFWS	YHC	CDFW	USFWS
Tule Ranch	433.01	cultivated lands (pasture)	5/18/15 ^a	3/25/20	3/26/20	1/27/20	3/25/20	3/26/20
Peabody East	101.1	cultivated lands (field crops)	11/16/15 ^b	4/15/19	4/15/19	-	-	-
Peabody West	101.17	cultivated lands (field crops)	11/16/15 ^b	4/15/19	4/15/19	-	-	-
Yanci Ranch	795	grassland	2/22/16	8/6/19	8/6/19	-	-	-
Lomita Farms	40	grassland	9/16/19	12/5/19	12/5/19	-	-	-
Wimmer	20	valley foothill riparian, riverine	9/16/19	12/5/19	12/5/19	-	-	-
Woodland Reiff	115	grasslands, valley foothill riparian, riverine, seasonal wetland	1/27/20	12/5/19	12/5/19	-	-	-
Woodland Regional Park	167	grasslands, fresh emergent wetland, lacustrine	1/27/20	1/8/20	1/8/20	-	-	-
Correll	38.9	valley foothill riparian, grasslands, riverine, seasonal wetland	5/18/20	6/4/20	6/4/20	-	-	-
Rodgers	30	valley foothill riparian, grasslands, riverine, seasonal wetland	5/18/20	6/4/20	6/4/20	-	-	-

a. Site was initially approved as a Swainson's hawk foraging habitat mitigation program mitigation receiving site.

b. Site was initially approved as a Swainson's hawk foraging habitat conservation easement site.

Restoration

Restoration is an important part of the overall Yolo HCP/NCCP conservation strategy. The Conservancy will restore riparian, wetland, and aquatic land cover types at a ratio of one acre restored for each acre lost. If all allowable loss occurs, the Conservancy will restore up to 956 acres of riparian woodland and scrub, fresh emergent wetlands, and lacustrine and riverine natural communities. Two restoration efforts were initiated during FY19/20 as described below. The Conservancy is in the process of enrolling the sites where these projects are located in the Yolo HCP/NCCP reserve system and will count this restoration towards the conservation commitments of the Yolo HCP/NCCP when conservation easements are recorded on each site.

Woodland Regional Park Wetlands Restoration

The City of Woodland, Tuleyome, and the California Waterfowl Association, with input from the Conservancy and a variety of project partners, developed a restoration plan for the former borrow pit located at Woodland Regional Park. The restoration was constructed in 2020 and included excavating deeper open water areas to provide lacustrine habitat; leveling and grading portions of the site to create seasonal wetlands to provide fresh emergent wetland habitat; enhancing and restoring riparian habitat; constructing disturbance-free habitat islands and features that provide



*Woodland Regional Park wetlands construction site.
Photo Credit: Lars Anderson*

shelter, nesting, or foraging habitat for various life stages of the covered species; and planting a variety of native riparian and wetland plants. A new well was drilled on site, equipped with a variable speed pump to provide groundwater with which the pond water level can be raised. This dedicated water supply system is critical to managing late-summer water levels for aquatic and wetland habitat and will be used to help ensure aquatic habitat is available even during periods of drought. Overall, the restoration project provides 1.23 acres of enhanced riparian habitat, 0.8 acres of restored riparian habitat, 7.26 acres of restored seasonal wetland habitat, and 6.56 acres of restored lacustrine habitat (ICF, 2020).

Woodland Reiff Elderberry Planting

The Woodland Reiff site is along Cache Creek. The site is held in fee title by Yolo County and is the process of being enrolled as a reserve system site. The Conservancy hired Triangle Properties to clear an approximately 5-acre portion of the site that was previously a mesic grassland area dominated by yellow starthistle and subsequently plant approximately 3.14 acres within that area with elderberries (both seedlings and transplants) as well as a variety of other native species as part of an HCP/NCCP VELB mitigation effort in 2019. This effort included transplanting elderberry (*Sambucus nigra*, ssp. *cerulea*) shrubs in 24 locations, planting 327 elderberry seedlings, and planting 567 other associated native plant seedlings. The native plants that were planted within the area in addition to elderberry include: 17 California blackberry (*Rubus ursinus*), 55 California box elder (*Acer negundo*), 42 California wild grape (*Vitis californica*), 78 California wild rose (*Rosa californica*), 55 Coyote brush (*Baccharis pilularis*), 59 Fremont cottonwood (*Populus fremontii*), 18 mule fat (*Baccharis salicifolia*), 33 Oregon ash (*Fraxinus latifolia*), 29 red willow (*Salix laevigata*), 23 sandbar willow (*S. exigua*), 118 valley oak (*Quercus lobata*), and 40 western sycamore (*Platanus racemosa*) (Triangle Properties, Inc. 2020). Temporary irrigation was installed within this area of the site and water is pumped from Cache Creek with a portable stream pump to this area during dry months (April through October) while seedlings are getting established.



*Transplanted elderberries at Woodland Reiff VELB planting site.
Photo Credit: Chris Alford*

4. Reserve Management

- This chapter provides a summary of all land management activities, including specific enhancement measures, undertaken on Yolo HCP/NCCP reserve lands and discusses the overall and site-specific management issues encountered by the Conservancy during the reporting period. This chapter also identifies enhancement actions the Conservancy has not implemented in accordance with the implementation schedule (i.e., behind or ahead of schedule) and an explanation for the deviation from the schedule.

Enhancement Measures

Tule Ranch Tree Planting:

The Tule Ranch site is an existing Swianson’s hawk foraging habitat mitigation site that went through the review and approval process for becoming an HCP/NCCP reserve system site (See Chapter 3 for more information about the site). Per the recommendation of the STAC, the Conservancy required that the landowner of Tule Ranch commit to plant at least ten cottonwood trees around the existing pond as a condition of enrollment of the site in the Yolo HCP/NCCP reserve system



*Tule Ranch tree planting.
Photo Credit: Scott Stone*



*Tule Ranch tree planting site.
Photo Credit: Scott Stone*

in an effort to increase the future availability of nest tree sites. The landowner planted twelve cottonwood trees in March 2020 that were each approximately 16 feet tall and 4 inches in diameter. The day after the landowner planted them, a beaver cut down one of the trees. The landowner placed protective wiring around the remaining eleven trees and have not had any additional issues. This enhancement effort contributes towards HCP/NCCP Objective SH1.5 by establishing trees suitable for Swainson's hawk nesting within the cultivated lands reserve system.

Schedule

FY19/20 was the first full year of Yolo HCP/NCCP implementation and no sites are currently enrolled in the reserve system so the majority of efforts associated with the reserve system involved initial efforts to evaluate and enroll sites into the reserve system and conduct species baseline monitoring efforts. The Conservancy is not behind schedule on any enhancement actions.

5. Monitoring, Research, and Adaptive Management

- This chapter summarizes the monitoring, research, and adaptive management activities the Conservancy and partners conducted during the reporting period. For monitoring activities, information provided includes a description of monitoring activities undertaken during the reporting period, a summary of monitoring results, data analysis results, and any knowledge gained from monitoring that is valuable to adaptive management. For directed studies, information provided includes a description of each study conducted during the reporting period, a summary of study results to date, and a description of how these results were or will be integrated into implementation. For adaptive management, information provided includes a description of the adaptive management decisions made during the reporting period, including how existing information was used to guide these decisions and the rationale for the actions; description of the use of independent scientists or other experts in the adaptive management decision-making processes; and a description of adopted and recommended changes to the conservation measures, avoidance and minimization measures, and monitoring plan(s).

This chapter also includes key components of the Yolo HCP/NCCP’s compliance monitoring requirements for the stay-ahead provision and for changed and unforeseen circumstances.

Effectiveness Monitoring

During FY19/20, two different species-level monitoring efforts were undertaken to establish the baseline status of covered species. On

monitoring effort was a Plan Area survey of the Swainson’s hawk nesting population while the other survey was a baseline survey of the palmate-bracted bird’s beak population on the Woodland Regional Park site.

Swainson’s hawk nesting surveys

In compliance with monitoring provisions in Section 6.5.6.3.6 of the Yolo HCP/NCCP, the Conservancy contracted with Estep Environmental Consulting to conduct a census of the nesting population of Swainson’s hawks within the Yolo HCP/NCCP Plan Area during the 2020 breeding season. White-tailed kite nests observations were also documented as a part of this survey. Monitoring efforts were conducted between April and July 2020. A total of 381 occupied nesting territories were located, exceeding the threshold population number of 270 that would trigger remedial conservation actions as described in Yolo HCP/NCCP Section 7.7.1.2.8. Estep also evaluated the amount of suitable foraging habitat

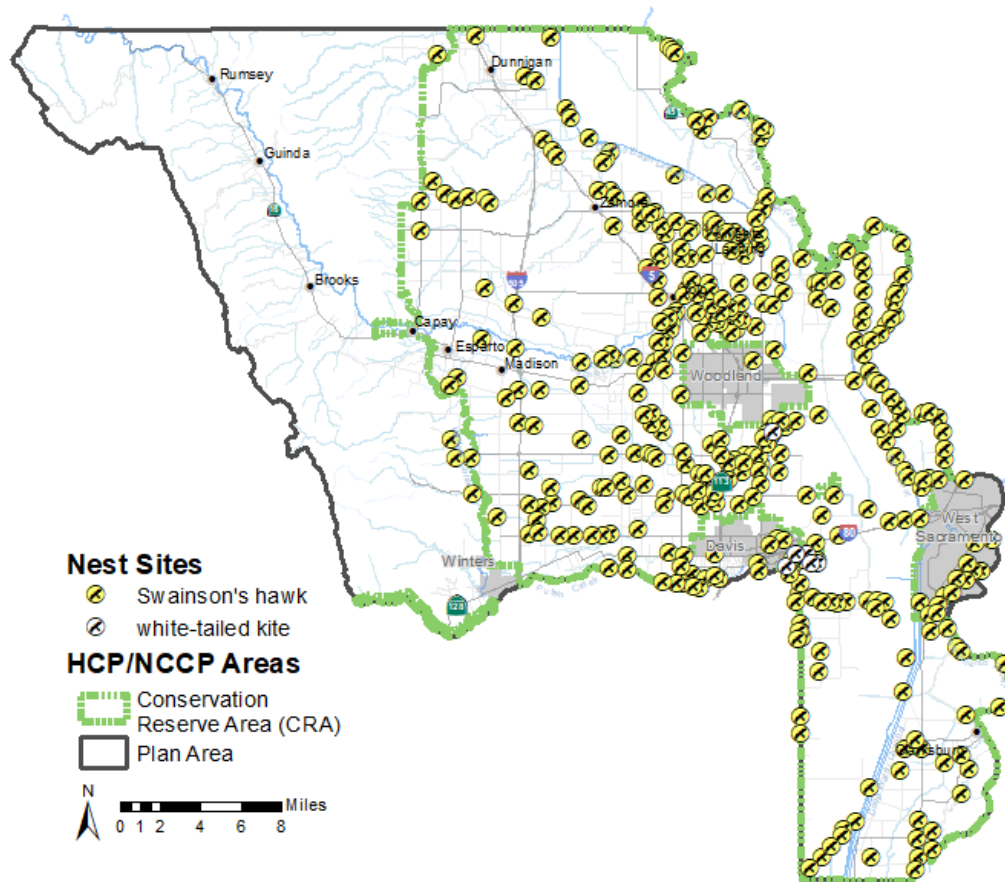


Swainson’s hawk.
Photo Credit: AdobeStock

available at the time of the monitoring survey and estimated a total of 280,842 acres of suitable foraging habitat, including 25,000 acres of high value habitat (Estep, 2020). While available foraging habitat is currently above the threshold that would trigger remedial conservation action, it is still significantly less than the 327,083 acres of suitable foraging habitat identified in the 2007 survey. This reduction is correlated with a rapid increase in the conversion of suitable crop types to orchards.

Although a greater number of nesting territories and a higher rate of successful nests were observed in 2020 compared to the 2007 survey, the overall fledgling success rate averaged only one successful fledgling per nest. This low reproductive rate is consistent with recent monitoring in Sacramento County and elsewhere in the species' range. Estep speculates that this low reproductive rate is related to limited food resources in cultivated habitats or other reproduction-suppressing mechanisms (Estep, 2020). The Conservancy intends to update the crop information in the HCP/

Figure 5-1: **Nest site locations surveyed in 2020**



NCCP land cover layer in 2021 as part of an effort to identify priority areas for reserve system establishment that provide suitable foraging habitat within immediate proximity of suitable nest tree sites. The Conservancy will also utilize the occupied nest site location data collected during the 2020 Swainson's hawk nest population survey in the candidate conservation easement site evaluation process and as a baseline to inform future monitoring and long-term adaptive management efforts.

Palmate-bracted bird's-beak baseline survey

In compliance with monitoring provisions in Section 6.5.6.3.1 of the Yolo HCP/NCCP, the Conservancy contracted with the Center for Natural Lands Management (CNLM) to conduct a comprehensive baseline survey of palmate-bracted bird's-beak (PBBB) on Woodland Regional Park. This site is the one site identified for inclusion in the Yolo HCP/NCCP reserve system that has a known subpopulation of PBBB occurring on the site. The purpose of this monitoring effort was to document the occurrence and relative abundance of the species and to acquire the baseline data necessary to evaluate long-term adaptive management and monitoring. Surveys were conducted in June and early July 2020.

One patch of PBBB, with an estimated 282 individuals, was observed at Woodland Regional Park during the 2020 survey effort (CNLM, 2020). This known subpopulation of PBBB has been observed in this location in the past. The number of individuals observed during surveys conducted sporadically between 1996 and 2019 ranged from 0 to 482 individuals. In the most recently conducted surveys, CNLM staff observed an estimated 87 individuals in 2017, 42 individuals in 2018, and 85 individuals in 2019 (CNLM, 2020).

Non-native invasive species including perennial pepperweed and yellow starthistle were observed at Woodland Regional Park within the same area as the PBBB patch. The Conservancy intends to include management of these and other invasive species in the Woodland Regional Park management plan. The Conservancy will also use this information as a baseline to inform future monitoring and long-term adaptive management efforts.



Palmate-bracted bird's beak.

Photo Credit: Yolo Habitat Conservancy archives

Targeted Studies

No targeted studies were conducted during the reporting period.

Adaptive Management

No adaptive management occurred during the reporting period.

Stay-Ahead Provision Compliance Monitoring

The conservation strategy of an NCCP must be implemented at or faster than the rate at which the loss of natural communities or habitat for covered species occurs so that conservation always stays ahead of effects and rough proportionality is maintained between adverse effects on natural communities or covered species and conservation measures (California Fish and Game Code Section 2820(b)(3)(B)). The Yolo HCP/NCCP stay-ahead provision requires the Conservancy to ensure the amount of each natural community conserved, restored, or created by the Conservancy as a proportion of the total requirement for each natural community is roughly proportional to the impact on that natural community as a proportion of the total impact expected by all covered activities.

To measure compliance with the stay-ahead provision, the amount of each natural community conserved, restored, or created as a proportion of the total requirement by natural community must be equal to or greater than the impact on the natural community as a proportion of the total impact expected by all covered activities. As long as the pace of conservation measure implementation (i.e., preservation, restoration, or creation) does not fall behind the pace of covered activity impacts by more than 10 percent, the Conservancy will meet the stay-ahead provision.

The following assessment, once required, will provide an overview of status of Yolo HCP/NCCP reserve system assembly with respect to authorized take/habitat loss and a description of how implementation of conservation measures is roughly proportional in time and extent to the impacts on covered species and their habitats.

Stay-Ahead Assessment

The stay-ahead provision applies two years after the last local ordinance takes effect. As the reporting period pre-dates this timeline, no stay-ahead assessment is provided.

Unforeseen and Changed Circumstances Compliance

Unforeseen circumstances are events the Conservancy could not reasonably anticipate during development of the Yolo HCP/NCCP. If unforeseen circumstances arise during the life of the Yolo HCP/NCCP, wildlife agencies will not require the commitment of additional land or financial compensation or additional restrictions on the use of land, water, or other natural resources, other than those in the HCP/NCCP, unless the permittees authorize consent. Within these constraints, the wildlife agencies may require additional measures, but only if (1) they prove an unforeseen circumstance exists, (2) such measures are limited to modifications of the Yolo HCP/NCCP's operating conservation program for the affected species, (3) the original terms of the Yolo HCP/NCCP are maintained to the maximum extent practicable, and (4) the overall cost of implementing the Yolo HCP/NCCP is not increased by the modification. This section provides a description of actions implemented to respond to unforeseen circumstances.

Changed circumstances are changes in circumstances that affect a species or geographic area covered by an HCP that plan developers and wildlife agencies and can reasonably anticipate and for which they can plan. The Yolo HCP/NCCP identifies eight categories of changed circumstances and the triggers for when a changed circumstance occurs. This section provides a description of actions implemented to respond to changed circumstances.

Unforeseen Circumstances

No unforeseen circumstances occurred in the reporting period.

Changed Circumstances

The eight categories of changed circumstances identified in the Yolo HCP/NCCP and a summary of status during the reporting period are provided below.

1. New species listings. In the event that USFWS or CDFW lists a species whose range includes any portion of the Plan Area and that species is not already covered by the Yolo HCP/NCCP, the provisions of this changed circumstance will be automatically triggered.

A changed circumstance due to new species listing did not occur in the reporting period.

2. Climate change. Under the Yolo HCP/NCCP, an increase in temperature of up to 2.5°C (4.5°F), measured as a 10-year running average for three baseline periods (i.e., average annual temperature, average summer temperature [June, July, and August], and average winter temperature [December,

January, and February]) is considered a changed circumstance. Table 5-1 tracks the 10-year running average for three baseline periods.

A changed circumstance due to climate change did not occur in the reporting period.

3. Wildfire. The Yolo HCP/NCCP anticipates up to four catastrophic fires (each more than 10,000 acres) within the study area over the course of the permit term. This level of fire occurrence would be considered a changed circumstance for the purposes of the Yolo HCP/NCCP. In the event of a wildfire, the Conservancy will assess the proportion of the protected habitat area that has burned and likely effects on habitat use by covered species. The Conservancy will make an initial determination of whether or not the fire constitutes a changed circumstance and notify the wildlife agencies of the fire event.

A changed circumstance due to wildfire did not occur in the reporting period.

4. Nonnative invasive species or disease. Under the Yolo HCP/NCCP, the following are considered changed circumstances:

Infestations of new diseases or new nonnative invasive species that affect up to 25 percent of the extent (i.e., acres) of a predominant natural community (i.e., valley foothill riparian) or occupied covered species habitat within the reserve system in any given year; and

Spread of nonnative species or diseases on up to 25 percent within the reserve system in any given year.

A changed circumstance due to nonnative invasive species or disease did not occur in the reporting period.

5. Flooding. Flood damage in protected natural communities and habitats caused by storms that are at or below a 100-year flood event on a given stream is a changed circumstance.

A changed circumstance due to flooding did not occur in the reporting period.

6. Drought. The Yolo HCP/NCCP will fund remedial actions for up to five droughts that occur during the permit term. Of the five droughts, only one is anticipated to be more than six years in duration.

A changed circumstance due to drought did not occur in the reporting period.

7. Earthquakes. The Yolo HCP/NCCP will fund remedial actions for damage to reserve system infrastructure, natural communities, and covered species from any earthquake of magnitude 7.1 or lower.

A changed circumstance due to earthquake did not occur in the reporting period.

8. Loss of Swainson's hawk habitat and populations declining below the threshold.

Under the Yolo HCP/NCCP, the Conservancy committed to evaluating the effects on the Swainson's hawk nesting population if the amount of Swainson's hawk foraging habitat falls below 267,750 total acres or 24,560 high-value acres. The Conservancy committed to then meet and confer with the wildlife agencies if this evaluation determines that the nesting population has fallen below 240 breeding pairs.

Table 5-2 tracks Swainson's hawk habitat data as specified in Section 7.7.1.2.8, Regional Loss of Swainson's Hawk Habitat. This table indicates that the amount of high-value acres did not fall below the 24,560-acre threshold, and total acres of habitat did not fall below the 267,750-acre threshold. The amount of high-value and total habitat, however, has dropped significantly since Estep's evaluation on which the Conservancy based the changed circumstances strategy (Estep, 2015). The current acreage is close to the threshold, so the Conservancy hired Estep Environmental Consulting to conduct a countywide Swainson's hawk nest survey in 2020, to assess the number of breeding pairs and whether that number has fallen below the 240-pair threshold. A total of 381 occupied nesting territories, with a total of 377 active nests, were identified during this survey effort, which is greater than both the 240-pair threshold and the 290 occupied nesting territories observed by Estep during the 2007 survey (Estep, 2020).

A changed circumstance due to loss of Swainson's hawk habitat and populations declining below the threshold did not occur in the reporting period.

6. Program Administration

- This chapter summarizes administrative changes, minor modifications and revisions, and formal amendments to the HCP/NCCP proposed or approved during the reporting period.

Administrative Changes

Administrative changes are actions taken on the basis of Yolo HCP/NCCP interpretations that do not substantively change the purpose or intent of the Yolo HCP/NCCP's provisions and do not require modification or amendment of the Yolo HCP/NCCP or its associated authorizations. During the reporting period the following administrative changes were made:

Annual Fee Adjustment

The Conservancy adjusted the HCP/NCCP fees on March 16, 2020, consistent with Yolo HCP/NCCP Section 8.4.1.6.1 Automatic Adjustment of Fees and the Ordinance Amending the Conservancy's Adopted Fee Ordinance to Authorize the Executive Director to Implement Annual Fee Adjustments (Ordinance No. 2019-02).

Minor Modifications

Minor modifications are changes to the Yolo HCP/NCCP document made in response to new information, changes in scientific understanding, technological advances, and other such circumstances. Minor modifications do not include changes that would adversely affect covered species, the level of take, or the obligations of Permittees. The Conservancy did make two minor modifications to the Yolo HCP/NCCP during the reporting period. Both are modifications to template documents included as appendices to the Yolo HCP/NCCP.

STAC Evaluation Criteria Update (Yolo HCP/NCCP Appendix F)

The Conservancy made modifications to the candidate conservation easement site evaluation process, including the STAC Evaluation Criteria template that is used to evaluate candidate sites, in an effort to improve the site evaluation process by including a more comprehensive review of a property and its surroundings as it relates to the conservation goals and objectives of the HCP/NCCP. Because this document is included in the Yolo HCP/NCCP as Appendix F, changes to the document are considered a minor modification to the Yolo HCP/NCCP if the changes are consistent with the HCP/NCCP conservation strategy. The primary modifications to the site evaluation template include: 1) the addition of site considerations for HCP/NCCP goals and objectives (not just

species), 2) a transmittal memo that clearly summarizes the STAC recommendation and the ways in which the site will contribute to the HCP/NCCP reserve system, and 3) a column was added to summarize existing reserve system contributions so that it is easy to see how the site contributes to meeting HCP/NCCP goals and objectives relative to the current overall status of the reserve system. Conservancy representatives coordinated closely with the STAC when reviewing and making modifications to the existing STAC evaluation template and also provided USFWS and CDFW staff with draft and final versions of the updated STAC evaluation template for review and revisions. USFWS and CDFW representatives approved the updated STAC evaluation criteria update on March 5, 2020 and the Conservancy's Board approved the updated document on March 16, 2020. The updated template is provided as Appendix A.

Conservation Easement Template Update (Yolo HCP/NCCP Appendix K)

Shortly before the Yolo HCP/NCCP received its permit from CDFW and began implementation, Conservancy representatives initiated discussions with staff from the Wildlife Conservation Board (WCB) regarding the steps necessary for a candidate conservation easement site to receive acquisition funding from WCB. Among other requirements, WCB maintains a list of required items for all conservation easements funded by WCB. While the original Yolo HCP/NCCP easement template (Yolo HCP/NCCP Appendix K) meets most of these requirements, there are several requirements such as WCB noticing requirements and funder-specific language that was not contemplated in the original template. Because the Yolo HCP/NCCP easement template is included in the Yolo HCP/NCCP as Appendix K, changes to the document are considered a minor modification to the Yolo HCP/NCCP as long as the changes do not result in adverse effects or take of covered species beyond what the HCP/NCCP provides. The changes made to the easement template are additional notices to WCB in circumstances where the easement is being funded partially or entirely by WCB, funder-specific terms regarding things such as signage and carbon credit sales, and minor administrative edits to fix minor formatting or grammar issues. All of the edits made to the template underwent several rounds of review by Conservancy, WCB, CDFW, and USFWS staff and legal representatives. CDFW and USFWS provided their approval of the updated Yolo HCP/NCCP easement template on January 9, 2020.

The updated template is provided as Appendix B.

Amendments

Amendments are changes to the Yolo HCP/NCCP that are more significant than administrative actions or the minor modifications described above. Any proposed changes to the Yolo HCP/NCCP that do not qualify for treatment as administrative actions or minor modification require an amendment to the Yolo HCP/NCCP document and corresponding amendment to the permits, in accordance with applicable laws and regulations regarding permit amendments. No amendments to the Yolo HCP/NCCP were completed during the reporting period.

Other Activities

Public Outreach and Education

The Conservancy used a variety of methods to provide public outreach and education during FY19/20. The Conservancy's primary means of communications with the general public and interested parties includes the maintenance of a public-facing website for the Yolo HCP/NCCP and an email distribution list. The website includes information on establishing conservation easements, annual monitoring reports, permitting applications and other resources, and as well as public outreach materials for landowners and other people who may participate or have interest in the HCP/NCCP. The email distribution list is used periodically to send out announcements about upcoming Conservancy Board Meetings and other information relevant to the Yolo HCP/NCCP. The Conservancy's Interim Executive Director also provided PowerPoint presentations about the Yolo

7. Finances

- This chapter summarizes funds collected by the Conservancy for Yolo HCP/NCCP implementation and the source of those funds (e.g., fees, grants), annual and cumulative expenditures by major cost category, and an explanation of deviations in expenditures from the annual budget. This chapter also includes other relevant information as appropriate for annual reporting purposes.

Financial Structure

The financial structure used to manage the finances of the Yolo HCP/NCCP has six separate funds:

- **Mitigation Fee Fund.** The Conservancy places revenue collected from mitigation fees in this fund and tracks expenditures of mitigation fees.

The Conservancy places revenue from four types of mitigation fees in the Mitigation Fee Fund:

- **Land Cover Fee**
- **Fresh Emergent Wetlands Fee**
- **Valley Foothill Riparian Fee**
- **Lacustrine and Riverine Fee**

- **Grant Fund.** The Conservancy tracks all grant revenues and expenditures through this fund.

- **Other Revenue Fund.** The Conservancy places contribution to recovery fee revenue collected from Special Participating Entities, landowner contributions, and other non-mitigation fee revenue in this fund.

- **Mitigation Trust Account.** This fund contains mitigation fees collected under the Swainson's hawk foraging habitat mitigation program. The Swainson's hawk foraging habitat mitigation program was replaced by the Yolo HCP/NCCP as of January 11, 2019. The Conservancy will eventually exhaust these funds by purchasing conservation easements and close the account.

- **Pre-permit Endowment Fund.** This fund contains endowment funds collected to monitor conservation easements established prior to the official start of Yolo HCP/NCCP implementation (January 11, 2019).

- **Post-permit Endowment Fund.** The Conservancy places a portion of every HCP/NCCP mitigation fee collected in this fund to save for management and monitoring of the reserve system after the permit term ends in 50 years.

Annual Budget

The Conservancy adopted the annual budget for FY19/20 in May 2019. Table 7-1 below, provides the adopted budget summary along with actual revenue and expenditures accrued during FY19/20.

Table 7-1: Adopted budget, actual revenue, and actual expenditures for FY19/20

Description	Mitigation Fee Fund	Mitigation Account Fund	Grant Fund	Pre-Permit Endowment	Post Permit Endowment	Other Revenue Fund	TOTAL
Beginning Balance	\$387,084	\$722,801	-	\$415,074	-	-	\$1,524,959
Transfers*	(\$110,952)	-	\$21,862	-	\$10,368	\$78,722	-
Revenue (Actual)	\$4,433	-	\$180,151	\$3,554	-	\$22,086	\$205,791
Revenue (Budgeted)	\$350,700	\$4,000	\$400,000	-	-	\$105,000	\$859,700
Expenditure (Actual)	(\$526,247)	(\$10,362)	(\$175,718)	(\$5,201)	-	(\$58,553)	(\$776,081)
Expenditure (Budgeted)	(\$738,552)	(\$747,500)	(\$421,000)	-	-	(\$149,226)	(\$1,349,788)
Actual Revenue vs. Expenditure	(\$521,814)	(\$10,362)	\$4,433	(\$1,647)	-	(\$36,467)	(\$565,857)
Closing Balance	\$336,543	\$736,373	\$26,295	\$413,427	\$19,825	\$42,255	\$1,574,718
Revenue Budget to Actual	167%	598%	45%			21%	95%
Expenditure Budget to Actual	71%	1%	42%			39%	57%

*The transfers between the Grant Fund, Other Revenue Fund, and the Post-Permit Endowment Fund were made to create new funds in the current fiscal year. The new funds will allow the Yolo Habitat Conservancy to track mitigation funds, grant funds, endowment funds, and other revenue with grant or mitigation fee restrictions separately.

Revenue Sources

The Conservancy received revenue from state and federal grants, as well as mitigation fees. Table 7-2 summarizes the state and federal grants that were actively used during FY19/20 and Table 7-3 summarizes the mitigation fee fund revenue and expenditures for FY19/20.

Table 7-2: State and federal grant revenue and expenditures for FY19/20

Funding Source	Funding Entity	Purpose	Awarded to	Amount Awarded	Required Match	Expended through FY19/20
NCCP Local Assistance (P1720901)	CDFW (state)	Early Implementation Framework	YHC	\$75,000	\$15,000	\$72,732
NCCP Local Assistance (P1820101)	CDFW (state)	Reserve System Pre-Acquisition Protocols and Pre-Permit Reserve Lands Enrollment	YHC	\$93,000	\$27,000	\$15,284
Prop 84	WCB (state)	Development Phase IV	YHC	\$275,000	\$68,500	\$188,700
TOTAL				\$443,000	\$110,500	\$276,716

Table 7-3: Mitigation Fee Fund revenue and expenditures for FY19/20

	Beginning Balance	Revenue	Interest	Expenditures	Closing Balance
TOTAL	\$281,363	\$576,573	\$10,086	\$535,210	\$332,811

Endowment Funding

The Conservancy is setting aside 2.5% of every land cover fee and wetlands fee for the Post-Permit Endowment Fund. The Conservancy expects to explore transferring the Post-Permit Endowment Fund to a community foundation in the near future to ensure returns expected for long-term investments.

Mitigation Fee Act Annual Reporting

The Conservancy provides regular reports on the budget, which include summaries of the acquisition and use of mitigation fee funds to the Conservancy’s Board of Directors during public meetings that comply with the Brown Act. This annual report also contains information necessary to meet the requirements of Govt. Code Sec. 66006 (b) (1) related to the Mitigation Fee Act as follows:

For each separate account or fund established pursuant to subdivision (a), the local agency shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year:

(A) A brief description of the type of fee in the account or fund.

The purpose of the Land Cover Fee is to mitigate for direct (project impact acreage) and indirect (project land cover fee buffer acreage) impacts on species covered by the Yolo HCP/ NCCP. The Land Cover Fee revenues will be used to fund the acquisition of land that does or could provide habitat for covered species, the management and enhancement of such land and habitat, and the administrative actions necessary to accomplish these tasks, as more particularly set forth in the Yolo HCP/NCCP.

The purpose of the Wetlands Fee is to mitigate (in addition to the Land Cover Fee) for impacts to fresh emergent marsh, valley foothill riparian, and lacustrine and riverine land cover types. Revenue from the three Wetlands Fee types will be used to fund the restoration, creation and management of fresh emergent wetland, valley foothill riparian, and lacustrine and riverine lands and the administrative actions necessary to perform these tasks, as more particularly set forth in the Yolo HCP/NCCP.

(B) The amount of the fee.

The Yolo HCP/NCCP fees are updated annually on or about March 15. As of the March 2020 update, the Yolo HCP/NCCP per acre fees were as follows:

Table 7-4: Yolo HCP/NCCP fees at the end of FY19/20

Fee Type	Fee Amount (per acre)
Land Cover Fee	\$14,950
Wetlands Fee	
Fresh Emergent Marsh	\$76,042
Valley Foothill Riparian	\$84,217
Lacustrine and Riverine	\$60,986

(C) The beginning and ending balance of the account or fund.

See Table 7-3.

(D) The amount of the fees collected and the interest earned.

See Table 7-3.

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

None reportable within this period.

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

None reportable within this period.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.

Table 7-5: Transfers that occurred in FY19/20

Transfers In	Transfers Out	Amount
Grant Fund	General Fund	\$21,862
Other Revenue Fund	General Fund	\$78,722
Post-Permit Endowment Fund	General Fund	\$10,368
TOTAL		\$110,952

The transfers between the Grant Fund, Other Revenue Fund, and the Post-Permit Endowment Fund were made to create new funds in the current fiscal year.

The new funds will allow the Yolo

Habitat Conservancy to track mitigation funds, grant funds, endowment funds, and other revenue with grant or mitigation fee restrictions separately.

(H) The amount of refunds made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001.

None reportable within this period.

References

Center for Natural Lands Management (CNLM). September 2020. Palmate-bracted bird's-beak surveys on Woodland Regional Park Property. Report prepared for the Yolo Habitat Conservancy, Woodland, California.

Estep, J. 2015. A Proposed Conservation Strategy for the Swainson's Hawk in Yolo County, California. Prepared for the Yolo County Natural Heritage Program. March 2015.

Estep, J. September 2020. The 2020 Distribution, Abundance, and Habitat Associations of the Swainson's Hawk (*Buteo swainsoni*) in Yolo County, California. Woodland, California.

ICF. October 2020. Woodland Regional Park Natural Community Restoration Plan. Sacramento, California. Prepared for Yolo Habitat Conservancy, Woodland, California.

Triangle Properties, Inc. January 2021. Yolo Habitat Conservancy Elderberry Seedlings and Native Associates Planting Project: 1st Year Monitoring Report (2020). Yolo County, California.

Yolo County. 1996. Final Cache Creek Improvement Plan for Lower Cache Creek. August 20, 1996.

Yolo County. 1996. Final Cache Creek Resources Management Plan for Lower Cache Creek. Adopted August 20, 1996.

Yolo County. 1996. Final Off-Channel Mining Plan for Lower Cache Creek. July 30, 1996.

LAFCO

Meeting Date: 05/27/2021

Information

SUBJECT

Consider adoption of the Final LAFCo Budget for FY 2021/22

RECOMMENDED ACTION

1. Receive staff presentation on the Final Budget for FY 2021/22 and open the Public Hearing for public comments on the item.
2. Close the Public Hearing, consider and adopt the Final LAFCo Budget for FY 2021/22.

FISCAL IMPACT

The attached LAFCo budget includes proposed revenues and expenditures for LAFCo for FY 2021/22. This budget maintains resources for the Commission to meet its responsibilities under the Cortese-Knox-Hertzberg (CKH) Act and the Shared Services Program for FY 2021/22. Adopting a final budget will ensure LAFCo is adequately funded to meet its legal obligations and maintain the shared services program.

REASONS FOR RECOMMENDED ACTION

Each year Yolo LAFCo adopts an annual budget with notice to the four cities and Yolo County. In accordance with the CKH Act, a proposed budget must be adopted by May 1 and final budget by June 15 of each year. Following approval of the final budget and no later than July 1, the auditor requests payment from each agency.

In accordance with the CKH Act, the cities and County split the cost of LAFCo funding 50/50. A formula for the split of the cities' share is outlined in Government Code Section 56381 (b)(1); which would be in proportion to a city's tax revenue or an alternative method approved by a majority of the cities. Beginning in FY 2007/08, the cities of Yolo County developed an alternative formula to apportion their 50% of LAFCo funding by averaging a city's general tax revenue (less grant monies) and population. In other words, the higher the revenue and population of a city relative to the others, the higher the share of the LAFCo budget.

In summary, each agency's portion of the overall LAFCo budget is listed below, with the previous/current FY noted in parenthesis:

- City of Davis - 16.73% (previous year 17.07%)
- City of West Sacramento - 17.48% (previous year 17.16%)
- City of Winters - 1.51% (previous year 1.54%)
- City of Woodland - 14.29% (previous year 14.23%)

County of Yolo - 50.00%

BACKGROUND

The draft budget was heard and discussed at the March 25, 2021 meeting. Following Commission approval, staff shared the draft budget with the city/county managers and received no comments. However, staff did receive a request from the County Chief Financial Officer (CFO) to "smooth out" agency costs instead of reducing it by the proposed 2% and then presumably bumping it back up the following year. The city CFOs concurred with this approach via email as well. Therefore, per agency request the final budget recommends holding an additional \$12,597 in fund balance to keep agency costs flat.

The overall budget as recommended goes up 5% this year (2% Salaries and Benefits and 9% Services and Supplies). New costs and any variations are explained in the notes column. The following itemizes the cost for each funding agency:

- City of Davis - \$65,280
- City of West Sacramento - \$68,210
- City of Winters - \$5,883
- City of Woodland - \$55,747
- County of Yolo - \$195,121

Attachments

ATT A-FINAL LAFCo 2021-22 Budget

Form Review

Inbox	Reviewed By	Date
Christine Crawford (Originator)	Christine Crawford	05/19/2021 11:29 AM
Form Started By: Christine Crawford		Started On: 05/07/2021 11:01 AM
Final Approval Date: 05/19/2021		

**YOLO LAFCO FINAL BUDGET - ADOPTED:
FINANCING SOURCES - SCHEDULE A**

**Item 7-ATT A
FISCAL YEAR 2021/22
ACCOUNTING UNIT: 6940522981**

Account #	Account Name	FY 20/21 Revenue Budgeted	FY 21/22 Revenue Budgeted	Net Change	Agency Apportionment / Comments / Variance Explanation from FY 20/21
REVENUES					
AGENCIES SHARE:					
402010	OTHER GOVT AGENCY-COUNTY	\$ 195,121	\$ 195,121	\$ 1	50.00%
402030	OTHER GOVT AGENCY-WEST SACRAMENTO	68,210	68,210	(0)	17.48%
402040	OTHER GOVT AGENCY-WOODLAND	55,747	55,747	(0)	14.29%
402050	OTHER GOVT AGENCY-WINTERS	5,883	5,883	(0)	1.51%
402060	OTHER GOVT AGENCY-DAVIS	65,280	65,280	0	16.73%
	TOTAL AGENCIES SHARE	390,241	390,241	-	
OTHER REVENUE:					
400700	INVESTMENT EARNINGS-POOL	3,000	2,500	(500)	Lower interest earnings
403460	CHARGES FOR SERVICES - LAFCO	4,000	4,000	-	CALAFCO stipend (does not assume application revenue)
	TOTAL OTHER REVENUE	7,000	6,500	(500)	
	TOTAL REVENUE	397,241	396,741	(500)	
USE OF FUND BALANCE					
300999-0	UNASSIGNED	102,041	116,079	14,038	"Surplus" FB used to balance budget/offset costs
300600-0	ASSIGNED - AUDIT RESERVE	-	10,000	10,000	Drawing from reserve to fund 3yr audit costs
300600-1	ASSIGNED - CAPITAL ASSET REPLACEMENT	-	-	-	
300600-3	ASSIGNED - CONTINGENCY	-	-	-	
	TOTAL USE OF FUND BALANCE	102,041	126,079	24,038	
TOTAL FINANCING SOURCES		\$ 499,282	\$ 522,820	\$ 23,538	

FINAL LAFCO BUDGET - FINANCING USES - SCHEDULE B

FISCAL YEAR 2021/22

Account #	Account Name	FY 20/21 Expenditures	FY 21/22 Expenditures	Net Change	Comments/Variance Variance Explanation from FY 20/21
EXPENDITURES					
SALARIES AND BENEFITS:					
500100	REGULAR EMPLOYEES	\$ 221,466	\$ 225,884	\$ 4,418	2% COLA increase
500110	EXTRA HELP	20,000	22,500	2,500	Hourly increase for Mark K.
500310	RETIREMENT (CALPERS)	68,353	72,057	3,704	
500320	OASDI	14,573	15,400	827	
500330	FICA/MEDICARE TAX	3,837	3,602	(235)	
500340	HEALTH INSURANCE (EAP)	72	72	-	
500360	OPEB - RETIREE HEALTH INSURANCE	19,489	17,393	(2,096)	
500380	UNEMPLOYMENT INSURANCE	303	831	528	County charge (COVID unemployment skyrocketing)
500390	WORKERS' COMPENSATION INSURANCE	500	500	-	YCPARMIA
500400	OTHER EMPLOYEE BENEFITS	45,480	45,480	-	
	TOTAL SALARY & BENEFITS	\$ 394,073	\$ 403,719	\$ 9,646	
SERVICES AND SUPPLIES:					
501020/501021	COMMUNICATIONS	1,859	2,217	358	County charge: courier and telecom
501030	FOOD	400	-	(400)	For YED Talks (assumes future sessions stay virtual)
501051	INSURANCE-PUBLIC LIABILITY	500	500	-	YCPARMIA
501070	MAINTENANCE-EQUIPMENT	600	600	-	
501071	MAINTENANCE-BLDG IMPROVEMENT	500	250	(250)	Placeholder - no work anticipated
501090	MEMBERSHIPS	5,000	6,500	1,500	Joined CA Special Districts Association
501100	MISCELLANEOUS EXPENSE	250	-	(250)	
501110	OFFICE EXPENSE	1,250	1,000	(250)	
501111	OFFICE EXP-POSTAGE	300	200	(100)	
501125	IT SERVICES-DPT SYS MAINT (Dept System Maint.)	2,000	2,000	-	County charge: network charges
501126	IT SERVICES-ERP (Enterprise/Resource/Planning)	3,359	3,985	626	County charge: network charges
501127	IT SERVICES-CONNECTIVITY	4,729	5,564	835	County charge: network charges
501151	PROF & SPEC SVC-AUDITG & ACCTG	5,000	15,000	10,000	3 yr audit this FY (\$10k funded from reserves)
501152	PROF & SPEC SVC-INFO TECH SVC	1,200	1,200	-	
501156	PROF & SPEC SVC-LEGAL SVC	7,000	7,000	-	LAFCo Counsel
501165	PROF & SPEC SVC-OTHER	15,000	15,000	-	
501165	PROF & SPEC SVC-OTHER (Shared Services) (6992)	10,000	5,000	(5,000)	
501180	PUBLICATIONS AND LEGAL NOTICES	1,000	1,000	-	
501190	RENTS AND LEASES - EQUIPMENT	2,800	2,800	-	
501192	RENTS & LEASES-RECRDS STRGE (Archives)	1,112	1,411	299	Records storage charges per County
501205	TRAINING	5,000	5,000	-	
501210	MINOR EQUIPMENT (COMPUTERS)	5,600	-	(5,600)	Purchased computers last FY (w/ reserves)
501250	TRANSPORTATION AND TRAVEL	7,000	7,000	-	Conference/Staff Workshop both in SoCal this FY
501264	INTERNAL CHARGES (water, sewer, HVAC debt)	-	5,724	5,724	New County building charge
	TOTAL SERVICES & SUPPLIES	\$ 81,459	\$ 88,951	\$ 7,492	

FINAL LAFCO BUDGET - FINANCING USES - SCHEDULE B (continued)

Account #	Account Name	FY 20/21 Expenditures Budgeted	FY 21/22 Expenditures Budgeted	Net Change	Comments / Variance Explanation from FY 20/21
EXPENDITURES					
APPROPRIATION FOR CONTINGENCY:					
503300	APPROP FOR CONTINGENCY	23,750	25,000	1,250	20% total = 5% appropriated (+15% in Fund Balance)
	TOTAL APPROPRIATION FOR CONTINGENCY	\$ 23,750	\$ 25,000	\$ 1,250	
	TOTAL APPROPRIATIONS	\$ 499,282	\$ 517,670	\$ 18,388	
PROVISIONS FOR RESERVES					
300600-0000	FD BAL-ASSIGNED-AUDIT	-	-	-	
300600-0001	FD BAL-ASSIGNED-CAP ASSET REPL	-	1,400	-	
300600-0003	FD BAL-ASSIGNED-CONTINGENCY	-	3,750	-	
	TOTAL PROVISIONS FOR RESERVES	\$ -	\$ 5,150	\$ 5,150	Transfer into Fund Balance reserves
	TOTAL USES	\$ 499,282	\$ 522,820	\$ 23,538	

BUDGETED ENDING FUND BALANCES AS OF	6/30/21	6/30/22	Net Change	
ASSIGNED - AUDIT RESERVE	\$ 10,000	\$ -	(10,000)	Drawing reseve to fund audit (every 3 yrs)
ASSIGNED - COMPUTER REPLACEMENT	0	1,400	1,400	Replace every 4 yrs per County IT
ASSIGNED - CONTINGENCY RESERVE	71,250	75,000	3,750	20% total (15% in fund balance + 5% appropriated)
UNASSIGNED		-		
TOTAL BUDGETED ENDING FUND BALANCES 6/30/22		<u>\$ 76,400</u>		

YOLO LAFCO FUND BALANCE WORKSHEET

	FY 20/21 Budgeted	FY 20/21 Projected	FY 21/22 Budgeted
Unassigned Fund Balance			
Beginning Balance	\$ 263,886	263,886	\$ 116,079
Estimated revenue	397,241	408,607	396,741
Appropriations	(499,282)	(465,372)	(517,670)
Adjustment Per Agencies Request		(12,597)	
Transfers (to)fr audit reserve	(10,000)	(10,000)	10,000
Transfers (to)fr capital asset replacement reserve	-	2,805	(1,400)
Transfers (to)fr contingency reserve	(71,250)	(71,250)	(3,750)
Ending Balance	\$ 80,595	116,079	-
Assigned Fund Balance-Audit Reserve			
Beginning balance	\$ -		10,000
Transfers in(out), net	10,000	10,000	(10,000)
Ending Balance	\$ 10,000	10,000	\$ -
Assigned Fund Balance-Computer Replacement			
Beginning Balance	\$ 2,805	2,805	-
Transfers in(out), net	-	(2,805)	1,400
Ending Balance	\$ 2,805	-	\$ 1,400
Assigned Fund Balance-Contingency Reserve			
Beginning Balance	\$ -	-	71,250
Transfers in(out), net	71,250	71,250	3,750
Ending Balance	\$ 71,250	71,250	\$ 75,000
TOTAL FUND BALANCE			
Beginning Balance	\$ 266,691	266,691	197,329
Estimated revenue	397,241	408,607	396,741
Appropriations	(499,282)	(465,372)	(517,670)
Transfers in(out), net	-	-	-
Estimated Ending Balance	\$ 164,650	209,926	\$ 76,400

Regular 8.

LAFCO

Meeting Date: 05/27/2021

Information

SUBJECT

Consider an amendment to Yolo LAFCo Project Policies to: (1) Amend Policy 6.2 "Criteria – Municipal Services Review (MSR)" to add broadband access and availability as a determination; (2) Incorporate the key elements of the Shared Services Strategic Plan into the Yolo LAFCo Project Policies including new broadband-related policies; and (3) Other non-substantive edits

RECOMMENDED ACTION

Approve amendments to the Yolo LAFCo Project Policies as presented to reflect Commission direction at the April 22, 2021 meeting.

FISCAL IMPACT

None.

REASONS FOR RECOMMENDED ACTION

At the April 22, 2021 meeting, the Commission had a thoughtful discussion about incorporating broadband into LAFCo's Annual Work Plan and directed staff to bring back the following:

- A policy promoting overriding principles, values, and morals to keep local agencies focused on broadband access and affordability issues;
- Add broadband information to our MSRs and website transparency scorecard; and
- Reconvene the Yolo Broadband Working Group.

This agenda item will address the first two bullets in our local policies and Item 9 will implement the last two bullets, as it is cleaner to separate action on the policies from the Annual Work Plan.

BACKGROUND

Attached are proposed edits to the Yolo LAFCo Project Policies. Staff recommends incorporating the key elements of the Shared Services Strategic Plan into one consolidated set of policies (Section 7.0 Shared Services is new and shown in red underline). Here are the new broadband policies highlighted in yellow below and located on pages 21, 29 and 31 of the attached polices:

6.2 CRITERIA - MUNICIPAL SERVICES REVIEW (MSR)

LAFCo may combine the MSRs for cities and/or special districts by the services provided or geography for the purposes of analysis. A checklist template has been developed by LAFCo staff (see appendices) to streamline the review or determine if an MSR and/or SOI update is needed. Although MSRs are technically required only when updating agency SOIs, per Government Code §56430, Yolo LAFCo will typically conduct MSRs on local special districts

even if an SOI Update is not needed because, unlike cities, Yolo County’s special districts tend to be rural in nature and staffed by limited professional staff or entirely volunteer-run, meaning there is less oversight to ensure operational adequacy and fiscal sustainability.

For each MSR, LAFCo shall prepare a written statement of the required determinations under Government Code §56430. Section 56430 also provides for MSRs to address additional matters related to effective or efficient service delivery, as required by commission policy. Consistent with this legislative direction, it is the intent of Yolo LAFCo to comprehensively review broadband access in MSRs of local agencies that either serve communities and/or provide emergency services where broadband connection is critical (i.e. cities, community services districts, county service areas, fire protection districts and reclamation districts). The MSR will provide information and recommendations on the following, among other relevant considerations:

- a. Availability of high-performance broadband (i.e. greater than 25Mbps downloads and 3 Mbps upload) at home, schools, libraries and businesses;
- b. Accessibility to affordable broadband (e.g. providers offering low-income programs); and
- c. Accessibility to training and support to enable digital inclusion.

7.3 BROADBAND FOR ALL

Yolo LAFCo finds and declares broadband is essential to modern life and universal broadband access is a public health imperative. Broadband is essential to economic and workforce development, public safety, education and an engaged public. The COVID-19 pandemic has only reinforced our reliance on broadband and the importance of closing the digital divide. Improving broadband access will enable individuals in the county to work, study, communicate, apply for government services, operate home-based businesses, receive emergency information and access health care. LAFCo will encourage local agencies to work with providers to ensure broadband access for its constituents by including information related to broadband availability, affordability and accessibility in applicable MSRs per Policy 6.2 and the annual Yolo Local Agency Website Transparency Scorecard per Policy 7.6.

7.6 SCORECARD CRITERIA AND BROADBAND ACCESS

LAFCo will prepare a website transparency scorecard on an annual basis for the local cities, County, JPAs and special districts. The transparency scorecard will be based on the following minimum baseline criteria. [Criteria not shown here for brevity]

Because the Internet is such an important source of government information, the scorecard will also include information regarding broadband availability, affordability and accessibility within the agency’s territory.

Attachments

ATT A-Proposed Updates to Yolo LAFCo Project Polices

Form Review

Inbox

Christine Crawford (Originator)
Form Started By: Christine Crawford
Final Approval Date: 05/19/2021

Reviewed By

Christine Crawford

Date

05/19/2021 10:09 AM
Started On: 05/13/2021 01:55 PM

YOLO LAFCo

PROJECT POLICIES

Last Updated ~~March 25~~May 27, 2021

YOLO LAFCO

PROJECT POLICIES

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Note: No changes to Sections 1.0 through 5.0 are proposed

|

6.0 MSR/SOI GUIDELINES FOR MUNICIPAL SERVICES REVIEWS (MSRs) AND SPHERES OF INFLUENCE (SOIs)

This document sets forth methodology and criteria to be used to assist LAFCo, its staff and interested parties in the process and determination of spheres of influence and MSRmunicipal service reviews by LAFCo.

6.1 TYPES OF SPHERES OF INFLUENCE (SOIs)

Cities and special districts require slightly different approaches to ~~sphere of influence~~SOI documents. Cities are municipal service providers that are generally created to provide urban services to dense populations at relatively high standard levels. Some special districts, such as community services districts and county service areas, can also be created to provide specific municipal services, but generally on a smaller scale.

Most special districts in Yolo County provide a few specialized services to rural populations and land. For example, water district services tend to be agriculturally related, as is the Resource Conservation District. Fire districts tend to be volunteer and rural in nature. Most Cemetery districts in Yolo County are primarily rural, but the Davis Cemetery District and Winters Cemetery District include the cities of Davis and Winters, respectively.

The agricultural and rural nature of unincorporated Yolo County is reflected in the sphere studies for the smaller special districts. The County's slow growth and strong agricultural conservation policies also tend to limit the growth of the special districts.

6.2 CRITERIA - MUNICIPAL SERVICES REVIEW (MSR) ~~/SPHERE OF INFLUENCE (SOI)~~

LAFCo may combine the MSRs for cities and/or special districts by the services provided or geography for the purposes of analysis. A checklist template has been developed by LAFCo staff (see appendices) to streamline the review or ~~can also be used to~~ determine if an MSR-service review and/or SOI~~sphere of influence~~ update is needed. Although MSRs are technically required only when updating agency SOIs, per Government Code §56430, Yolo LAFCo will typically conduct MSRs on local special districts even if an SOI Update is not needed because, unlike cities, Yolo County's special districts tend to be rural in nature and staffed by limited professional staff or entirely volunteer-run ~~and rural in nature, and meaning~~ there is less oversight to ensure operational adequacy and fiscal sustainability.

For each MSR, LAFCo shall prepare a written statement of the required determinations under Government Code §56430. Section 56430 also provides for MSRs to address additional matters related to effective or efficient service delivery, as required by commission policy. Consistent with this legislative direction, it is the intent of Yolo LAFCo to comprehensively review broadband access in MSRs of local agencies that either serve communities and/or provide emergency services where broadband connection is critical (i.e. cities, community services districts, county service areas, fire protection districts and reclamation districts). The MSR will provide information and recommendations on the following, among other relevant considerations:

-
- a) Availability of high-performance broadband (i.e. greater than 25Mbps downloads and 3 Mbps upload) at home, schools, libraries and businesses;
 - b) Accessibility to affordable broadband (e.g. providers offering low-income programs); and
 - c) Accessibility to training and support to enable digital inclusion.

6.3 DETERMINING THE SPHERE OF INFLUENCE (SOI)

In determining the ~~sphere of influence~~SOI of each local agency, LAFCo will consider and prepare a written statement of its determinations required under Government Code §56425.

LAFCo will consider the following criteria when studying and determining the ~~spheres of influence~~SOI for the cities and special districts within the County of Yolo:

- a) Retention and strengthening of community identities, as well as increasing efficiency and conserving resources, by providing essential services within a framework of controlled growth;
- b) Identification of the county's prime agricultural land and protection of this land through all available devices, such as including controlling the provision of services, requiring infill development first, and preferring non-prime land for growth. Other open-space resources such as stream banks, flood plains, and present and future recreation areas should also be protected for public benefit;
- c) Creation of realistic and controlled, yet flexible, planning areas into which anticipated services can be expanded as growth requires and as the communities' resources provide;
- d) Provision of infrastructure systems such as streets, sewers, water, open space for parks and recreation as a product of growth, rather than growth inducing;
- e) Encouragement of city annexation or incorporation as a means of supplying the full range of urban services as required; and
- f) Evaluation of the availability and need for basic services in each community and forecast these to meet anticipated population growth, and recommend creation, expansion, consolidation and/or reorganization of districts when need for such change is indicated.

6.4 SPHERE OF INFLUENCE (SOI) METHODOLOGY

When adopting, amending, or updating an ~~SOI sphere of influence~~SOI, LAFCo shall do all of the following:

-
- a) Require the relevant cities or districts to file written statements with LAFCo specifying the functions or classes of services provided by the agencies.
 - b) Establish the nature, location, and extent of any functions or classes of services provided by the existing agencies.

Both the service areas and the final boundaries call for different types and degrees of data.

6.5 **SPHERE OF INFLUENCE (SOI) ANALYSIS FOR CITIES AND MUNICIPAL-LIKE SPECIAL DISTRICTS**

The information needed to establish the boundaries for ~~spheres of influence~~SOIs for cities and municipal-like districts is as follows:

- a) Land Demand for Growth - The data necessary to establish the amount of land (beyond existing boundaries) needed to accommodate the growth projected. While this will furnish the net bulk requirement, additional studies, such as histories of subdivisions, developments, and annexations, and the location and importance of existing open space and agricultural lands, will be needed to indicate the probable location and direction of growth. Subtraction of existing undeveloped land capable of development which is already within the city will furnish a net requirement for "new" land. Spot maps and density factors, when available, will assist in interpreting growth data.
- b) Water and Sewer Availability - The ability of each community to provide water and sewer to its service area will be a controlling factor for sphere of influence boundaries. Any agency proposing new development must show the availability of water supplies adequate for projected needs into the future. Sphere of Influence revisions and amendments will need to review water availability before including new territory in a city or municipal special district.

Services will not be required to be immediately available for any of the area. An examination of plans for future capital expenditures by the responsible agency will furnish evidence for decisions on whether the service can reasonably be expected to be extended to the area.

- c) Willingness and Ability to Extend Community Services - The willingness and capability of the community to provide services as growth proceeds are two of the factors determining the urban area's future. The ability to provide extension of services should include sufficient revenue for the services required following the proposed boundary change. Data involving police and fire protection, educational facilities, drainage, libraries, health

services, solid waste management and other urban-type services which might be needed by the different communities should be analyzed. The study should determine present and projected fire protection, the efficiency and ability for expansion; the flood control effectiveness and its extension to the service and boundary areas; provision for parks and recreation to the expansion area; elementary and high schools and community colleges, existing and planned; solid waste disposal; and any other needed services of a specialized nature to meet individual community needs.

- d) Regional Housing Needs - The sphere study should also consider the agency's policies and approaches to meet its fair share of regional housing needs, if applicable. The agency under review should provide information supporting and explaining how it intends to accommodate and provide necessary governmental services for persons and families of all incomes in the most efficient and effective manner. This information is especially important if the agency proposes or is anticipated to have additional growth through the expansion of its present boundaries.
- e) Growth Incentives and Obstructions - Positive or negative factors regarding growth must be catalogued. Agency policies, expectations, and commitments, involving such factors as existing or planned freeway, road, or public transportation systems, shopping centers, educational facilities, industrial locations, and state and regional park acquisition and development plans that normally affect the amount and direction of growth should be included in the study.
- f) Natural obstacles to growth, including flood plains, unsuitable soils, waterways, etc. restrict expansion into certain areas - "Man-made" obstructions such as roads and highways, Williamson Act preserves, present and planned open-space areas for recreation and parks or buffer zones, need to be analyzed and mapped. If surface supply or ground water safe yield appear not adequate, the service cannot reasonably be expected to be extended. Further, it may be local policy not to extend such services or otherwise to control or deter growth. This and other possible "development lien" or growth control policies must be examined as limiting factors.
- g) Information From Planning Departments - Land use designations and maps, special district maps, and school locations must be collected and organized and related to the study areas. The history of annexations to cities and special districts demonstrate when and where growth has already occurred and should be referred to as available.

-
- h) Agricultural Land and Open Space - All spheres will be written with full review and consideration of the adopted Agricultural Conservation Policy and the LESA Model as appropriate.
 - i) Availability of Services - An assessment must be made of the willingness and feasibility of present and future agencies to extend services by agency, for example water capacity and availability, sewers and wastewater treatment facilities, as well as fire, police, drainage, recreation, landscaping maintenance, public utilities, and any other identified requirements within the projected boundary.
 - j) Compatibility of Present Legal Boundaries - Existing legal boundaries in and around each community are to be mapped and analyzed as an aid to drawing lines. Special district boundaries, assessor parcels, city boundaries, and any other appropriate legal boundaries should be reviewed. Any planned extension of these areas, including planned capital expansions, should be noted.
 - k) Boundaries - The current agency limits should be included in the sphere; however, if circumstance exist that make development of, or provision of services to certain areas unlikely, analysis of removing that area from the agency should be prepared.
 - l) Census Districts - Census information is important for all these analyses. Agency boundaries can often be used in conjunction with the census lines in order to provide a firm statistical base for each community.
 - m) Socioeconomic Interdependency - When information is available from field trips, county planning department, other county agencies and local leaders, the extent of economic, social and political influence of the community upon its surrounding area should be evaluated.

6.6 SPHERE OF INFLUENCE (SOI) ANALYSIS FOR RURAL SPECIAL DISTRICTS

The previously discussed factors for incorporated areas will be applied, as appropriate, to unincorporated areas, together with the following additional factors:

- a) Recognizable natural or manmade topographic boundaries that tend to bind an area into a geographic unit;
- b) Examination of services and political boundaries that lend identity, including but not limited to postal zones, school, library, sewer, water, census, fire, parks and recreation, and waste disposal;

-
- c) Examination of the identified services furnished by the special district compared to those furnished by the County; and
 - d) Projected ability to provide existing services, possible need for additional services in the near future and ability to receive more efficient services through mutual aide, consolidation, reorganization or other structural organization changes.
 - e) The SOI analysis will consider population projections of the agency under consideration. This will provide some flexibility to the local agency for planning growth.

6.7 LOCATING THE BOUNDARIES

The following guidelines will be used both in the delineation of the boundaries and in their interpretation:

- a) Where the ~~sphere-SOI~~ boundary follows a street, road, highway or railroad it will be interpreted to follow the complete right-of-way for that thoroughfare the entire road or street.
- b) When ~~sphere-SOI~~ boundaries are not located on streets, roads, highways, or railroads, they are intended to follow man-made boundaries (in particular, assessor parcel lines), or natural boundaries (rivers, irrigation and navigation channels, natural drainage basins and flood channels, flood control levees, etc.).
- c) When these aids are not present, the method of determining the boundary will be explained on the map or subsequently determined by LAFCo as the need arises.

6.8 CONSIDERATION OF OTHER YOLO LAFCO POLICIES

LAFCo has adopted Standards of Evaluation for boundary changes, an Agricultural Conservation Policy and a Land Evaluation and Site Assessment model by which proposals are examined. These policies and relevant considerations will be incorporated into the preparation of both the ~~Municipal Service Reviews~~MSRs and ~~SOI~~Sphere of Influence studies.

6.9 AGENCY CONSULTATION

Recommendations involving policy changes, legal boundary adjustments, changes in governmental form, and proposals for implementation of the recommendations, will be developed in cooperation with the cities, county, special districts and other affected agencies.

The ~~spheres~~SOIs will be provided, in draft, to the affected agencies and other interested parties before presentation to the Commission. Final recommendations will be made after consultation with area residents, landowners, and agency leaders.

6.10 PUBLIC COMMENT

For each document, citizen participation will be established sufficiently early to assure local comment. This input shall be received from members of the communities, landowners affected by recommendations, and any other residents of the area as well as any staff or volunteer of the agency under review. Discussions with the leaders of all entities will be used to identify initial problem areas, and obtain the agencies' growth plans and service capabilities.

The purpose and implications of the study and the information contribution of local leaders will be emphasized in these discussions. Through these interviews, the sphere of influence boundaries will endeavor to be consistent not only with LAFCo policy, but in the best interest of the subject agency and its inhabitants.

6.11 LAFCO ACTION ON SPHERES OF INFLUENCE (SOIs)

Final decisions on the ~~sphere-of-influence~~SOI boundaries will be determined by LAFCo at a duly noticed public hearing. The Commission will make the final determination of the actual ~~sphere~~SOI lines, based on staff analysis, public input, and other relevant factors.

Whether or not an agreement is reached regarding the boundaries, development standards, and planning and zoning requirements within a proposed ~~sphere~~SOI, LAFCo retains the discretion to adopt an ~~n SOI-sphere-of-influence~~ as it determines to be appropriate under the circumstances, and shall consider an ~~n sphere-of-influence~~SOI for the city consistent with the policies adopted by the Commission pursuant to Government Code § 56425.

6.12 REVIEW TIMEFRAME

Government Code § 56425(g) requires that each ~~sphere-of-influence~~SOI be reviewed every five years. This review period does not preclude LAFCo, agencies or other interested parties from requesting an earlier update for any ~~sphere-of-influence~~SOI if needed prior to the five-year timeframe. Occasionally, some reviews may be scheduled longer than every five years, depending on countywide agency priorities. The Commission adopts a work plan every year which includes a schedule for MSR/SOI completion.

6.13 INDEPENDENT THIRD-PARTY ANALYSIS

One of LAFCo's purposes is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities. During the preparation of an MSR and/or SOI, LAFCo may consider obtaining any needed analysis or studies by soliciting or hiring consulting services.

7.0 SHARED SERVICES

7.1 SHARED SERVICES VALUES

Shared Service Coordination - Elected officials in Yolo County have asked Yolo LAFCo to lead the coordination of shared services between Yolo County and the four cities. Yolo LAFCo will continue to develop shared service improvements with the county's and cities' collective support¹. A "culture of collaboration" is key to fostering the trust required for shared services to be successful. It is worthwhile for LAFCo to invest its resources in fostering collaboration among its partner agencies. Shared Services is a voluntary effort. LAFCo recognizes that each agency will determine its appropriate level of commitment and implementation. Staff will consult and collaborate with the executive managers of other agencies on shared service issues while ultimate authority and direction regarding LAFCo activities will come from the Commission.

LAFCo will assist other agencies in "teeing-up" shared service opportunities; however, detailed implementation must be handed off to individual agencies. LAFCo can best assist agencies by keeping its eye on the big picture and analyzing new opportunities without getting over-involved in detailed implementation.

Joint Power Agency Oversight - LAFCo's review of joint powers agencies that provide public services is needed in order to maintain quality performance and public trust. LAFCo will utilize its existing tools and processes to evaluate new opportunities for shared services and improved government efficiencies such as the MSR. LAFCo will proactively exercise its statutory mission and authority to initiate agency consolidations and/or dissolutions where appropriate and understands that such change will bring adaptive challenges that must be delicately handled.

Partnership - Effective government service delivery will involve partnerships with agencies at numerous levels: The Sacramento Area Council of Governments (SACOG), school districts, UC Davis, the Yocha Dehe Wintun Nation, special districts, non-profits and potentially agencies in other counties. Even where LAFCo has no or limited jurisdictional role to play, LAFCo's focus on the efficient delivery of services and capacity to coordinate various agencies can be an asset to agencies within Yolo County and the broader region.

¹ The Yolo Local Government Transparency and Accountability Program was adopted by the City of Davis on October 17, 2017, the City of West Sacramento on November 1, 2017, the City of Winters on November 7, 2017, Yolo County on November 7, 2017 and the City of Woodland on November 21, 2017

7.2 SHARED SERVICES GOALS AND OBJECTIVES

LAFCo promotes the most effective forms of government for the common good. LAFCo is proactive with its MSR process to review an agency’s financial ability to provide services and opportunities for shared services and facilities, including possible consolidation of government agencies.

LAFCo will use the MSR process to identify government inefficiencies and initiate agency consolidations and/or dissolutions where necessary to “right size” public agencies. Following completion of the MSR process, staff proactively follows up with agencies requiring status updates as necessary regarding their implementation of/compliance with LAFCo recommendations.

LAFCo promotes shared services that will save agencies money and allow them to either maintain services levels during difficult financial times or even improve service delivery. LAFCo staff facilitates any next steps as recommended by local agencies and determined by the Commission to implement shared service opportunities.

Yolo LAFCo fosters and promotes agency collaboration at all levels. Yolo LAFCo organizes and promotes regular Yolo Leaders/YED forums with agenda topics/speakers that are of interest and value to elected leaders in all geographic areas of the county and at all agency levels.

LAFCo promotes shared services at any and all levels, speaking at and coordinating with CALAFCO, SACOG, and others to coordinate and complement each other’s shared service efforts. LAFCo also acts as a facilitator/convener as requested for appropriate Yolo intra-agency issues or acts as a convener for multi-agency joint projects in a coordinating role as appropriate.

7.3 BROADBAND FOR ALL

Yolo LAFCo finds and declares broadband is essential to modern life and universal broadband access is a public health imperative. Broadband is essential to economic and workforce development, public safety, education and an engaged public. The COVID-19 pandemic has only reinforced our reliance on broadband and the importance of closing the digital divide. Improving broadband access will enable individuals in the county to work, study, communicate, apply for government services, operate home-based businesses, receive emergency information and access health care.

LAFCo will encourage local agencies to work with providers to ensure broadband access for its constituents by including information related to broadband availability, affordability and accessibility in applicable MSRs per Policy 6.2 and the annual Yolo Local Agency Website Transparency Scorecard per Policy 7.6.

7.4 JOINT POWERS AUTHORITY/AGENCY (JPA) FINANCIAL BEST PRACTICES

City and County managers will determine assignments to each JPA/Shared Programs for liaison or oversight purposes. Shared programs include programs that are funded via city and county cost sharing, such as Yolo County Animal Services, Office of Emergency Services, West Valley Fire Training Consortium. Budget integration between JPAs/Shared programs and the agencies that help fund them will be improved by implementation of the following process performed annually:

- a) City and County managers will prepare a consolidated memo detailing the upcoming budget preparation process for the JPAs and other shared programs that require joint city and County funding. The memo should convey the budget stance for the upcoming fiscal year, plus a longer range outlook. The intent is to create JPA alignment with the agencies' budget stance and mirror agency cycles of budget reductions or growth.
- b) City and County managers may schedule budget workshops with the JPAs and shared programs each year around the March timeframe or as appropriate.
- c) JPAs and other shared programs are requested to provide draft budgets for funding agencies' executive manager review by May and final adopted budgets no later than June 15th of each year for integration into each funding agency's budget.

Formation of any new JPAs or shared programs should only be considered when the following criteria are met. The proposed JPA/shared program:

- a) Will demonstrate cost reduction;
- b) Is more efficient or effective;
- c) Will reduce or eliminate overlapping services; and
- d) Will result in the sharing of resources.

JPA agreements should include common policies supporting JPA funds to be held in the County Treasury (as appropriate), open government, and transparency.

7.5 JOINT POWERS AUTHORITY/AGENCY (JPA) SERVICE REVIEWS

In fall 2017, the cities in Yolo County and the County of Yolo each adopted resolutions requesting LAFCo conduct Municipal Service Reviews every five years of selected types of JPAs whose service area is mostly within the county and that: (1) provide municipal services; (2) employ staff; and/or (3) have boards comprised of agency staff. These JPAs currently consist of:

1. Valley Clean Energy Alliance
2. West Sacramento Area Flood Control Agency
3. Woodland-Davis Clean Water Agency

- 4. Yolo County Public Agency Risk Management Insurance Authority
- 5. Yolo Emergency Communications Agency
- 6. Yolo Habitat Conservancy
- 7. Yolo Subbasin Groundwater Agency

New JPAs may be added to this list by approval of the Commission.

7.6 LOCAL AGENCY WEBSITE TRANSPARENCY VALUES

LAFCo, the cities and the County share a vision to promote open government and transparency for government agencies countywide (cities, County, special districts, and joint powers authorities), thereby fostering public trust and accountability as follows:

- a) TRUST AND INTEGRITY which the agencies will demonstrate by following through on their commitments, duties, and responsibilities.
- b) OPEN, HONEST, AND CLEAR COMMUNICATION within each organization, between agencies and with the Public.
- c) FISCAL ACCOUNTABILITY as demonstrated by making budgets, financial practices, compensation, and audits available to the public.
- d) PROMOTING AWARENESS of local government by promoting a website presence that describes the agency’s reason for existing, a description of services it provides, and the area it provides services to.
- e) ENCOURAGING UNDERSTANDING of where tax dollars go and how to easily contact board members and agency management.
- f) CIVIC RESPONSIBILITY through access to board meeting schedules, agendas and minutes so the public can more easily attend board meetings and become involved.
- g) TRANSPARENCY to respond to the growing movement to make governmental information available and searchable online.
- h) REPRESENTATION to inform the public regarding board members (names, contact information and terms of office) and their election/appointment process.

7.7 SCORECARD CRITERIA AND BROADBAND ACCESS

LAFCo will prepare a website transparency scorecard on an annual basis for the local cities, County, JPAs and special districts. The transparency scorecard will be based on the following minimum baseline criteria.

- 1. Overview
 - a. Description of services/functions: What actions does the agency undertake and what services does the agency provide?
 - b. Boundary of service area: What specific area does the agency serve? (May not be applicable to all JPAs. If not, who (generally) or what agencies does the JPA serve?)

2. Budget

- a. Budget for current fiscal year and three years prior to the current year.
- b. Financial reserves policy: What is the agency's policy for designated reserves and reserve funds? (The policy should be in either the agency policy manual or found in the budget or audit reports).

3. Meetings

- a. Board meeting schedule: When and where specifically does the agency meet?
- b. Archive of Board meeting agendas & minutes for at least the last 6 months: Both approved minutes and past agendas

4. Elected & Appointed Officials

- a. Board members (names, contact info, terms of office (terms do not apply to JPAs), compensation, and biography): Who specifically represents the public on the Board? How can the public contact them? When were they elected (or appointed)? How much do they earn in this role (as required by Assembly Bill 2040 effective January 1, 2015)?
- b. Election procedure and deadlines: If the public wishes to apply to be on the Board, how and when can they do so? (Does not apply to JPAs)
- c. Reimbursement and compensation policy: Which (if any) expenses incurred by the Board are reimbursed? Do the Board members receive compensation?

5. Administrative Officials

- a. General manager and key staff (names, contact info, compensation, and benefits): Who specifically runs the agency on a day-to-day basis? How can the public contact them? How much do they earn in this role (as required by Assembly Bill 2040 effective January 1, 2015)? What specific benefits are they eligible for (healthcare, retirement plan, educational benefits, etc.)?

6. Audits

- a. Current financial audit
- b. Financial audits for the three years prior to the current year².

7. Contracts

- a. Current request for proposal and bidding opportunities
- b. Instructions on how to submit a bid or proposal

8. Public Records

- a. What is the best way for the public to request public records?

² Audits are due to the State Controller's Office following close of fiscal year as follows: for cities/county by the following March 31; special districts by the following June 30 unless a 2, 3 or 5-year interval has been approved by the County Auditor; and JPAs by the following June 30.

9. Revenue Sources

- a. Summary of fees received: fees for services, if any.
- b. Summary of revenue sources: bonds, taxes, loans and/or grants. The public should be able to understand how the agency is funded, generally speaking.

10. Agency Specific Criteria

- a. Municipalities: Downloadable permit applications and zoning ordinances
- b. Special Districts: Authorizing statute/enabling act (Principal Act or Special Act), board member ethics training certificates, link to the LAFCo website and any state agency providing oversight
- c. Joint Powers Authorities: A copy of the joint powers agreement as filed and adopted (with any updates)

Because the Internet is such an important source of government information, the scorecard will also include information regarding broadband availability, affordability and accessibility within the agency's territory.

8.0 APPENDIX

8.1 LAND EVALUATION AND SITE ASSESSMENT MODEL

See Attached.

8.2 MSR/SOI CHECKLIST TEMPLATE

See Attached.

LAFCO

Meeting Date: 05/27/2021

Information

SUBJECT

Consider and adopt the Fiscal Year (FY) 2021/22 Annual Work Plan including Commission direction regarding broadband shared services and other proposal updates

RECOMMENDED ACTION

Adopt the FY 2021/22 Annual Work Plan.

FISCAL IMPACT

The recommended tasks would not result in a fiscal impact.

REASONS FOR RECOMMENDED ACTION

LAFCo considered its FY 2021/22 Annual Work Plan at its March 25, 2021 meeting. After significant discussion on how COVID-19 has exacerbated broadband access and equity issues countywide, staff was asked to bring back additional information and recommendations regarding if/how agencies should invest American Rescue Plan funding on broadband and what LAFCo should include in its Annual Work Plan.

At the April 22, 2021 meeting, the Commission had another thoughtful discussion and directed staff to bring back the following:

- Bring back a policy promoting overriding principles, values, and morals to keep local agencies focused on broadband access and affordability issues;
- Add broadband information to our MSRs and website transparency scorecard; and
- Reconvene the Yolo Broadband Working Group.

American Recovery Plan funding was also discussed for potential one-time infrastructure investment, however, the cities and Yolo County are coordinating on this already and have not requested LAFCo's facilitation, so this item has not been included in the Annual Work Plan.

BACKGROUND

FY 2021/22 ANNUAL WORK PLAN

Below is the work plan presented at the March meeting with updates as noted.

MSR/SOI Updates and Joint Powers Agency (JPA) Service Reviews for FY 2021/22

The following agencies are slated for review this next fiscal year. **Staff will add a broadband availability, affordability and accessibility determination to the applicable agency MSRs, which include the City of Winters and the 15 FPDs.** The entire five-year update schedule is

attached for review (see Attachment A). The City of Winters recently adopted a voter-approved growth boundary in November 2020, so an SOI Update may not be needed/requested this cycle (to be determined). However, the combined MSR for all the 15 fire protection districts (FPDs) will be very involved, similar to the significant recommendations and politics as we saw for the reclamation districts' MSR completed in 2015.

1. City of Winters
2. Yolo Emergency Communications Agency (YECA) JPA
3. Countywide FPDs (15 MSR/SOIs combined in one report)
 - Capay
 - Clarksburg
 - Dunnigan
 - East Davis
 - Elkhorn
 - Esparto
 - Knights Landing
 - Madison
 - No Man's Land
 - Springlake
 - West Plainfield
 - Willow Oak
 - Winters
 - Yolo
 - Zamora

Proposal Applications

Applications listed below are anticipated in FY 2021/22:

City of Woodland:

- Woodland Research and Technology Park annexation (NE corner of SR 113/CR 25A)
- Barnard Court annexation (SE corner of I-5/West Street) and other City-owned properties
- Woodland Commerce Center annexation (in the industrial area)

El Macero County Service Area (CSA):

- **SOI Amendment and Annexation to the El Macero CSA for Eric and Katie Stille**

Wild Wings County Service Area (CSA):

- **Consider formation of a Wild Wings Community Services District (CSD)**

Yolo County Flood Control & Water Conservation District:

- Annexation of various parcels to obtain agricultural irrigation water

Agency Accountability

The website transparency scorecard review and reporting process is completed towards the end of each calendar year. **Beginning this year, staff will add a broadband availability component to this report.** Agency scoring occurs in the last quarter of the calendar year (i.e. October - December) and a report will be presented to LAFCo in January 2022. Staff is continuing to reach out and support independent special districts that do not already have a website, promoting resources and scholarships available. State law requires all independent special districts to maintain a website or adopt a resolution stating a hardship each year. The

following agencies are included in the scorecard (70 agencies in total):

- Cities/County (5)
- Special Districts (47)
- Joint Powers Authorities (18 local)

Other Shared Services/Collaboration Items

Other shared services and/or collaborative activities include:

- YED-Talks - Resume coordinating in-person YED summits this fall, which typically occur two times per year. Coordination includes working with the planning team (to develop topics, agendas, lining up speakers, etc.) and managing the actual event.
- Attend 2x2 meetings whenever agenda items are applicable to LAFCo
- ~~Facilitate broadband coordination as needed (becoming less so as cities/County take more of a lead and local service provider options become increasingly available)~~ **Reconvene the Yolo Broadband Working Group with agencies that elect to participate.**

LAFCo Administration

Administrative tasks include the following:

- Work with audit firm (to be hired at the June meeting) to complete LAFCo's audit of the last three fiscal years ending 2019-2021
- Prepare and manage the budget
- Provide the Commission and the public with quarterly financial reports

CALAFCO

The Executive Officer continues to serve as the Deputy Executive Officer (DEO) to CALAFCO representing the Central Region. Primary DEO responsibilities include chairing the Annual Conference Program Committee and preparing verbatim minutes of all CALAFCO Board meetings, in addition to supporting the Executive Director as requested.

Attachments

ATT A-FY2021-22 MSR-SOI Update Work Plan

Form Review

Inbox	Reviewed By	Date
Christine Crawford (Originator)	Christine Crawford	05/19/2021 10:09 AM
Form Started By: Christine Crawford		Started On: 05/07/2021 11:11 AM
Final Approval Date: 05/19/2021		

FY 2021/22 MSR/SOI Update Schedule					
FY Scheduled	City/District/JPA	Last MSR Adopted	FY Next MSR Due (every 5 yrs)		
2021/22	Capay Fire Protection District	4/28/2016	2020/21		
	Clarksburg Fire Protection District				
	Dunnigan Fire Protection District				
	East Davis Fire Protection District				
	Elkhorn Fire Protection District				
	Esparto Fire Protection District				
	Knights Landing Fire Protection District				
	Madison Fire Protection District				
	No Man's Land Fire Protection District				
	Springlake Fire Protection District				
	West Plainfield Fire Protection District				
	Willow Oak Fire Protection District				
	Winters Fire Protection District				
	Yolo Fire Protection District				
Zamora Fire Protection District					
City of Winters	3/24/2016	2020/21			
Yolo Emergency Communications Agency ("YECA") JPA	4/25/2019	2023/24			
2022/23	Capay Cemetery District	7/27/2017	2021/22		
	Cottonwood Cemetery District				
	Knights Landing Cemetery District				
	Mary's Cemetery District				
	Winters Cemetery District				
	Davis Cemetery District				
	City of Woodland			12/6/2018	2022/23
	Yolo County Resource Conservation District			2/26/2015	2019/20
YC Public Agency Risk Mgmt. Insurance Authority ("YC PARMIA") JPA	2018/19 TBD				
Woodland-Davis Clean Water Agency JPA	n/a				
2023/24	Knights Landing Ridge Drainage District	2/22/2018	2022/23		
	Snowball County Service Area (repeat)				
	Reclamation District 108 (Colusa)				
	Reclamation District 150				
	Reclamation District 307				
	Reclamation District 537				
	Reclamation District 730				
	Reclamation District 765				
	Reclamation District 787				
	Reclamation District 900				
	Reclamation District 999				
	Reclamation District 1600				
	Reclamation District 2035				
	Reclamation District 2068 (Solano)				
Reclamation District 2093 (Solano)					
City of West Sacramento	3/23/2017	2021/22			
Sacramento - Yolo Port District	2018/19 TBD	2023/24			
WS Area Flood Control Agency ("West SAFCA") JPA	n/a				
2024/25	Cacheville Community Services District	1/28/2021	2024/25		
	Knights Landing Community Services District				
	Esparto Community Services District				
	Madison Community Services District				
	Dunnigan Water District			10/29/2020	
	Yolo County Flood Control & Water Conservation District			1/28/2021	
Yolo Subbasin Groundwater Authority JPA	1/28/2021				
2025/26	Wild Wings County Service Area	Est. 6/24/2021	2025/26		
	El Macero County Service Area				
	Willowbank County Service Area				
	North Davis Meadows County Service Area				
	Garcia Bend County Service Area				
	Dunnigan County Service Area				
	Snowball County Service Area				
	City of Davis			Est. 3/25/2021	
	Valley Clean Energy Alliance JPA			Est. 4/22/2021	
Yolo Habitat Conservancy JPA	Est. 5/27/2021				

Executive Officer Report 10.

LAFCO

Meeting Date: 05/27/2021

Information

SUBJECT

A report by the Executive Officer on recent events relevant to the Commission and an update of staff activity for the month. The Commission or any individual Commissioner may request that action be taken on any item listed.

- a. Long Range Planning Calendar
 - b. EO Activity Report - April 19 through May 21, 2021
 - c. CALAFCO Legislation Report
-

Attachments

ATT a-05.27.2021 Long Range Planning Calendar
ATT b-EO Activity Report Apr19-May21
ATT c-CALAFCO Legislative Tracking Report

Form Review

Form Started By: Terri Tuck
Final Approval Date: 05/06/2021

Started On: 05/06/2021 12:04 PM



Long Range Meeting Calendar – Tentative Items

May 27, 2021 LAFCo Meeting

Meeting Date	Tentative Agenda Items	Location
Jun 24, 2021	<ul style="list-style-type: none"> Contract for Auditor Services for last three LAFCo FYs Executive Officer Annual Performance Evaluation CALAFCO Award Nominations 	Zoom
Jul 22, 2021	<ul style="list-style-type: none"> MSR/SOI for the County Service Areas (CSAs) (LAFCo No. 21-04) Status update of MSR recommendations for Community Service Districts (CSDs) (Commission requested 6-month status report) 	Zoom
Sep 30, 2021	<ul style="list-style-type: none"> FY 20/21 Q4 Financial Update 	BOS Chambers?
Oct 28, 2021	<ul style="list-style-type: none"> FY 21/22 Q1 Financial Update 	BOS Chambers
Dec 9, 2021	<ul style="list-style-type: none"> Adopting LAFCo 2022 Meeting Calendar LAFCo Financial Audit of FYs 2019, 2020 and 2021 	BOS Chambers

New Proposals Received Since Last Meeting

Date Received	Proposal
	None

LAFCo EO Activity Report April 19 through May 21, 2021

Date	Meeting/Milestone	Comments
04/19/2021	Staff Meeting	Weekly Zoom meetings
04/19/2021	CALAFCO Executive Officer Meeting	Participated
04/19/2021	Meeting #1 w/FPD Stakeholders	YECA "Missed Calls" Report, Quarterly FPD Review and Accountability
04/22/2021	GoToWebinar by CA Forward: Affordable Home Ownership	Attended
04/22/2021	Shared Services – Committee on Capital Investments Meeting	Countywide Broadband Plan
04/22/2021	Meeting w/Alex Tengolics (YHC Executive Director)	Yolo Habitat Conservancy JPA Service Review
04/26/2021	Staff Meeting	Weekly Zoom meetings
04/26/2021	Meeting #2 w/FPD Stakeholders	YECA "Missed Calls" Report, Quarterly FPD Review and Accountability
04/28/2021	Fire Protection Sustainability Ad Hoc Committee Internal Meeting	Participated
04/30/2021	CALAFCO Board Meeting	Attended and took meeting minutes
04/30/2021	Meeting w/Daniel Kim (Interim CAO)	Robbins FPD response issues
05/03/2021	Staff Meeting	Weekly Zoom meetings
05/03/2021	Meeting #3 w/FPD Stakeholders	YECA "Missed Calls" Report, Quarterly FPD Review and Accountability
05/04/2021	Meeting w/Robbins FPD Stakeholders	Robbins FPD response issues
05/05/2021	Meeting w/Staff of the CAO	Knights Landing/Yolo/Robbins FPD Debrief
05/10/2021	Staff Meeting	Weekly Zoom meetings
05/12/2021	Meeting w/Olin Woods	LAFCo Agenda Review
05/14/2021	Webinar by Valley Vision/CETF/CA Forward – Getting Connected: A Broadband Deployment and Adoption Resource Guide for Local and Regional Government Leaders	Attended
05/17/2021	Meeting w/Elisa Sabatini (CAO) and Nicole Ortega-Jewell (MBK Engineers)	Knights Landing Hydraulic Basin Governance Study update
05/19/2021	ICMA Free Coaching Webinar - Leading from the Middle	Attended
05/19/2021	CALAFCO Awards Committee Meeting	Participated

CALAFCO Daily Legislative Report as of Wednesday, May 19, 2021

Item 10-ATT c

1

AB 339 (Lee D) Local government: open and public meetings.**Current Text:** Amended: 5/4/2021 [html](#) [pdf](#)**Introduced:** 1/28/2021**Last Amended:** 5/4/2021**Status:** 5/5/2021-Re-referred to Com. on APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/19/2021 9 a.m. - State Capitol, Assembly Chamber ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

Summary:

Would, until December 31, 2023, require all open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing least 250,000 people to include an opportunity for members of the public to attend via a telephonic option or an internet-based service option. The bill would require all open and public meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic or an internet-based service option, as provided.

Attachments:[AB 339 Fact Sheet](#)**Position:** Watch**Subject:** Other

CALAFCO Comments: This bill allows for continued remote participant in local (and state) hearings/meetings while adding requirements for both call-in and internet service based options for all public meetings; requires providing closed caption services; and requires agencies to provide language access services. The bill requires teleconferenced meetings to include an in-person public comment opportunity that creates a place where members of the public can gather at a designated site to give public comment (barring any in-person restrictions). Further, the bill requires the agenda and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency is a speaker.

The bill adds requirements for local agencies to employ a sufficient amount of qualified bilingual people to provide translation services during the meeting in the language of the non-English speaking person (consistent with all languages for which 5% of the population in the area governed by the local agency speak). The bill adds similar requirements for any state legislative body. All of these new requirements are unfunded mandates.

This bill is sponsored by the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

UPDATE AS OF 4/20/21 - The bill was significantly amended on 4-15-21. These amendments removed all state requirements as noted above. Further, they require public participation by phone or internet (with video/audio), and allow agencies to create a registration process for public comments so long as people can register to speak via phone and in person.

The amendments remove the blanket requirement to translate the agenda and meeting access information and makes those an on-request requirements. The amendments also remove the blanket requirement for agencies to have sufficient qualified bilingual translators during meetings and changes that requirement to on-request, and requires agencies to make public the process to make such a request.

All requirements remain unfunded mandates.

UPDATE: Amended on 5-4-21 as a result of the ALGC hearing, this version of the bill now:

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- Limits the bill’s applicability to the meetings of city councils and county boards of supervisors only, the jurisdictions of which contain a population of at least 250,000 people;
- Requires public access via telephone OR internet (not both);
- Removes language requiring two-way operability for internet;
- Removes all language translation requirements;
- Removes language allowing local agencies to require members of the public to register in order to provide public comment;
- Removes language allowing teleconferencing to be used by members of the legislative body (to avoid inadvertently precluding the use of teleconferencing by the public);
- Refines language referring to “all meetings” to state “all open and public meetings” (to ensure closed sessions are not subject to the provisions of the bill);
- Restores current law allowing public comment before an agenda item is taken up; and,
- Adds a sunset date of December 31, 2023.

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

Current Text: Amended: 5/10/2021 [html](#) [pdf](#)

Introduced: 2/1/2021

Last Amended: 5/10/2021

Status: 5/18/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

Summary:

Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state of emergency or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body determines, by majority vote, that meeting in person would present imminent risks to the health or safety of attendees.

Attachments:

[AB 361 Fact Sheet](#)

Position: Watch

Subject: Brown Act

CALAFCO Comments: Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that certain requirements are met (noticing, public access, etc.). This bill allows a local agency to conduct meetings using teleconference methods without complying with certain teleconferencing requirements if they are meeting for the purposes of declaring or ratifying a local emergency, during a declared state or local emergency (as defined in statute), when state or local health officials have imposed or recommended certain measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.

The legislative body must give notice of the meeting and post agendas to allow members of the public to access the meeting and address the legislative body, offer public comment, and protect rights of the parties and public appearing before the legislative body. The bill also rescinds the requirement that at least a quorum of the body must meet within the jurisdictional boundaries of the agency under these circumstances when meeting via telecon.

UPDATE: As amended on 4/6/21, the bill now specifies that the new statute can be applied if meeting in person presents imminent risk to the health & safety of attendees; Requires the agenda to provide opportunity for anyone to attend via call-in or internet option; should there be a service disruption that prevents remote public participation, the agency must take no further action on any agenda item until service is restored; the agency cannot require submittal of public comments in advance of the meeting; and requires the legislative body, every 30 days after the initial declaration of emergency, should the emergency remain active, to make certain findings that the emergency still exists and prevents in-person meetings.

UPDATE: As amended on 5-10-21, the amendments tighten restrictions for in-person meetings to only the determination that meeting in person presents imminent risk to the health and safety of attendees (removing the option to consider if attendance by one of more members of the legislative body is hindered).

This bill is sponsored by the CA Special Districts Association (CSDA). The bill is not marked fiscal. A fact sheet is posted in the tracking section of the bill.

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

Current Text: Amended: 4/29/2021 [html](#) [pdf](#)

Introduced: 2/16/2021

Last Amended: 4/29/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 2/25/2021)(May be acted upon Jan 2021)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the notice requirements particular to teleconferencing and would revise the requirements of the act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction.

Position: Watch

Subject: Brown Act

CALAFCO Comments: As amended on 4/29/21, the bill requires local agencies to allow for public participation during meetings of the legislative body both at in-person and via a call-in or internet-based option. It further requires that if the agency holds a teleconference meeting, at least a quorum of the governing body shall participate in person from a single location which shall be open to the public (and located within the boundaries of the jurisdiction).

Despite these requirements, the bill is not marked fiscal. Further, it applies only to local agencies, not state agencies.

The bill is sponsored by Three Valleys Municipal Water Agency.

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

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 3/9/2021

Last Amended: 4/19/2021

Status: 5/13/2021-Read third time. Passed. Ordered to the Senate. (Ayes 75. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

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. Current 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. Current law requires, when a proposed change of organization or reorganization applies to 2 or more affected counties, that exclusive jurisdiction vest in the commission of the principal county, unless certain things occur. This bill would add the determination of a sphere of influence to the types of proposed changes for which exclusive jurisdiction may or may not vest in a principal county.

Attachments:

[LAFCo Support letter template](#)

[CALAFCO Support letter](#)

Position: Sponsor

Subject: CKH General Procedures

CALAFCO Comments: This is the annual ALGC Omnibus bill which CALAFCO sponsors. Sections amended are: 56133(a) and (f); 56325.1 (renumbered to 56331.4); 56427; and 56879(a).

As amended on 4/19, additional sections amended include 56066, 56123, 56124, 56375. Further the bill repeals sections 56375.2, 56387, 56388, 56747, 56760, 57001.1, 57075.5, 57202.1 and 57383.

SB 810 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/23/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 5/13/2021-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the First Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

SB 811 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/23/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 5/13/2021-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the Second Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

SB 812 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/23/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Status: 5/13/2021-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the Third Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support Letter March 2021](#)

Position: Support

Subject: Other

CALAFCO Comments: These are the annual validating Acts.

AB 1195 (Garcia, Cristina D) Drinking water.

Current Text: Amended: 4/6/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 4/6/2021

Status: 4/29/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1.) (April 28). Re-referred to Com. on APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/19/2021 9 a.m. - State Capitol, Assembly Chamber ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

Summary:

Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would prohibit, once an operator of a public water system exercises water rights for the benefit of the public water system, those surface water rights or groundwater rights from being severed or otherwise separated from the public water system.

Attachments:

[AB 1195 Fact Sheet](#)

Position: Watch With Concerns

Subject: Water

CALAFCO Comments: As amended on 4-6-21, the bill was gut and amended and now creates the So LA County Human Rights to Water Collaboration Act. It requires the Water Board to appoint a commissioner to implement the Safe & Affordable Funding for Equity & Resilience Program and gives the commissioner certain authorities (although they are not clearly spelled out). It requires the commissioner by 12-31-24 to submit to the Water Board a plan for the long-term sustainability of public water systems in southern LA County and prescribes what shall be included in the plan. The bill also creates a technical advisory board and requires the commissioner to oversee the Central Basin Municipal Water District.

In its current form the bill creates numerous concerns. CALAFCO's letter of concern is posted in the tracking section of the bill, and includes: (1) Focus of the bill is very broad as is the focus of the commissioner; (2) In an attempt to prevent privatization of water systems there is language regarding severing water rights. That language could be problematic should a consolidation be ordered; (3) Diminishing local control that is being invested in the state (an ongoing concern since SB 88); (4) A clear distinction needs to be made between an Administrator and Commissioner; (5) The poorly written section on the technical advisory board; and (6) The lack of LAFCo involvement in any consolidation process.

CALAFCO will continue to work with LA LAFCo, the author's office and other stakeholders on the bill.

The bill is author-sponsored and we understand there is currently no funding source. A fact sheet is posted in the tracking section of the bill. CALAFCO's letter of concern is also posted there.

[AB 1250](#) (Calderon D) Water and sewer system corporations: consolidation of service.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 5/5/2021-In committee: Set, first hearing. Referred to APPR. suspense file.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/20/2021 Upon adjournment of Session - State Capitol, Assembly Chamber ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

Summary:

The California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system.

The bill would require the commission to approve or deny the application within 8 months, except as provided.

Attachments:

[AB 1250 Fact Sheet 2021](#)

Position: Watch

Subject: Municipal Services, Water

CALAFCO Comments: The intent of the bill is to prescribe response timelines for the PUC in terms of processing consolidations. This bill creates the Consolidation for Safe Drinking Water Act of 2021. The bill allows a water or sewer corp to file an application with the Public Utilities Commission (PUC) to approval to consolidate with a public or state small system. The bill requires the PUC to act on the application within 8 months of receipt. If a consolidation is valued at \$5 million or less, the water or sewer corp can file an advise letter and get the PUC approval via resolution. In this instance, the PUC has 120 days to act on the request. The bill also give the PUC authority to designate a different procedure to request consolidation for systems valued less than \$5M.

The bill requires the PUC to prioritize consolidation requests based on compliance records and requires the entity requesting consolidation to conduct a thorough public process.

The bill is sponsored by the California Water Association and does not have an impact on LAFCos. Nevertheless, CALAFCO will keep a watch on the bill. A fact sheet is posted in the tracking section of the bill.

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

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/4/2021)(May be acted upon Jan 2021)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on the severity of fire hazard that is expected to prevail in those areas, as specified, and requires each local agency to designate, by ordinance, the very high fire hazard severity zones in its jurisdiction. Current law additionally requires the director to classify lands within state responsibility areas into fire hazard severity zones. This bill, beginning on or after January 1, 2022, would prohibit the legislative body of a city or county from entering into a residential development agreement for property located in a very high fire risk area. The bill would define "very high fire risk area" for these purposes to mean a very high fire hazard severity zone designated by a local agency or a fire hazard severity zone classified by the director.

Attachments:

[AB 1295 Fact Sheet](#)

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: This bill prohibits a city or county from entering into a residential development agreement for property located within a very high fire risk area as of 1-1-2022.

This bill appears similar to SB 55 (Stern) except: (1) This bill explicitly calls out residential development, whereas SB 55 addresses new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone; and (2) SB 55 adds a state responsibility area.

The bill is not marked fiscal. This is an author-sponsored bill and a fact sheet is posted in the tracking section of the bill.

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

Current Text: Amended: 4/5/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 4/5/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/3/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
											126

1st House	2nd House	Conc.			
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Summary:

Would, in furtherance of specified state housing production, sustainability communities strategies, greenhouse gas reduction, and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area unless there is substantial evidence that the local agency has adopted a comprehensive, necessary, and appropriate wildfire prevention and community hardening strategy to mitigate significant risks of loss, injury, or death, as specified. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.

Attachments:

[SB 55 Fact Sheet](#)

Position: Watch

Subject: Growth Management, Planning

CALAFCO Comments: This bill prohibits the creation or approval of a new development (housing, commercial, retail or industrial) in a very high fire hazard severity zone or a state responsibility area. The bill is author-sponsored and imposes unfunded mandates. A fact sheet is posted in the tracking section of the bill.

As amended on 4/5/21, the bill removes the "blanket approach" to prohibiting development as noted above by adding specificity. The bill prohibits development in either of the areas noted above unless there is substantial evidence that the local agency has adopted a comprehensive, necessary and appropriate wildfire preventions and community hardening strategy to mitigate significant risks of loss, injury or death as specified in the bill. Additionally, the bill provides a qualifying developer a supplemental height bonus and a supplemental density bonus, as specified, if the development is located on a site that meets certain criteria, including, among others, not being located in a moderate, high, or very high fire hazard severity zone, as specified. These requirements are unfunded mandates.

This bill appears similar to AB 1295 (Muratsuchi) except this bill appears to be broader in scope in terms of the type of development prohibited and includes a state responsibility area, whereas AB 1295 only addresses residential development in a very high fire risk area.

[SB 403](#) ([Gonzalez D](#)) **Drinking water: consolidation.**

Current Text: Amended: 4/27/2021 [html](#) [pdf](#)

Introduced: 2/12/2021

Last Amended: 4/27/2021

Status: 5/11/2021-Read second time. Ordered to third reading.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

Calendar:

5/20/2021 #26 SENATE SENATE BILLS -THIRD READING FILE

Summary:

The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would authorize the state board to also order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined.

Attachments:

[CALAFCO Oppose Unless Amended Letter April 2021](#)

[SB 403 Fact Sheet 2021](#)

Position: Oppose unless amended

Subject: Disadvantaged Communities, Water

CALAFCO Comments: Current law (Health & Safety Code Section 116682) authorizes the State Water Resources Control Board (Board) to order consolidation (physical or operational) of a public water system or state small water system serving a disadvantaged community that consistently fails to provide an adequate supply of safe drinking water, or a disadvantaged community (in whole or part) that is substantially reliant on domestic wells that consistently fail to provide an adequate

supply of safe drinking water. This bill would add to that a water system or domestic well(s) that are at risk of failing to provide an adequate supply of safe drinking water, as determined by the Board. The bill also requires the Board, before ordering consolidation, to conduct outreach to ratepayers and residents served by the at-risk system and to consider any petition submitted by members of a disadvantaged community being served by the at-risk system.

There appears to be several problems with this bill: (1) The bill does not define "at risk" and there is no definition of "at risk" currently in H&S Code Sec. 116681; (2) There is a lack of consultation with GSAs by the State Board when considering ordering consolidation or extension of service; (3) There is no requirement or even consideration for annexation upon extension of service; and (4) there does not appear to be a limitation of the number of connections or the extent to which the system can be extended.

The bill is co-sponsored by the Leadership Counsel for Justice and Accountability, Clean Water Action and Community Water Center. A fact sheet is posted in the tracking section of the bill. CALAFCO's position letter is also posted there.

Specific to SB 403, we requested 3 amendments: (1) Define "at risk"; (2) Add a requirement for the SWRCB to consult with GSAs when considering a domestic well consolidation; and (3) Put a cap on the number of users to be added by the subsuming system or the extent to which the service is being extended. Additionally, CALAFCO recommended a comprehensive review of the current mandatory consolidation process citing a host of issues the current process creates.

UPDATE: As amended on 4/27/21, the bill now defines "at risk system" and "at risk domestic well"; creates an appeal process for potentially subsumed water systems; requires inspection or testing of wells to determine "at risk" status; and allows the Board to prioritize systems historically overburdened by pollution and industrial development or other environmental justice concerns. It also puts a cap of 3,300 or fewer connections on systems that can be subsumed. These amendments address 2 of our 3 requested amendments. We will continue to work with the author on requiring the SWRCB to consult with GSAs on wells.

3

AB 11 (Ward D) Climate change: regional climate change authorities.

Current Text: Amended: 1/21/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amended: 1/21/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 1/11/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.

Attachments:

[AB 11 Fact Sheet](#)

Position: Watch

Subject: Other

CALAFCO Comments: As amended on 1/21/21, this bill authorizes/requires the Strategic Growth Council (SGC) to establish up to 12 regional climate change authorities by January 1, 2023, to include local agencies and regional stakeholders. The SGC is required to adopt guidelines that: (1) Define the authority; (2) Include guidelines for establishing an authority via a stakeholder-driven process; (3) Consult with OPR (and other state authorities) in development of the guidelines and award annual grants to authorities.

The bill outlines the regional climate change authorities in summary as: coordination, capacity-building, and technical assistance activities within their boundaries, promote regional alignment and assist local agencies in creating and implementing plans developed pursuant to Section 65302 of the Government Code, other federal or state mandates, and programs designed address climate change impacts and risks. The bill also requires the authority to submit annual reports to the SGC,

with the scope of the report outlined in the bill.

This is an author-sponsored bill. There is no appropriation to fund the cost of the program. A fact sheet is posted in the tracking section of the bill.

UPDATE 3/17/21: CALAFCO learned from the author's office they do not intend to move the bill forward, but instead work with Assm. Mullin on AB 897 and merge the two bills.

[AB 473](#) (Chau D) California Public Records Act.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Status: 4/21/2021-In committee: Set, first hearing. Referred to APPR. suspense file.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/20/2021 Upon adjournment of Session - State Capitol, Assembly Chamber
ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

Summary:

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2138 from 2020 that did not move forward. According to the author's office, this bill and AB 474 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

[AB 474](#) (Chau D) California Public Records Act: conforming revisions.

Current Text: Introduced: 2/8/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Status: 4/21/2021-In committee: Set, first hearing. Referred to APPR. suspense file.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/20/2021 Upon adjournment of Session - State Capitol, Assembly Chamber
ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

Summary:

Would enact various conforming and technical changes related to another bill that recodifies and reorganizes the California Public Records Act. The bill would only become operative if the related bill recodifying the act is enacted and becomes operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: This bill is a redo of AB 2438 from 2020 that did not move forward. According to the author's office, this bill and AB 473 are part of recommendations from the California Law Revision Commissions to reorganize and restructure the CPRA based on a request by the legislature for them to do that. CALAFCO will keep watch on the bill to ensure there are no substantive changes to the PRA.

[AB 897](#) (Mullin D) Office of Planning and Research: regional climate networks: climate adaptation action plans.

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 4/19/2021

Status: 5/12/2021-In committee: Set, first hearing. Referred to APPR. suspense file.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/20/2021 Upon adjournment of Session - State Capitol, Assembly Chamber
ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

Summary:

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office to encourage the inclusion of agencies with land use planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

Attachments:

[AB 897 Fact Sheet](#)

Position: Watch

Subject: Climate Change

CALAFCO Comments: As introduced, the bill builds on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region.

As amended, the bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. The bill outlines the authority of a regional climate network, and defines eligible entities. Prior versions of the bill kept the definition as rather generic and with each amended version gets more specific. As a result, CALAFCO has requested the author add LAFCOs explicitly to the list of entities eligible to participate in these regional climate networks.

As amended on 4/7, AB 11 (Ward) was joined with this bill - specifically found in 71136 in the Public Resources Code as noted in the amended bill. Other amendments include requiring OPR to, before 7-1-22, establish geographic boundaries for regional climate networks and prescribes requirements in doing so.

This is an author-sponsored bill. The bill necessitates additional resources from the state to carry out the additional work required of OPR (there is no current budget appropriation). A fact sheet is posted in the tracking section of the bill.

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

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 4/19/2021

Status: 5/11/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to develop and conduct the Los Medanos Area Health Plan Grant Program focused on comprehensive health-related services in the district's territory. The bill would require the county to complete a property tax transfer process to ensure the transfer of the district's health-related ad valorem property tax revenues to the county for the sole purpose of funding the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as specified, the bill would impose a state-mandated local program.

Position: Watch

CALAFCO Comments: This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

The amendment on 4/5/21 was just to correct a typo in the bill.

As amended on 4/19/21, the bill specifies monies received by the county as part of the property tax transfer shall be used specifically to fund the Los Medanos Area Health Plan Grant Program within the district's territory. It further adds a clause that any new or existing profits shall be used solely for the purpose of the grant program within the district's territory.

AB 959 (Mullin D) Park districts: ordinances: nuisances: abatement.

Current Text: Amended: 5/10/2021 [html](#) [pdf](#)

Introduced: 2/17/2021

Last Amended: 5/10/2021

Status: 5/11/2021-Read second time. Ordered to third reading.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

Calendar:

5/20/2021 #55 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary:

Current law prescribes procedures, including the election of a board of directors, for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes a city legislative body to declare what constitutes a nuisance. Current law authorizes the legislative body of a city, county, or city and county to provide for the summary abatement of any nuisance resulting from the defacement of the property of another by graffiti or other inscribed material, at the expense of the minor or other person creating, causing, or committing the nuisance, and, by ordinance, authorizes the legislative body to make the expense of abatement of the nuisance a lien against property of the minor or other person and a personal obligation against the minor or other person. This bill would authorize the board of directors of a district to declare what constitutes a nuisance, as provided. The bill would, among other things, authorize a district to exercise the authority granted to a city, as described above, for purposes of abating a nuisance, as provided.

Attachments:

[AB 959 Fact Sheet](#)

Position: Watch

CALAFCO Comments: As introduced, this bill gives authority to independent regional park & open space districts governed by PRC 5500 to: (1) Declare by ordinance what constitutes a public nuisance; (2) Abate those public nuisances by either administrative or civil actions; and (3) Ability to recover costs incurred in abating the public nuisance, including attorneys' fees. There are 4 of these independent special districts: (1) Midpeninsula Regional Open Space District; (2) East Bay Regional Park District; (3) Monterey Peninsula Regional Park District; and (4) Napa County Regional Park and Open Space District. A fact sheet is posted in the tracking section of the bill.

UPDATE: As amended on 5-10-21, the bill requires the district Board to adopt an ordinance declaring what constitutes a nuisance. It authorizes the district to initiate civil action and recover damages.

AB 975 (Rivas, Luz D) Political Reform Act of 1974: statement of economic interests and gifts.

Current Text: Amended: 5/18/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 5/18/2021

Status: 5/18/2021-Read second time and amended. Ordered returned to second reading.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

Calendar:

5/20/2021 #1 ASSEMBLY SECOND READING FILE -- ASSEMBLY BILLS

Summary:

The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing

certain information regarding income, investments, and other financial data. The Fair Political Practices Commission is the filing officer for statewide elected officers and candidates and other specified public officials. If the Commission is the filing officer, the public official generally files with their agency or another person or entity, who then makes a copy and files the original with the Commission. This bill would revise and recast these filing requirements to make various changes, including requiring public officials and candidates for whom the Commission is the filing officer to file their original statements of economic interests electronically with the Commission.

Position: Watch

Subject: FPPC

CALAFCO Comments: As introduced, this bill makes two notable changes to the current requirements of gift notification and reporting: (1) It increases the period for public officials to reimburse, in full or part, the value of attending an invitation-only event, for purposes of the gift rules, from 30 days from receipt to 30 days following the calendar quarter in which the gift was received; and (2) It reduces the gift notification period for lobbyist employers from 30 days after the end of the calendar quarter in which the gift was provided to 15 days after the calendar quarter. Further it requires the FPPC to have an online filing system and to redact contact information of filers before posting.

The amendment on 4/21/21 just corrects wording (technical, non-substantive change).

AB 1021 (Mayes I) Imperial Irrigation District.

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 4/19/2021

Status: 5/5/2021-In committee: Set, first hearing. Referred to APPR. suspense file.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

5/20/2021 Upon adjournment of Session - State Capitol, Assembly Chamber
ASSEMBLY APPROPRIATIONS, GONZALEZ, LORENA, Chair

Summary:

Would require the commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet websites a joint study of voting rights in the Imperial Irrigation District, options for providing electricity in the Imperial Irrigation District, and options for alternative governance structures for the Imperial Irrigation District board of directors, as specified. The bill would make the joint study contingent upon funding by the Legislature and would require the study to be published no later than 18 months after receipt of funds from the Legislature.

Position: Watch

Subject: Special Districts Governance

CALAFCO Comments: As amended on 3/18/21, the bill focuses on the Imperial Irrigation District. The bill requires Imperial and Riverside LAFcos to conduct a special study of voting rights and options for providing electricity in the district area should the district decide it no longer desires to provide that serve, to be completed by December 31, 2022, as an unfunded mandate. The bill also requires membership of the district board to increase from 5 to 8 members, with the additional 3 members residing in Riverside County in the area being serviced by the district and appointed by the County Supervisor of that County district. The three new members will be non-voting members.

CALAFCO met with the author's staff on March 18 to discuss concerns on the bill, with input from Riverside and Imperial LAFcos (who will meet with the author's office as well). Concerns include: (1) The unfunded mandate and timing of the study; (2) As representation in the Riverside County service area is the issue, governance structure should also be a part of the study; (3) Section 21562.6 of the Water Code as added is far too vague. CALAFCO offered specific suggestions for clarification in this section.

This bill is similar to AB 854 (2019), which died in Appropriations. CALAFCO had a Watch position on that bill as the two member LAFcos had opposing positions, and this is a local matter. However, there is concern about requiring a study without funding (the last time the Legislature mandated a special study on a district it required the study be funded by the district).

The bill is author-sponsored and as of now there is no budget appropriation to cover cost.

UPDATE AS OF 4/21/21 - As amended on 4/19/21, the bill makes substantive changes including: (1) Requires state funding for the study and prescribes an 18-month timeline for completion upon receipt of funds; (2) Adds study content of options for governance structure of the district; (3) Changes the number from 3 to 1 of nonvoting board members appointed to the district Board; and (4) Specifies requirements for the appointment.

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

Current Text: Amended: 4/20/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 4/20/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/18/2021)(May be acted upon Jan 2021)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law creates a city selection committee in each county that consists of 2 or more incorporated cities for the purpose of appointing city representatives to boards, commissions, and agencies. Under current law, a quorum for a city selection committee requires a majority of the number of the incorporated cities within the county entitled to representation on the city selection committee. Current law requires a city selection committee meeting to be postponed or adjourned to a subsequent time and place whenever a quorum is not present at the meeting. This bill, for the city selection committee in the County of Los Angeles, would reduce the quorum requirement to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to items that appeared on the immediately preceding agenda where a quorum was not established.

Attachments:

[CALAFCO Removal of Opposition Letter April 2021](#)

[CALAFCO Oppose Unless Amended April 2021](#)

Position: Watch

Subject: Other

CALAFCO Comments: As amended on 3/18/21, the bill reduces the quorum requirement for a city selection committee to 1/3 of all member cities within the county for a meeting that was postponed to a subsequent time and place because a quorum was not present, as long as the agenda is limited to replicate the meeting for which a quorum was not established. The bill also authorizes a city selection committee to conduct their meetings be teleconference and electronic means.

The bill is sponsored by the Las Virgenes-Malibu Council of Governments.

CALAFCO's letter of Oppose Unless Amended is posted in the bill detail area.

UPDATE AS OF 4/21/21 - As amended on 4/20/21, the scope of the bill is significantly narrowed to apply only to the County of Los Angeles' City Selection Committee. This amendment resolves CALAFCO's concerns and we have removed our opposition and will retain a Watch position. CALAFCO's letter of opposition removal is posted in the bill detail area.

UPDATE: The bill failed to move out of committee so it is now a 2-year bill.

AB 1246 (Nguyen R) Community services districts.

Current Text: Introduced: 2/19/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/19/2021)(May be acted upon Jan 2021)

2 year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law, the Community Services District Law, authorizes the formation of community services districts for various specified purposes, including supplying water, treating sewage, disposing of solid waste, and providing fire protection. The law specifies its relation and effect on certain districts organized pursuant to former laws and to actions taken by them, among other things. This bill would make nonsubstantive changes to those provisions.

Position: Watch**CALAFCO Comments:** This is a spot bill.**SB 10 (Wiener D) Planning and zoning: housing development: density.****Current Text:** Amended: 4/27/2021 [html](#) [pdf](#)**Introduced:** 12/7/2020**Last Amended:** 4/27/2021**Status:** 5/14/2021-Set for hearing May 20.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:5/20/2021 Upon adjournment of Session - Senate Chamber
SENATE APPROPRIATIONS, PORTANTINO, Chair**Summary:**

Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act.

Position: Watch**Subject:** Housing

CALAFCO Comments: While not directly affecting LAFcos, the requirements in the bill are of interest. As amended on 4/13/21, the bill authorizes a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined in the bill. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these provisions, and any resolution adopted to amend the jurisdiction's General Plan Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is exempt from CEQA. The bill imposes specified requirements on a zoning ordinance adopted under these provisions. The bill would prohibit a legislative body that adopts a zoning ordinance pursuant to these provisions from subsequently reducing the density of any parcel subject to the ordinance and makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts a use or density authorized by an ordinance adopted pursuant to the provisions in the bill.

UPDATE: The amendment of 4/27/21 amends 65913.5(a)(3) to remove exemption of parcels excluded from specified hazard zones by a local agency pursuant to 51179(b).

SB 13 (Dodd D) Local agency services: contracts: Counties of Napa and San Bernardino.**Current Text:** Amended: 5/11/2021 [html](#) [pdf](#)**Introduced:** 12/7/2020**Last Amended:** 5/11/2021**Status:** 5/17/2021-Read third time. Urgency clause adopted. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Current law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their

participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021. This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025, deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require the contents of that report to include how many requests for extension of services were received under these provisions.

Attachments:

[CALAFCO Oppose Unless Amended letter May 2021](#)

Position: Oppose unless amended

Subject: CKH General Procedures

CALAFCO Comments: This bill is the same as SB 799 from 2020 and seeks to re-establish and continue the pilot program for five more years. The program ended as of January 1, 2021 but due to the pandemic, SB 799 from 2020 to extend the sunset was not moved forward in the legislature.

UPDATE: As amended on 4/29/21, the bill now adds 56133.6 which seeks to address several projects in the City of St. Helena, and resolve a current law suit between the winery and the city. The amendments authorize Napa LAFCo to consider new or extended service by the city to specific parcels with certain conditions. The bill requires the Napa LAFCo make certain determinations if approving, include any decision in their required report to the Legislature and has a sunset of 1-1-26.

CALAFCO has made a request for several technical amendments to the version dated 4-29-21, and has concern this addition strays too far from the original intent of the pilot program. Requested amendments on the table now include: (1) Rewording of both sections 56133.5(a)(2) and 56133.6(a)(3) to explicitly state both (A) and (B) are required; (2) Reword the new addition to 56133.5(d) so that it does not presume Napa LAFCo will authorize the new or extension of service; and (3) Rewrite 56133.6(a)(1) to clarify that (A) must apply to both (B) and (C).

As amended on 5-11-21, all requested technical amendments were made, however the intent of the pilot program has changed with the addition of 56133.6 and Napa LAFCo's ability to approve extension of service for parcels that do not meet the pilot program's requirement of planned use as defined in 56133.5. For this reason, CALAFCO is opposed unless amended, requesting the removal of 56133.6. Our letter is in the bill detail section.

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

Current Text: Introduced: 12/21/2020 [html](#) [pdf](#)

Introduced: 12/21/2020

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 1/28/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding existing law, would provide that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District, as specified. The bill would require the designations of voters and authority of legal representatives to be filed with the El Dorado County elections official and the secretary of the Fallen Leaf Lake Community Services District and maintained with the list of qualified voters of the district. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Special Districts Governance

CALAFCO Comments: This bill is the same as SB 1180 from 2020 which did not move through the legislature. It is a local El Dorado County/district bill. This bill does several things. (1) Provides that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services. (2) The bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on their

behalf, regardless of the number of parcels in the district owned by the nonresident voter. (3) This bill would prohibit the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection and medical services, including emergency response and services, as well as parks and recreation services and facilities.

SB 261 (Allen D) Regional transportation plans: sustainable communities strategies.

Current Text: Introduced: 1/27/2021 [html](#) [pdf](#)

Introduced: 1/27/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/15/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires that each regional transportation plan include a sustainable communities strategy developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 established by the State Air Resources Board. This bill would require that the sustainable communities strategy be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the board. The bill would make various conforming changes to integrate those additional targets into regional transportation plans.

Position: Watch

Subject: Sustainable Community Plans

CALAFCO Comments: CALAFCO is currently reviewing the bill.

SB 273 (Hertzberg D) Water quality: municipal wastewater agencies.

Current Text: Introduced: 1/29/2021 [html](#) [pdf](#)

Introduced: 1/29/2021

Status: 5/13/2021-Referred to Coms. on L. GOV. and E.S. & T.M.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.

Attachments:

[SB 273 Fact Sheet](#)

Position: Support

Subject: Municipal Services

CALAFCO Comments: This bill is a redo of SB 1052 from 2020 that was not moved forward because of the pandemic. This bill adds authority to municipal wastewater agencies as outlined in 13911(a) and (b) relating to stormwater runoff and management. The bill authorizes this additional authority while keeping the LAFCo process to activate these latent powers intact.

CALAFCO is requesting an amendment to add a requirement that upon entering into the agreement, the agency has 30 days to file a copy of that agreement or amended agreement with the LAFCo.

The bills is sponsored by the CA Assn of Sanitation Agencies. A fact sheet is posted in the tracking section of the bill.

SB 274 (Wieckowski D) Local government meetings: agenda and documents.

Current Text: Amended: 4/5/2021 [html](#) [pdf](#)

Introduced: 1/29/2021**Last Amended:** 4/5/2021**Status:** 5/13/2021-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

Attachments:[CALAFCO Support SB 274 \(3-15-21\)](#)[SB 274 Fact Sheet](#)**Position:** Support**Subject:** Public Records Act

CALAFCO Comments: This bill is a modified redo of SB 931 from 2020 that did not move forward because of the pandemic. This bill updates the Government Code to require a public agency to email the agenda or agenda items to anyone who requests it or the link to the website where the documents can be accessed (current law requires the mailing of such documents upon request, this bill adds the option to email if requested). A fact sheet is posted in the tracking section of the bill.

The amendment on 4/5/21 was to correct a typo reflecting the authority to email information.

[SB 475](#) (Cortese D) Transportation planning: sustainable communities strategies.**Current Text:** Amended: 3/10/2021 [html](#) [pdf](#)**Introduced:** 2/17/2021**Last Amended:** 3/10/2021**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/26/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the State Air Resources Board, on or before June 30, 2023, and in coordination with the California Transportation Commission and the Department of Housing and Community Development, to issue new guidelines on sustainable communities strategies and require these guidelines to be updated thereafter at least every 4 years. The bill would delete the provisions related to the Regional Targets Advisory Committee and instead require the State Air Resources Board to appoint, on or before January 31, 2022, the State-Regional Collaborative for Climate, Equity, and Resilience, consisting of representatives of various entities. The bill would require the State-Regional Collaborative for Climate, Equity, and Resilience to develop a quantitative tool for metropolitan planning organizations to use to evaluate a transportation plan's consistency with long-range greenhouse gas emission reduction targets and recommend guidelines for metropolitan planning organizations to use when crafting long-range strategies that integrate state goals related to climate resilience and social equity.

Position: Watch**Subject:** Sustainable Community Plans**[SB 499](#) (Leyva D) General plan: land use element: uses adversely impacting health outcomes.****Current Text:** Introduced: 2/17/2021 [html](#) [pdf](#)**Introduced:** 2/17/2021**Status:** 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 2/25/2021)(May be acted upon Jan 2022)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							137

Summary:

Would prohibit the land use element from designating land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes in disadvantaged communities to be located, or to materially expand, within or adjacent to a disadvantaged community or a racially and ethnically concentrated area of poverty. By expanding the duties of cities and counties in the administration of their land use planning duties, the bill would impose a state-mandated local program.

Attachments:

[SB 499 Fact Sheet](#)

Position: Watch

Subject: Disadvantaged Communities

CALAFCO Comments: As introduced, this bill would prohibit the land use element of a general plan from designating or expanding land uses that have the potential to significantly degrade local air, water, or soil quality or to adversely impact health outcomes within or adjacent to disadvantaged communities (DACs) or a racially and ethnically concentrated area of poverty.

The sponsor of this bill is the Leadership Counsel for Justice and Accountability. A fact sheet is posted in the tracking section of the bill.

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

Current Text: Amended: 3/4/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amended: 3/4/2021

Status: 5/13/2021-Referred to Coms. on AGRI. and L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

Summary:

Under the California Land Conservation Act of 1965, the board of supervisors or city council may grant tentative approval for a cancellation by petition of a landowner as to all or any part of land subject to a contract, as specified. Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor is required to determine the current fair market value of the land as though it were free of the contractual restriction, and requires the assessor to send the fair market value to the Department of Conservation, hereafter department, at the same time the assessor sends the value to the landowner. Current law provides for a certificate of tentative cancellation upon tentative approval of a petition by a landowner accompanied by a proposal for a specified alternative use of the land, as provided. Current law requires the board of supervisors or city council to provide notice to the department related to cancellation of the contract as well as in other specified instances. This bill would revise and recast these provisions to no longer require the assessor to provide notice to the department and to require the board of supervisors or city council to provide notice to the department if the certificate of tentative cancellation is withdrawn, as specified.

Position: Watch

CALAFCO Comments: This bill narrows the role of Department of Conservation (DOC) in administering the Williamson Act. It does not change other provisions in the Act except for lessening reporting requirements by local governments to the DOC. The bill repeals the ability of the DOC to agree on a cancellation value for contracted land with a landowner, along with the requirement that the department provide a preliminary valuation to the applicable assessor, and repeals the requirement that the DOC approve cancellation of a farmland security contract. The bill also repeals and narrows reporting requirements by requiring the DOC to post all local government reports on Williamson Act lands/contracts on its website rather than create a report and submit to the Legislature. The bill also repeals certain reporting requirements by local governments (cities and counties) to the DOC regarding Williamson Act contracts.

As amended on 3/4/21, the bill requires cities/counties to file annual maps on Act lands; and removes the requirement for state approval for the amount of security to be paid when paying cancellation fee.

CALAFCO will continue to watch this bill to ensure no detrimental changes are made to the Act through future amendments.

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

Current Text: Amended: 4/12/2021 [html](#) [pdf](#)

Introduced: 2/23/2021

Last Amended: 4/12/2021

Status: 5/13/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law requires the officer of each local agency, who has charge of the financial records of the local agency, to furnish to the Controller a report of all the financial transactions of the local agency during the preceding fiscal year within 7 months of the close of each fiscal year in a form required by the Controller. Current law requires the report to include, among other things, the annual compensation of a local agency’s elected officials, officers, and employees, as specified. This bill would specify that the reports shall be furnished at the time prescribed by the Controller and would revise the amount of time in which the report is required to be furnished to either 7 months or within the time prescribed by the Controller, whichever is later

Position: Watch

CALAFCO Comments: This is the annual Senate Governance & Finance Committee Omnibus bill.

Total Measures: 32

Total Tracking Forms: 32

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