



**LOCAL AGENCY FORMATION COMMISSION
OF SANTA CRUZ COUNTY**

701 Ocean Street, #318-D
Santa Cruz, CA 95060
Phone Number: (831) 454-2055
Website: www.santacruzlafco.org
Email: info@santacruzlafco.org

REGULAR MEETING AGENDA

Wednesday, March 2, 2022 at 9:00am

(Meeting will be conducted using Zoom Webinar)

Attend Meeting by Internet: <https://us02web.zoom.us/j/84733692745>
(Password 257512)

Attend Meeting by Conference Call: **Dial 1-669-900-6833 or 1-253-215-8782**
(Webinar ID: 847 3369 2745)

TELECONFERENCE MEETING PROCESS

Based on guidance from the California Department of Public Health, the California Governor's Office, and the State Legislature, in order to minimize the spread of the COVID-19 virus, Santa Cruz LAFCO has established a temporary meeting process:

- a) Commission Quorum: Assembly Bill 361 indicates that a quorum can consist of Commissioners in person or via teleconference during these unique circumstances. This regular LAFCO meeting will be conducted remotely. A roll call vote will occur on each agenda item that requires Commission action.
- b) Public Comments: For those wishing to make public comments remotely, please submit your comments by email to be read aloud at the meeting by LAFCO staff. Email comments must be submitted to LAFCO staff at info@santacruzlafco.org. Comments on matters not on the agenda may be submitted prior to the time the Chair calls for Oral Communications. Comments on agenda items may be submitted prior to the time the Chair closes public comments on the agenda item.

For those wishing to speak during the online meeting, you may inform LAFCO staff of this request prior to the start of the meeting. If that has occurred, and after being recognized by the Chair, the identified individual will be unmuted and given up to 3 minutes to speak. Following those 3 minutes, their microphone will be muted.

- c) Accommodations for Persons with Disabilities: Santa Cruz LAFCO does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. If you are a person with a disability and wish to attend the meeting and you require special assistance in order to participate, please contact the Commission Clerk at (831) 454-2055 at least 24 hours in advance of the meeting to make arrangements. Persons with disabilities may request a copy of the agenda in an alternative format.

1. ROLL CALL

2. EXECUTIVE OFFICER'S MESSAGE

The Executive Officer may make brief announcements in the form of a written report or verbal update, and may not require Commission action.

a. Virtual Meeting Process

The Commission will receive an update on the ongoing remote meeting process.

Recommended Action: No action required; Informational item only.

3. ADOPTION OF MINUTES

The Commission will consider approving the minutes from the February 9, 2022 Regular LAFCO Meeting.

Recommended Action: Approve the minutes as presented with any desired changes.

4. ORAL COMMUNICATIONS

This is an opportunity for members of the public to address the Commission on items not on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken on an off-agenda item(s) unless authorized by law.

5. PUBLIC HEARINGS

Public hearing items require expanded public notification per provisions in State law, directives of the Commission, or are those voluntarily placed by the Executive Officer to facilitate broader discussion.

6. OTHER BUSINESS

Other business items involve administrative, budgetary, legislative, or personnel matters and may or may not be subject to public hearings.

a. Continuation of Remote Meetings

The Commission will consider ratifying a resolution to permit the continuation of remote meetings under AB 361.

Recommended Action:

- 1) Ratify the existing resolution (No. 2021-19) approving the continuation of remote meetings under AB 361; or
- 2) Direct staff to conduct an in-person meeting for the next regularly scheduled LAFCO Meeting (April 6, 2022).

b. Request for Proposal – Special Fire Study

The Commission will consider soliciting professional services to produce a special study in the potential reorganization of fire protection services countywide.

Recommended Action: Approve the draft request for proposal to solicit professional services for a special fire study.

c. Professional Services Agreements

The Commission will consider approving three professional services agreements to support in LAFCO's internal operations and upcoming projects.

Recommended Actions:

- 1) Adopt the contractual agreement with Fire Reorganization Consulting, LLC for fire consulting services;
- 2) Adopt the contractual agreement with Chase Design, Inc. for website services; and
- 3) Direct staff to coordinate with Monterey LAFCO and develop a contractual agreement for shared administrative services on an as-needed basis.

7. WRITTEN CORRESPONDENCE

LAFCO staff receives written correspondence and other materials on occasion that may or may not be related to a specific agenda item. Any correspondence presented to the Commission will also be made available to the general public. Any written correspondence distributed to the Commission less than 72 hours prior to the meeting will be made available for inspection at the hearing and posted on LAFCO's website.

a. February Correspondence

The Commission will review the correspondence received in the month of February.

Recommended Action: No action required; Informational item only.

8. PRESS ARTICLES

LAFCO staff monitors newspapers, publications, and other media outlets for any news affecting local cities, districts, and communities in Santa Cruz County. Articles are presented to the Commission on a periodic basis.

a. Press Articles during the Months of January and February

The Commission will receive an update on recent LAFCO-related news occurring around the county and throughout California.

Recommended Action: No action required; Informational item only.

9. COMMISSIONERS' BUSINESS

This is an opportunity for Commissioners to comment briefly on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No discussion or action may occur or be taken, except to place the item on a future agenda if approved by Commission majority. The public may address the Commission on these informational matters.

10. ADJOURNMENT

LAFCO's next regular meeting is scheduled for Wednesday, April 6, 2022 at 9:00 a.m.

ADDITIONAL NOTICES:**Campaign Contributions**

State law (Government Code Section 84308) requires that a LAFCO Commissioner disqualify themselves from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from an applicant, any financially interested person who actively supports or opposes an application, or an agency (such as an attorney, engineer, or planning consultant) representing an applicant or interested participant. The law also requires any applicant or other participant in a LAFCO proceeding to disclose the amount and name of the recipient Commissioner on the official record of the proceeding.

The Commission prefers that the disclosure be made on a standard form that is filed with the Commission Clerk at least 24 hours before the LAFCO hearing begins. If this is not possible, a written or oral disclosure can be made at the beginning of the hearing. The law also prohibits an applicant or other participant from making a contribution of \$250 or more to a LAFCO Commissioner while a proceeding is pending or for 3 months afterward. Disclosure forms and further information can be obtained from the LAFCO office at Room 318-D, 701 Ocean Street, Santa Cruz CA 95060 (phone 831-454-2055).

Contributions and Expenditures Supporting and Opposing Proposals

Pursuant to Government Code Sections §56100.1, §56300(b), §56700.1, §59009, and §81000 et seq., and Santa Cruz LAFCO's Policies and Procedures for the Disclosures of Contributions and Expenditures in Support of and Opposition to proposals, any person or combination of persons who directly or indirectly contributes a total of \$1,000 or more or expends a total of \$1,000 or more in support of or opposition to a LAFCO Proposal must comply with the disclosure requirements of the Political Reform Act (Section 84250). These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information may be obtained at the Santa Cruz County Elections Department, 701 Ocean Street, Room 210, Santa Cruz CA 95060 (phone 831-454-2060).

More information on the scope of the required disclosures is available at the web site of the Fair Political Practices Commission: www.fppc.ca.gov. Questions regarding FPPC material, including FPPC forms, should be directed to the FPPC's advice line at 1-866-ASK-FPPC (1-866-275-3772).

Accommodating People with Disabilities

The Santa Cruz Local Agency Formation Commission does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. The Commission meetings are held in an accessible facility. If you wish to attend this meeting and you will require special assistance in order to participate, please contact the LAFCO office at 831-454-2055 at least 72 hours in advance of the meeting to make arrangements. For TDD service the California State Relay Service 1-800-735-2929 will provide a link between the caller and the LAFCO staff.

Late Agenda Materials

Pursuant to Government Code Section 54957.5 public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be available to the public at Santa Cruz LAFCO offices at 701 Ocean Street, #318D Santa Cruz CA 95060 during regular business hours. These records when possible will also be made available on the LAFCO website at www.santacruzlafco.org. To review written materials submitted after the agenda packet is published, contact the Commission Clerk at the LAFCO office or in the meeting room before or after the meeting.



**LOCAL AGENCY FORMATION COMMISSION
OF SANTA CRUZ COUNTY**

DRAFT MINUTES

LAFCO REGULAR MEETING AGENDA

**Wednesday, February 9, 2022
Start Time - 9:01 a.m.**

1. ROLL CALL

Vice-Chair Yvette Brooks called the meeting of the Local Agency Formation Commission of Santa Cruz County (LAFCO) to order at 9:01 a.m. and welcomed everyone in attendance. She asked staff to conduct roll call.

The following Commissioners were present:

- Vice-Chair Yvette Brooks
- Commissioner Jim Anderson
- Commissioner Roger Anderson
- Commissioner Ryan Coonerty
- Commissioner Justin Cummings
- Alternate Commissioner Ed Banks
- Alternate Commissioner Manu Koenig

The following LAFCO staff members were present:

- Executive Officer Joe Serrano
- Legal Counsel, Joshua Nelson

2. EXECUTIVE OFFICER'S MESSAGE

2a. Virtual meeting Process

Executive Officer Joe Serrano announced that the Commission Meeting is being conducted virtually through the Zoom Webinar platform and participation by Commissioners and staff are from remote locations. Members of the public will have access to the meeting by phone or online. Mr. Serrano anticipates conducting the next LAFCO meetings remotely in accordance with the Governor's Executive Orders and the newly enacted law under Assembly Bill 361, which allows local agencies to conduct virtual meetings during a state of an emergency. He noted that the Commission may consider reverting back to in-person meetings during the next LAFCO Meeting in March.

2b. CSDA-LAFCO Workshop Update

Executive Officer Joe Serrano indicated that the educational workshop, tailored to independent special districts, was a success. Mr. Serrano noted that 17 out of the 22 districts in Santa Cruz County attended the workshop. LAFCO staff will consider hosting future workshops for the districts as well as the cities and the general public in the near future.

2c. Welcome Recently Appointed County Representatives

Executive Officer Joe Serrano informed the Commission that Commissioners Coonerty, Friend, and Koenig were re-appointed as the County representatives on LAFCO. Mr. Serrano reiterated that the County Board of Supervisors appoints two voting members and one alternate member on LAFCO at the beginning of each year.

3. ADOPTION OF MINUTES

Vice-Chair Yvette Brooks requested public comments on the draft minutes. **Executive Officer Joe Serrano** noted no public comments were received. **Vice-Chair Yvette Brooks** closed public comments.

Vice-Chair Yvette Brooks called for the approval of the draft minutes. **Commissioner Roger Anderson** motioned for approval of the January 5th Meeting Minutes and **Commissioner Jim Anderson** seconded the motion.

Vice-Chair Yvette Brooks called for a roll call vote on the approval of the draft minutes with no changes. **Executive Officer Joe Serrano** conducted a roll call vote on the item.

MOTION: Roger Anderson

SECOND: Jim Anderson

FOR: Jim Anderson, Roger Anderson, Ed Banks, Yvette Brooks, Ryan Coonerty, Justin Cummings, and Manu Koenig.

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0

4. ORAL COMMUNICATIONS

Vice-Chair Yvette Brooks requested public comments on any non-agenda items. **Executive Officer Joe Serrano** indicated that there were no requests to address the Commission. **Vice-Chair Yvette Brooks** closed public comments and moved on to the next agenda item.

5. PUBLIC HEARINGS

Vice-Chair Yvette Brooks indicated that there was one public hearing item for Commission consideration today.

5a. “Opal Cliffs Recreation District Reorganization” (LAFCO Project No. RO 21-18)

Vice-Chair Yvette Brooks requested staff to provide a presentation on the proposed reorganization involving the Opal Cliffs Recreation District (OCD) and County Service Area 11 (CSA 11).

Executive Officer Joe Serrano indicated that the proposal was initiated by the Opal Cliffs Recreation District’s Board of Directors through the unanimous approval of a resolution. The District has requested that LAFCO dissolve the recreation district and concurrently annex the dissolved area into County Service Area 11, also known as County Parks. Mr. Serrano noted that the reorganization is based on LAFCO’s findings from the 2021 Countywide Park & Recreation Service and Sphere Review. He also noted that based on LAFCO’s analysis, 11 parcels within OCD overlap with the City of Capitola. If approved, the annexation will exclude those 11 parcels because the City already offers recreational services to those parcels under its own park and recreation department. The proposal fulfilled the requirements under LAFCO law and the Commission’s adopted policies. Staff recommended that the Commission adopt the draft resolution approving the proposed reorganization.

Vice-Chair Yvette Brooks requested public comments on the proposal. **Executive Officer Joe Serrano** indicated that there were no requests to address the Commission.

Vice-Chair Yvette Brooks closed public comments and opened the floor for Commission discussion.

Commissioner Manu Koenig thanked the County and LAFCO for championing this effort to improve the level of service to the Opal Cliffs Park. Mr. Koenig motioned to approve staff’s recommendation. **Commissioner Justin Cummings** seconded the motion.

Vice-Chair Yvette Brooks noted no further Commission discussion and called for a roll call vote on motion based on staff’s recommendation: **Adopt the draft resolution (No. 2022-02) approving the reorganization involving the Opal Cliffs Recreation District and County Service Area 11 (County Parks).**

Executive Officer Joe Serrano conducted a roll call vote on the item.

MOTION: Manu Koenig
SECOND: Justin Cummings
FOR: Jim Anderson, Roger Anderson, Ed Banks, Yvette Brooks, Ryan Coonerty, Justin Cummings, and Manu Koenig.
AGAINST: None
ABSTAIN: None

MOTION PASSED: 7-0

6. OTHER BUSINESS

Vice-Chair Yvette Brooks indicated that there are six business items for Commission consideration today.

6a. Continuation of Remote Meetings

Vice-Chair Yvette Brooks requested staff to provide a presentation on the requirements to continue remote meetings under Assembly Bill 361.

Executive Officer Joe Serrano noted that the Commission adopted a resolution in November 2021 to continue remote meetings in accordance with the guidelines under AB 361, which acts as a temporary waiver of the Brown Act's in-person attendance requirements. Mr. Serrano explained that in order to continue to qualify for AB 361's waiver of in-person meeting requirements, the Commission is required to renew the findings outlined in the resolution adopted back in November. He indicated that the statewide mask mandate may be lifted by February 16, however, it is unknown whether local requirements will remain in place. Due to the uncertainty, staff recommended that the Commission ratify the existing resolution (No. 2021-19) to continue the use of remote meetings for the next LAFCO Meeting which is scheduled for March 2, 2022.

Vice-Chair Yvette Brooks requested public comments on this item. **Executive Officer Joe Serrano** indicated that there were no requests to address the Commission.

Vice-Chair Yvette Brooks closed public comments.

Vice-Chair Yvette Brooks called for Commission comments on the remote meeting requirements. **Vice-Chair Yvette Brooks** noted no Commission discussion and called for a roll call vote on motion based on staff's recommendation: **Ratify the existing resolution (No. 2021-19) approving the continuation of remote meetings under AB 361.**

Executive Officer Joe Serrano conducted a roll call vote on the item.

MOTION: Ryan Coonerty

SECOND: Manu Koenig

FOR: Jim Anderson, Roger Anderson, Ed Banks, Yvette Brooks, Ryan Coonerty, Justin Cummings, and Manu Koenig.

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0

6b. Employee Performance Evaluation

Vice-Chair Yvette Brooks requested staff to provide a presentation on the recent performance evaluation of LAFCO's Executive Officer.

Executive Officer Joe Serrano explained that in accordance with the Commission's adopted policies, the Commission conducts an annual performance evaluation and

considers changing staff's salary if warranted. Mr. Serrano noted that based on the Commission's closed session discussion in January and the recommendations made by LAFCO's Personnel Committee, staff is subject to a salary adjustment. Staff recommended that the Commission adopt the draft resolution approving the salary change based on staff's performance during the 2021 calendar year.

Vice-Chair Yvette Brooks requested public comments on the update. **Executive Officer Joe Serrano** indicated that there was one request to address the Commission.

Becky Steinbruner, member of the public, thanked LAFCO's Executive Officer for their detailed evaluations found within the recent service reviews and staff reports.

Executive Officer Joe Serrano indicated that there were no further requests to address the Commission. **Vice-Chair Yvette Brooks** closed public comments and opened the floor for Commission discussion.

Vice-Chair Yvette Brooks noted no Commission discussion and called for a roll call vote on motion based on staff's recommendation: **Adopt the draft resolution (No. 2022-03) approving the salary adjustment for LAFCO's Executive Officer.**

Executive Officer Joe Serrano conducted a roll call vote on the item.

MOTION: Manu Koenig

SECOND: Jim Anderson

FOR: Jim Anderson, Roger Anderson, Ed Banks, Yvette Brooks, Ryan Coonerty, Justin Cummings, and Manu Koenig.

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0

6c. Legislative Update

Vice-Chair Yvette Brooks requested staff to provide a presentation on the status of the 2022 Legislative Session.

Executive Officer Joe Serrano noted that there are a number of bills that directly or indirectly affect LAFCOs. Those bills are summarized in the staff report. Mr. Serrano informed the Commission that staff has been monitoring one specific bill, Senate Bill 418. SB 418 would create the first and only healthcare district in Santa Cruz County. He noted that the purpose of the bill is to provide local government oversight to the Watsonville Community Hospital.

Vice-Chair Yvette Brooks requested public comments on the update. **Executive Officer Joe Serrano** indicated that there was one request to address the Commission.

Becky Steinbruner, member of the public, inquired about the legislative process in creating a healthcare district in Santa Cruz County without LAFCO action.

Executive Officer Joe Serrano clarified that typically the formation of special districts, including healthcare districts, require LAFCO approval. However, due to the bankruptcy case involving the Watsonville Community Hospital, there was time urgency to ensure that the hospital remained open for public access. Mr. Serrano noted that the formation of a healthcare district may have taken at least a year to complete under the LAFCO process.

Executive Officer Joe Serrano indicated that there were no further requests to address the Commission. **Vice-Chair Yvette Brooks** closed public comments and opened the floor for Commission discussion.

Commissioner Jim Anderson asked if the healthcare district would fall under LAFCO's purview. **Executive Officer Joe Serrano** clarified that if the healthcare district is formed, then it will be subject to the Cortese-Knox-Hertzberg Act and therefore be under LAFCO's jurisdiction in accordance with the language found in SB 418.

Commissioner Roger Anderson asked whether the required amount to purchase the Watsonville Community Hospital has been collected. **Executive Officer Joe Serrano** indicated that the Pajaro Valley Healthcare Project Group has collected approximately \$13 million, however, more is required to purchase the hospital as part of the bankruptcy case. Staff is not aware of the exact purchasing price.

Vice-Chair Yvette Brooks noted no additional comments or questions from the Commission and moved to the next item since no Commission action was required.

6d. Focus Agriculture – Class of 2020 Reconvene

Vice-Chair Yvette Brooks requested staff to provide a presentation on the upcoming Focus Ag class schedule.

Executive Officer Joe Serrano indicated that staff was originally scheduled to participate in this nine-session course in 2020 but was cancelled due to the pandemic. Mr. Serrano noted that the class will reconvene starting April 2022. He pointed out that this item does not require Commission action.

Vice-Chair Yvette Brooks requested public comments on the proposal. **Executive Officer Joe Serrano** indicated that there were no requests to address the Commission.

Vice-Chair Yvette Brooks closed public comments and opened the floor for Commission discussion.

Vice-Chair Yvette Brooks noted no comments or questions from the Commission and moved to the next item since no Commission action was required.

6e. CALAFCO Staff Workshop

Vice-Chair Yvette Brooks requested staff to provide a presentation on the upcoming CALAFCO Staff Workshop.

Executive Officer Joe Serrano informed the Commission that CALAFCO will be hosting a conference in March tailored to LAFCO employees, specifically Commission Clerks, Analysts, and Executive Officers. Mr. Serrano indicated that he will be a guest speaker in two breakout sessions during the three-day workshop.

Vice-Chair Yvette Brooks requested public comments on the proposal. **Executive Officer Joe Serrano** indicated that there were no requests to address the Commission.

Vice-Chair Yvette Brooks closed public comments and opened the floor for Commission discussion.

Vice-Chair Yvette Brooks noted no comments or questions from the Commission and moved to the next item since no Commission action was required.

6e. Comprehensive Quarterly Report – Second Quarter (FY 2021-22)

Vice-Chair Yvette Brooks requested staff to provide a presentation on the tasks completed during the second quarter of Fiscal Year 2021-22.

Executive Officer Joe Serrano noted that LAFCO currently has two active applications, including the proposed annexation of Roaring Camp into the San Lorenzo Valley Water District. Mr. Serrano indicated that a letter was sent to the applicant informing them that the application will be terminated by March 31, 2022 unless the required documents are submitted. He also informed the Commission that staff will be conducting three service reviews this year, which will analyze 41 agencies: the City of Capitola in May, the six water districts in August, and the 34 road-related county service areas in October. He also indicated that the LAFCO Budget is doing financially well. The Commission has received 100% of the anticipated revenue and has only incurred 32% of anticipated expenses.

Vice-Chair Yvette Brooks requested public comments on the proposal. **Executive Officer Joe Serrano** indicated that there were no requests to address the Commission.

Vice-Chair Yvette Brooks closed public comments and opened the floor for Commission discussion.

Vice-Chair Yvette Brooks noted no comments or questions from the Commission and moved to the next item since no Commission action was required.

7. WRITTEN CORRESPONDENCE

Vice-Chair Yvette Brooks inquired whether there was any written correspondence submitted to LAFCO. **Executive Officer Joe Serrano** indicated that LAFCO received two correspondences: one from the Central Fire District and another from Dough Deitch, a member of the public. **Vice-Chair Yvette Brooks** moved to the next item since no Commission action was required.

8. PRESS ARTICLES

Vice-Chair Yvette Brooks requested staff to provide a presentation on the press articles. **Executive Officer Joe Serrano** indicated that this item highlights LAFCO-related articles recently circulated in local newspapers. **Vice-Chair Yvette Brooks** moved to the next item since no Commission action was required.

9. COMMISSIONERS' BUSINESS

Vice-Chair Yvette Brooks inquired whether any Commissioner would like to share any information. There were no comments. **Vice-Chair Yvette Brooks** moved to the next item since no Commission action was required.

10. ADJOURNMENT

Vice-Chair Yvette Brooks adjourned the Regular Commission Meeting at 9:53 a.m. to the next regular LAFCO meeting scheduled for Wednesday, March 2, 2022 at 9:00 a.m.

RACHÉL LATHER, CHAIRPERSON

Attest:

JOE A. SERRANO, EXECUTIVE OFFICER



Date: March 2, 2022
To: LAFCO Commissioners
From: Joe Serrano, Executive Officer
Subject: **Continuation of Remote Meetings**

SUMMARY OF RECOMMENDATION

The Governor issued a series of executive orders in connection with the ongoing COVID-19 pandemic, which included a waiver of all physical-presence requirements under the Brown Act. These orders expired on September 30, 2021. Assembly Bill 361, which took effect as an urgency measure on September 16, 2021 allowed local agencies to continue conducting remote meetings under specific conditions and following the adoption of a resolution. This Commission adopted a resolution on November 3, 2021. The findings within the resolution are required to be periodically renewed to allow for future remote meetings under the AB 361 guidelines.

It is recommended that the Commission consider one of the following two actions:

- 1) Ratify the existing resolution (No. 2021-19) approving the continuation of remote meetings under AB 361; or
 - 2) Direct staff to conduct an in-person meeting for the next regularly scheduled LAFCO Meeting (April 6, 2022).
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EXECUTIVE OFFICER'S REPORT:

In November 2021, the Commission adopted a resolution (refer to **Attachment 1**) to continue remote meetings in accordance with the guidelines under AB 361, which acts as a temporary waiver of the Brown Act's in-person attendance requirements. In order to continue to qualify for AB 361's waiver of in-person meeting requirements, the Commission is required to renew the findings outlined in the adopted resolution.

Local and Staff Mask Mandates

The statewide mask mandate for indoor public places expired on February 15, 2022. In addition, the County of Santa Cruz also amended its mask requirements for vaccinated and unvaccinated people. Starting February 16, only unvaccinated people are required to wear masks in County buildings. These amendments also gave the option for vaccinated individuals to continue wearing masks.

Now that mask requirements have been modified, and COVID cases have declined, the Commission should consider whether to continue conducting meetings remotely under AB 361 or direct staff to host the next LAFCO Meeting in-person. Since California

continues to be under a State of Emergency, remote meetings are still an option for the Commission in accordance with AB 361.

Respectfully Submitted,



Joe A. Serrano
Executive Officer

Attachment: Resolution No. 2021-19 (Adopted Version)

LOCAL AGENCY FORMATION COMMISSION OF SANTA CRUZ COUNTY
RESOLUTION NO. 2021-19

On the motion of Commissioner Rachél Lather
duly seconded by Commissioner Jim Anderson
the following resolution is adopted:

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND ORDERING THE CONTINUATION OF
TELECONFERENCE MEETINGS DUE TO THE GOVERNOR'S PROCLAMATION OF
STATE EMERGENCY AND STATE RECOMMENDATIONS RELATED TO PHYSICAL
DISTANCING DUE TO THE THREAT OF COVID-19

WHEREAS, the Local Agency Formation Commission of Santa Cruz County ("Commission" or "LAFCO") is committed to preserving and nurturing public access and participation in meetings of the Commission; and

WHEREAS, all Commission meetings are open and public, as required by the Ralph M. Brown Act (Government Code Section 54950 et seq.), so that any member of the public may attend, participate, and observe how the Commission conducts its business; and

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

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

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the state; and

WHEREAS, such conditions now exist in the state, specifically, the Governor of the State of California proclaimed a state of emergency on March 4, 2020, related to the threat of COVID-19, which remains in effect; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361 ("AB 361"), urgency legislation effective immediately, that amended Government Code section 54953 to permit legislative bodies subject to the Brown Act to continue to meet under modified teleconferencing rules provided they comply with specific requirements set forth in the statute; and

WHEREAS, pursuant to AB 361, the Commission may hold an initial teleconference meeting under the modified teleconferencing rules and may continue to hold such teleconference meetings during a proclaimed state of emergency where the Commission has reconsidered the circumstances of the state of emergency, the state of emergency continues to directly impact the ability of the Commission to meet safely in person, and state or local officials have recommended measures to promote physical distancing; and

WHEREAS, the California Division of Occupational Safety and Health ("Cal/OSHA") regulations at Title 8 Section 3205 recommends physical distancing in the workplace as precautions against the spread of COVID-19 and imposes certain restrictions and requirements due to a "close contact" which occurs when individuals are within six feet of another in certain circumstances; and

WHEREAS, the proliferation of the Delta variant of the virus continues to pose imminent risk to health and safety and directly impacts the ability of the public and the Commission to meet safely in person, accordingly, the Commission hereby recognizes the proclamation of state of emergency by the Governor of the State of California and the regulations of Cal/OSHA recommending physical distancing; and

WHEREAS, as a consequence of the emergency related to COVID-19, the Commission does hereby find that the Commission shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953, as authorized by subdivision (e) of section 54953, and that the Commission shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Section 54953; and

WHEREAS, the Commission meetings will be accessible to the public to attend virtually or via phone.

NOW, THEREFORE, BE IT RESOLVED THAT THE COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. State of Emergency due to COVID-19. The Commission hereby recognizes the imminent threat to the health and safety of attendees at public meetings due to the impacts of COVID-19 and the continued recommendation of state officials to promote physical distancing to minimize any potential adverse health and safety risks.
3. Remote Teleconference Meetings. The Executive Officer is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings of the Commission in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act for remote only teleconference meetings.

4. Reconsideration of the State of Emergency. The Commission has reconsidered the state of emergency proclaimed by the Governor of the State of California and finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.
5. Reoccurring Evaluation by the Commission. The Executive Officer is hereby directed to continue to monitor the conditions and health and safety conditions related to COVID-19, the status of the Governor's State of Emergency, and the state regulations related to social distancing, and present to the Commission at its next regularly scheduled meeting the related information and recommendations for remote only meetings pursuant to the provisions of Government Code Section 54953(e)(3) and to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Section 54953.

PASSED AND ADOPTED by the Local Agency Formation Commission of Santa Cruz County this 3rd day of November 2021.

AYES: Commissioners Jim Anderson, Roger Anderson, Ryan Coonerty, Justin Cummings, Francisco Estrada, Zach Friend, and Rachél Lather

NOES: None

ABSTAIN: None



JUSTIN CUMMINGS, CHAIRPERSON

Attest:



Joe A. Serrano
Executive Officer

Approved as to form:



Daniel H. Zazueta
LAFCO Counsel



Santa Cruz Local Agency Formation Commission

Date: March 2, 2022
To: LAFCO Commissioners
From: Joe Serrano, Executive Officer
Subject: **Request for Proposal – Special Fire Study**

SUMMARY OF RECOMMENDATION

LAFCO periodically performs municipal service reviews and sphere of influence updates for each agency subject to LAFCO's boundary regulations. As part of the Commission's Multi-Year Work Program, LAFCO adopted a service and sphere review for the 13 local agencies that provide fire protection services in October 2021. The report has resulted in discussions about potential reorganizations involving multiple fire agencies. It may be beneficial to hire an outside consultant to conduct a technical study and determine the financial impacts regarding these potential changes in governance.

It is recommended that the Commission approve the draft request for proposal to solicit professional services for a special fire study.

EXECUTIVE OFFICER'S REPORT:

In October 2021, as part of the Countywide Fire Protection Service & Sphere Review, the Commission reviewed the 13 fire agencies' spheres of influence. A sphere indicates the potential growth of an agency, or in other words, a sphere identifies the most logical service provider to an area. The Commission took three key actions regarding the sphere boundaries: (1) it reduced County Service Area 48's sphere, (2) it gave County Service Area 4 a zero sphere, and (3) it reaffirmed the remaining 11 sphere boundaries with the condition that an annexation plan be developed by August 2022. Below is an overview of why those actions were important.

CSA 48 (County Fire) Sphere Reduction

This dependent special district is managed by the County of Santa Cruz and delivers services through a contract with CAL FIRE. CSA 48 provides fire protection services to the unincorporated areas outside the jurisdiction of existing independent fire agencies. The sphere for CSA 48 has been in place since 1985. However, the sphere boundary would overlap with the other fire agencies, causing confusion on which district is the most logical service provider. That is why LAFCO modified CSA 48's sphere in October to remove all overlapping areas. This reduced CSA 48's sphere but more importantly it laid the foundation for the existing independent fire districts to assume fire responsibilities from CSA 48 – resulting in the potential improvement of local representation and service delivery.

CSA 4 (Pajaro Dunes) Zero Sphere

This dependent special district is also managed by the County of Santa Cruz and delivers services through the contract as CSA 48 with CAL FIRE. CSA 4 provides fire protection

services to the unincorporated community known as Pajaro Dunes. The sphere for CSA 4 has been in place since 1989. However, due to the lack of transparency and local oversight, LAFCO determined that a zero sphere would better represent the future of the agency. A zero sphere indicates that CSA 4 should be dissolved and the fire service responsibilities be transferred to another local agency, including but not limited to CSA 48 or the Pajaro Valley Fire Protection District. The intent is to ensure that the residents get adequate level of service, better local representation, and more opportunities to provide input in future district actions.

Reaffirmed Spheres with Condition

The majority of the spheres for each fire agency were originally adopted in the late-1980s and early-1990s, with most of them remaining the same with no annexations or actions. This means that residents who are within an agency's sphere but outside their jurisdiction do not have proper representation or a voice in the agency's decisions even though they may be receiving services due to mutual and/or automatic aid. That is why LAFCO reaffirmed these spheres with the condition that the affected agency coordinate with LAFCO to develop a plan to address the areas within their spheres. These discussions may lead to potential annexations or, at minimum, sphere amendments that will better reflect the agency's future growth.

Technical Analysis

Some fire agencies have already expressed interest in exploring the possible annexations of territory within their sphere boundaries since the adoption of LAFCO's Countywide Fire Report. The number one question that all affected agencies have when considering annexation is: *"What is the financial impact?"* This question has led LAFCO to facilitate efforts in addressing this obstacle by developing a more technical analysis that would provide the necessary facts to the affected agencies. This technical analysis could be considered as "Phase 2" of LAFCO's Countywide Fire Report and focus on potential boundary changes regarding fire protection. Specifically, examining how future annexations affect CSA 48's funding and operations. For any annexation to occur, those subject areas need to be detached from CSA 48 and so does the existing revenue stream that covers the cost to provide fire protection in those areas. A technical analysis would benefit the entire County because it would answer two fundamental questions:

- 1) Is it feasible for an agency to take over fire responsibility in areas within its sphere boundary through annexation?
- 2) How does an annexation impact the current and future operations of CSA 48?

Request for Proposal

Staff has developed a draft request for proposal to solicit professional services for this special study (refer to **Attachment 1**). The deadline to submit proposals will be Friday, April 15, 2022. The anticipated project cost of the study should not exceed \$50,000. It is anticipated that the selected firm will start work in May 2022. The final schedule for this project will be negotiated with the firm selected for the work prior to reaching an agreement.

Conclusion

The Countywide Fire Protection Service & Sphere Review has sparked interest from various fire agencies, has led to multiple LAFCO presentations and discussions, and has reinforced the fact that the affected fire agencies, the County, and LAFCO play a critical role in the current and future delivery of fire protection in Santa Cruz County. Gathering the necessary data and facts will clearly indicate how potential annexations will impact the affected agencies, including the CSA 48. Therefore, staff is recommending that the Commission approve the attached request for proposal as LAFCO continues the momentum from the 2021 Countywide Fire Report.

Respectfully Submitted,



Joe A. Serrano
Executive Officer

Attachment:

1. Request for Proposal (Draft Form)

Local Agency Formation Commission of Santa Cruz County



Request for Proposal (Fire Study)

Date Released: March 3, 2022

Due Date: April 15, 2022

Local Agency Formation Commission of Santa Cruz

701 Ocean Street, Room 318-D Santa Cruz, CA 95060

Website: www.santacruzlafco.org

Phone: (831) 454-2055

INTRODUCTION AND BACKGROUND

Section I: Introduction

The Local Agency Formation Commission of Santa Cruz County (“LAFCO”) is seeking proposals from professional service firms to prepare a special study on the impacts of the potential detachments of territory from County Service Areas 4 (“Pajaro Dunes”) and 48 (“County Fire”) and the concurrent annexation of the detached territory to the neighboring independent fire protection districts (7 in total). The study will be used to inform LAFCO’s decision on whether or not to initiate future reorganizations involving the affected fire agencies. This work is to be performed in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000 et seq.) and LAFCO of Santa Cruz County policies and procedures.

This RFP includes background information about LAFCO, the qualifications, requirements, scope of services, instructions for submittals, evaluation criteria, and the selection process. All inquiries regarding this RFP shall be submitted via email or hard copy by April 15, 2022 to:

Joe Serrano, Executive Officer
Santa Cruz LAFCO
701 Ocean Street, Room 318-D
Santa Cruz, CA 95060
joe@santacruzlafco.org

Section II: Background

CSAs 4 and 48 are dependent special districts and were formed on January 4, 1966 and December 30, 1985, respectively. The CSAs operate under the County Service Area Law (Government Code Section 25210 et. seq) and provide fire protection under a cooperative agreement with the California Department of Forestry & Fire Protection (“CAL FIRE”). The CSAs have been providing fire protection services to the unincorporated communities in Santa Cruz County outside the jurisdiction of the existing fire agencies. At present, CSA 4 covers less than half a square mile of land while CSA 48 encompasses 261 square miles of territory.

On October 13, 2021, LAFCO adopted the 2021 Countywide Fire Protection Service & Sphere Review (“Fire Report”) for the 13 fire agencies located in Santa Cruz County, including the two CSAs. The Fire Report noted that CAL FIRE provides fire protection services within CSAs 4 and 48 through an ongoing contractual agreement. The most recent agreement was approved in June 2020 and will continue for the next three years. Based on LAFCO’s analysis and findings, it would be more efficient if the two CSAs were reorganized and fire service responsibilities are transferred over to an independent fire agency. The Fire Report also required each fire agency to review their current spheres of influence and develop an annexation plan to determine their future service areas.

In March 2022, LAFCO authorized staff to seek a professional service firm to conduct a special study on the impacts of the potential reorganizations, including a detailed analysis of the cost savings and fiscal impacts. The study will be used to inform LAFCO’s decision on whether or not to initiate future reorganizations involving the affected fire agencies. Please see Section X of the RFP for specific links to LAFCO’s fire report and maps which provide more detailed background information on this issue.

SCOPE OF SERVICES, KEY STEPS AND RESPONSE REQUIREMENTS

Section III: Scope of Services

LAFCO may initiate a change of organization or reorganization which includes a dissolution only if the proposal is consistent with a conclusion or recommendation in the service review, sphere of influence update or special study and the Commission makes both the following determinations required in Government Code Section 56881. [Government Code Section 56375(a)(2)(F) & (a)(3)]:

1. Public service costs of the proposal is likely to be less than or substantially similar to the costs of alternative means of providing the service.
2. The proposal promotes public access and accountability for community services needs and financial resources.

The fire study will include information and analysis necessary for the Commission to evaluate if it can make the above required determinations. A final statement of services to be provided will be negotiated with the firm selected to conduct the special study and will be included as part of the professional services agreement.

Section IV: Key Steps

Key steps in the study will include the following:

- Consultant will attend a kick-off meeting with LAFCO staff to review Scope of Services and schedule;
- Consultant will collect, review and analyze information, including, but not limited to, the 2021 LAFCO Countywide Fire Service & Sphere Review, the affected fire agencies' financial and budget reports, the CKH, the principal acts of the affected fire agencies, LAFCO policies and procedures, and any other information relevant to the study;
- Consultant will prepare a Draft Report of their analysis and findings;
- LAFCO staff will distribute the Draft Report to the Commission and all affected agencies and interested parties for a 21-day public review and comment period;
- Consultant will respond in writing to comments received during the 21-day review period;
- LAFCO will hold a public hearing to receive final comments and to consider the Draft Report;
- Consultant will present the Draft Report at the LAFCO public hearing and respond to any further comments received during the hearing; and
- Consultant will attend up to two public meetings in conjunction with the Report.

Section IV: Budget & Schedule

A final budget amount for this project will be negotiated with the firm selected for the work prior to reaching agreement. The anticipated project cost of the proposal should not exceed \$50,000. It is anticipated that the firm will start work in May 2022. The final schedule for this project will be negotiated with the firm selected for the work prior to reaching an agreement.

Section V: Proposal Requirements

Response to this RFP must include all of the following:

1. A statement about the firm that describes its history as well as the competencies and resumes of the principal and all professionals who will be involved in the work. This statement should describe the firm's level of expertise in the following areas:

Expertise

- Familiarity with the CKH Act, the role and functions of LAFCO, and the dissolution process for special districts;
 - Knowledge of fire protection service provision in California (fire departments, fire districts, and volunteer fire companies);
 - Management level understanding of how local governmental services are delivered and financed;
 - Expertise in the financial analysis of local governmental service delivery systems, including identifying financing constraints / opportunities and cost avoidance opportunities;
 - Expertise in governance structure analysis, including evaluating government structure options (advantages and disadvantages of the consolidation or reorganization of service providers);
 - Ability to analyze and present information in an organized format;
 - Familiarity with public input processes and experience in handling the presentation and dissemination of public information for review and comment;
 - Experience in fostering multi-agency partnerships and cooperative problem-solving; and
 - Ability to provide flexible and creative alternatives where necessary to resolve service and policy issues.
2. Identification of the lead professional responsible for the project and identification of the professional(s) who will be performing the day-to-day work.
 3. A statement of related experience accomplished in the last three years and references for each such project, including the contact name, address and telephone number.

4. A statement regarding the anticipated approach for this project, explicitly discussing and identifying any suggested changes to the Scope of Services.
5. An overall project schedule, including a task plan and estimated hours for each task.
6. Information about the availability of all professionals who will be involved in the work, including any associate consultants.
7. The anticipated project cost, including:
 - a) A not-to-exceed total budget amount.
 - b) The cost for each major sub-task identified in the draft Scope of Services.
 - c) The hourly rates for each person who will be involved in the work, including the rates of any associate consultants.
 - d) The cost of any expenses in addition to professional staff hourly rates.
8. Comments about the draft services agreement (Attachment 1) specifically including the ability of the firm to meet the insurance requirements and other provisions.

TIMELINE AND SUBMITTAL INSTRUCTIONS

Section VI: Timeline

The following is an outline of the anticipated schedule for the review of responses, contract award and the contract effective date. This schedule is subject to change:

Date	Task
March 3, 2022	RFP Posting & Transmittal
April 15, 2022	Submittal deadline (No later than 3pm)
April 18 - 22, 2022	Firm Interviews (if required)
April 25 - 28, 2022	Firm Selection
May 4, 2022	Commission Consideration of Contract with Selected Firm

Santa Cruz LAFCO reserves the right to adjust this timeline as deems necessary. Notification of adjustments to the timeline shall be provided to all respondents. LAFCO also reserves the right to award a contract, to modify the scope of serves required as necessary, and to accept or reject any or all submittals received as a result of this RFP. Additionally, the Commission will verify the information submitted by the respondents.

Section VII: Instructions to Proposers and Procedures for Submittal

The submittal shall include the following:

- One hard copy of the RFP response; or

- One electronic copy in pdf format via email, on flash drive, or other compatible electronic media.

This RFP includes background information about LAFCO, the qualifications, requirements, scope of services, instructions for submittals, evaluation criteria, and the selection process. All inquiries regarding this RFP shall be submitted via email or hard copy by April 15, 2022 to:

Joe Serrano, Executive Officer
Santa Cruz LAFCO
701 Ocean Street, Room 318-D
Santa Cruz, CA 95060
joe@santacruzlafco.org

The RFP response may be submitted via email. Submitting firms are solely responsible for ensuring their RFP response is received by LAFCO in accordance with the solicitation requirements, before submittal deadline. Postmarks will not be accepted in lieu of actual delivery. LAFCO shall not be responsible for any delays in mail or by common carriers or by transmission errors or delays or mistaken delivery. Delivery of RFP responses shall be made at the office specified in this Request for Proposals.

RFP RESPONSE EVALUATION AND SELECTION PROCESS

The selection of a firm will be based on the following criteria. These criteria identify the weight or significance in the selection of the preferred firm. The submittals will be evaluated on the basis of the response to all the requirements of this RFP.

Section VIII: Criteria Weight

The proposals shall be reviewed based on the following criteria and weighting. Most important are the qualifications of the firm and the costs of services. The goal is a contract with a firm that is qualified and cost effective:

- 1. Qualifications of Firm and Personnel:** 35% - expertise, experience, and capability of the proposer to provide professional services regarding LAFCO's mission.
- 2. Budget, Retainer, and/or Rates:** 35% - Overall cost of the proposal and the levels of service LAFCO can expect to receive from the proposer.
- 3. Identify Existing and Potential Conflicts of Interest:** 15% - Potential and Existing Conflicts of Interest need to be clearly articulated in the RFP.
- 4. Local and State Government Client References:** 10% - a list of two primary references that may be contacted. Other references may be provided as well.
- 5. Additional Information:** 5% - Location of firm and availability of appropriate professionals as needed for meetings or other circumstances. Other information may be provided as well.

REFERENCE MATERIAL

Section IX: Draft Contract and Insurance Requirements

Please refer to the Draft Professional Service Agreement (*Attachment A*) and the Insurance Requirements (*Attachment B*).

Section X: Supporting Documents

Please refer to LAFCO's website (www.santacruzlafco.org) for general information about LAFCO and the following links for further information on this issue:

1. **2021 Countywide Fire Protection Service & Sphere Review:**
https://www.santacruzlafco.org/wp-content/uploads/2021/11/Countywide-Fire-Service-Sphere-Review-10-13-21-Adopted-Version_.pdf
2. **Map of the fire agencies in Santa Cruz County**
https://www.santacruzlafco.org/wp-content/uploads/2021/10/CountywideFire_Map.pdf

GENERAL CONDITIONS

Section XI: Authorized Signatures

Every submittal must be signed by the person or persons legally authorized to bind the firm to a contract for the execution of the work. Upon request of LAFCO, any agent submitting a response on behalf of a firm shall provide a current power of attorney certifying the agent's authority to bind the firm.

For an individual, their name, signature, and post office address must be shown. For a firm or partnership, the name and post office address of the firm or partnership and the signature of at least one of the general partners must be shown. For a corporation, the name of the state under the laws of which the corporation is chartered, the name and post office address of the corporation and the title of the person signing on behalf of the corporation must be shown.

Section XII: Award of Contract

Award may be made to the firm that presents the best qualifications after review and recommendation by the management staff and consideration by the full Commission. Discussions may, at LAFCO's option, be conducted with firms that submit responses determined to be qualified of being selected for an award. Discussions may be for clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Firms shall be accorded fair and equal treatment with respect to any opportunity for discussion and written revision of responses.

Section XIII: Cancellation

LAFCO may cancel this solicitation at any time.

Section XIV: Compliance with Laws

All submittals shall comply with current federal, state, and other laws relative thereto.

Section XV: Costs

LAFCO is not liable for any costs incurred by firms before entering into a formal contract. Costs of developing the submittal or any other such expenses incurred by the firm in responding to the RFP, are entirely the responsibility of the firm, and shall not be reimbursed in any manner by LAFCO. No reimbursable cost may be incurred in anticipation of award.

Section XVI: Interpretation of Contract Documents

LAFCO reserves the right to make corrections or clarifications of the information provided in this RFP. Oral statement(s) interpretations or clarifications concerning meaning or intent of the contents of this RFP by any person are unauthorized and invalid. Requests for interpretations shall be made in writing and delivered to the address or email stated above.

Section XVII: Irregularities

LAFCO reserves the right to waive non-material irregularities if such would be in the best interest of LAFCO as determined by LAFCO.

Section XVIII: Non Exclusive Contract

The successful firm will enter a NON-EXCLUSIVE contract and LAFCO reserves the right to enter into agreements with other firms.

Section XIX: One RFP Response

Proposers are not allowed to submit more than one RFP response. However, service options regarding the cost would be considered.

Section XX: No Obligation

The release of this RFP does not obligate or compel LAFCO to enter into a contract or agreement.

Section XXI: Proprietary Information

RFP responses must not be marked as confidential or proprietary. LAFCO may refuse to consider a submittal so marked. Information in responses is subject to the Public Records Act and other disclosure laws and will become public information as provided for in those laws. LAFCO reserves the right to keep responses confidential prior to award or other action on this RFP as permitted by law.

Section XXII: Terms of Offer

LAFCO reserves the right to negotiate final contract terms with the firm selected. The contract between the parties will consist of LAFCO Professional Services Agreement, the RFP together with any modifications thereto, the awarded firm's submittal, and all modifications and clarifications that are submitted at the request of LAFCO during the evaluation and negotiation process. In the event of any conflict or contradiction between or among these documents, the documents shall control in the following order of precedence: the final executed contract, the RFP, any modifications and clarifications to the awarded firm's RFP response.

Section XXIII: Validity

RFP response will be valid for a period of 90 days from the due date.

Section XXIV: Withdrawal of Response to the RFP

Authorized representatives of the firm may withdraw RFP responses only by written request received by LAFCO.

Section XXV: Contact Information

If you have any questions, please contact Joe Serrano, LAFCO Executive Officer, (831) 254-0178 or joe@santacruzlafco.org. Thank you for your consideration of this request for proposal.

DRAFT



LOCAL AGENCY FORMATION COMMISSION
OF SANTA CRUZ COUNTY

**SERVICES AGREEMENT BETWEEN THE LOCAL AGENCY
FORMATION COMMISSION OF SANTA CRUZ COUNTY AND
_____ FOR CONDUCTING A SPECIAL STUDY TO
ANALYZE THE IMPACTS OF THE POTENTIAL REORGANIZATIONS
INVOLVING COUNTY SERVICE AREAS 4 (PAJARO DUNES) AND 48
(COUNTY FIRE) WITH THE NEIGHBORING INDEPENDENT FIRE
PROTECTION DISTRICTS**

This Agreement (“Agreement”) is made effective _____, by and between the Local Agency Formation Commission of Santa Cruz County (“LAFCO”) and _____ (“Contractor”) to provide consulting services for preparing a Special Study on the impacts of potential reorganizations involving the fire agencies in Santa Cruz County.

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Act, Government Code section 56000 et seq., LAFCO is an independent body; and

WHEREAS, LAFCO needs assistance with the preparation of the special study; and

WHEREAS, Contractor has experience and expertise necessary to provide such services; and

WHEREAS, at the March 2, 2022 Regular LAFCO Meeting, the Commission delegated authority to the LAFCO Executive Officer to execute an agreement with the most qualified consultant for preparation of the special study;

THEREFORE, the parties agree as follows:

1. Nature of Services.

The Contractor will provide to LAFCO the services described in Exhibit A, Scope of Services, which is attached hereto and incorporated herein by this reference. Contractor shall perform the services in accordance with the project timeline as described in Exhibit B, which is attached hereto and incorporated herein by this reference.

2. Term of Agreement.

This Agreement is effective from the date of final execution, to and including _____, unless terminated earlier in accordance with Section 4.

3. Compensation.

A. Contractor will be compensated for services provided under this Agreement in accordance with the Rate Schedule included in Exhibit C, which is attached hereto and incorporated herein by this reference. Contractor will complete all the work and tasks described in Exhibit A for an amount not to exceed \$50,000. The Contractor shall be paid based on the rate schedule indicated in Exhibit C, but compensation and expenses shall not exceed the maximum compensation stated herein.

B. Contractor will provide LAFCO with task-specific invoices based on estimated costs in Contractor's proposal, which shall be accompanied by a detailed summary of activities undertaken over the course of completing the task.

C. Deliverables shall be in accordance with the project timeline provided in Exhibit B, which has been negotiated between the parties prior to the effective date of this Agreement, or as otherwise determined by mutual written agreement of the parties. If the deliverables are not according to such timeline in Exhibit B or as otherwise mutually agreed or if they do not comply with the requirements in the Scope of Services, it is understood, acknowledged and agreed that LAFCO will suffer damage. As fixed and liquidated damages, LAFCO shall withhold from Contractor the payment of the sum of \$200 per calendar day for each and every calendar day of delay beyond the date that such deliverables are due in accordance with Exhibit B, or as otherwise mutually agreed. For purposes of this section, the total cost for each of the tasks shall be consistent with the rate schedule in Exhibit C.

4. Termination.

A. Termination Without Cause. Either party may terminate this Agreement without cause by giving the other party thirty (30) days written notice.

B. Termination for Cause. LAFCO may terminate this Agreement for cause upon written notice to Contractor. For purposes of this Agreement, cause includes, but is not limited to, any of the following: (1) material breach of this Agreement by Contractor, (b) violation by Contractor of any applicable laws, (c) assignment by Contractor of this Agreement without the written consent of LAFCO pursuant to Section 13, or (d) failure to provide services in a satisfactory manner. Such notice shall specify the reason for termination and shall indicate the effective date of such termination.

C. In the event of termination, Contractor will deliver to LAFCO copies of all reports and other work performed by Contractor under this Agreement whether complete or incomplete, and upon receipt thereof, Contractor will be compensated based on the completion of services provided, as solely and reasonably determined by LAFCO.

5. Project Managers; Substitution

A. Contractor designates _____ as the Contractor's Project Manager for the purpose of performing the services under this Agreement. _____ will serve as day-to-day contact for LAFCO and work directly with staff.

B. LAFCO designates the LAFCO Executive Officer as its Project Manager for the purpose of managing the services performed under this Agreement.

C. Contractor may not substitute anyone other than _____ to serve as Project Manager without the written permission of the LAFCO Executive Officer or her authorized representative. Any such substitution shall be with a person or firm of commensurate experience and knowledge necessary for the tasks to be undertaken.

6. Conflicts of Interest.

In accepting this Agreement, Contractor covenants that it presently has no interest, and will not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of the Services.

Contractor further covenants that, in the performance of this Agreement, it will not employ any contractor or person having such an interest.

7. Indemnification/Insurance.

Contractor's indemnification and insurance obligations with respect to this Agreement are set forth in Exhibit D, attached hereto and incorporated herein by this reference.

8. Compliance with all Laws.

Contractor shall, during the term of this contract, comply with all applicable federal, state, and local rules, regulations, and laws.

9. Maintenance of Records.

Contractor shall maintain financial records adequate to show that LAFCO funds paid under the contract were used for purposes consistent with the terms of the contract. These records shall be maintained during the term of this contract and for a period of three (3) years from termination of this contract or until all claims, if any, have been resolved, whichever period is longer, or longer if otherwise required under other provisions of this contract.

10. Nondiscrimination.

Contractor will comply with all applicable Federal, State, and local laws and regulations including Santa Cruz County's equal opportunity requirements. Such laws include but are not limited to the following: Title VII of the Civil Rights Act of 1964 as amended; Americans with Disabilities Act of 1990; The Rehabilitation Act of 1973

(Sections 503 and 504); California Fair Employment and Housing Act (Government Code sections 12900 et seq.); California Labor Code sections 1101 and 1102.

Contractor will not discriminate against any subcontractor, employee, or applicant for employment because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status in the recruitment, selection for training including apprenticeship, hiring, employment, utilization, promotion, layoff, rates of pay or other forms of compensation. Nor will Contractor discriminate in provision of services provided under this contract because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status.

11. Notices.

All notices required by this Agreement will be deemed given when in writing and delivered personally or deposited in the United States mail, postage prepaid, return receipt requested, addressed to the other party at the address set forth below or at such other address as the party may designate in writing in accordance with this section:

To Contractor: _____

To LAFCO: LAFCO Executive Officer
701 Ocean Street, Room 318-D
Santa Cruz, CA 95060

12. Governing Law.

This Agreement has been executed and delivered in, and will be construed and enforced in accordance with, the laws of the State of California. Venue shall be in Santa Cruz County.

13. Assignment.

Contractor has been selected to perform services under this Agreement based upon the qualifications and experience of Contractor's personnel. Contractor may not assign this Agreement or the rights and obligations hereunder without the specific written consent of LAFCO. Any attempted assignment or subcontract without prior written consent will be null and void and will be cause, in LAFCO's sole and absolute discretion, for immediate termination of the Agreement.

14. Relationships of Parties; Independent Contractor.

Contractor will perform all work and services described herein as an independent contractor and not as an officer, agent, servant or employee of LAFCO. None of the provisions of this Agreement is intended to create, nor shall be deemed or construed to create, any relationship between the parties other than that of independent parties contracting with each other for purpose of effecting the provisions of this Agreement. The parties are not, and will not be construed to be in a relationship of joint venture, partnership or employer-employee. Neither party has the authority to make any statements, representations or commitments of any kind on behalf of the other party, or to use the name of the other party in any publications or advertisements, except with the written consent of the other party or as is explicitly provided herein. Contractor will be solely responsible for the acts and omissions of its officers, agents, employees, contractors, and subcontractors, if any.

15. Entire Agreement.

This document represents the entire Agreement between the parties with respect to the subject matter hereof. All prior negotiations and written and/or oral agreements between the parties with respect to the subject matter of this Agreement are merged into this Agreement.

16. Amendments.

This Agreement may be amended only by an instrument signed by the parties.

17. Counterparts.

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

18. Severability.

If any provision of this Agreement is found by a court of competent jurisdiction to be void, invalid or unenforceable, the same will either be reformed to comply with applicable law or stricken if not so conformable, so as not to affect the validity or enforceability of this Agreement.

19. Waiver.

No delay or failure to require performance of any provision of this Agreement shall constitute a waiver of that provision as to that or any other instance. Any waiver granted by a party must be in writing, and shall apply to the specific instance expressly stated.

20. Ownership of Materials and Confidentiality.

A. Documents & Data; Licensing of Intellectual Property. This Agreement creates a non-exclusive and perpetual license for LAFCO to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied

in plans, specifications, studies, drawings, estimates, and other documents or works of authorship fixed in any tangible medium of expression, including but not limited to, physical drawings or data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Contractor under this Agreement ("Documents & Data"). Contractor shall require all sub consultants to agree in writing that LAFCO is granted a non-exclusive and perpetual license for any Documents & Data the sub consultant prepares under this Agreement. Contractor represents and warrants that Contractor has the legal right to license any and all Documents & Data. Contractor makes no such representation and warranty in regard to Documents & Data which were prepared by design professionals other than Contractor or provided to Contractor by LAFCO. LAFCO shall not be limited in any way in its use of the Documents & Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at LAFCO's sole risk.

B. Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents & Data either created by or provided to Contractor in connection with the performance of this Agreement shall be held confidential by Contractor. Such materials shall not, without the prior written consent of Contractor, be used by Contractor for any purposes other than the performance of the Agreement. Nor shall such materials be disclosed to any person or entity not connected with the performance of the Agreement. Nothing furnished to Contractor which is otherwise known to Contractor or is generally known, or has become known, to the related industry shall be deemed confidential. Contractor shall not use LAFCO's name or insignia, photographs of the Services, or any publicity pertaining to the Services in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of LAFCO.

C. Confidential Information. LAFCO shall refrain from releasing Contractor's proprietary information ("Proprietary Information") unless LAFCO's legal counsel determines that the release of the Proprietary Information is required by the California Public Records Act or other applicable state or federal law, or order of a court of competent jurisdiction, in which case LAFCO shall notify Contractor of its intention to release Proprietary Information. Contractor shall have five (5) working days after receipt of the Release Notice to give LAFCO written notice of Contractor's objection to LAFCO's release of Proprietary Information. Contractor shall indemnify, defend and hold harmless LAFCO, and its officers, directors, employees, and agents from and against all liability, loss, cost or expense (including attorney's fees) arising out of a legal action brought to compel the release of Proprietary Information. LAFCO shall not release the Proprietary Information after receipt of the Objection Notice unless either: (1) Contractor fails to fully indemnify, defend (with LAFCO's choice of legal counsel), and hold LAFCO harmless from any legal action brought to compel such release; and/or (2) a final and non-appealable order by a court of competent jurisdiction requires that LAFCO release such information.

TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this Agreement as of the last date indicated below:

“Commission”

By: _____

Joe Serrano, Executive Officer

Date: _____

“Contractor”

By: _____

TBD

Date: _____

Approved as to form:

By: _____

Joshua Nelson, General Counsel

Date: _____

Exhibits to this Agreement:

Exhibit A – Scope of Services

Exhibit B – Project Timeline

Exhibit C – Rate Schedule

Exhibit D – Indemnification and Insurance



LOCAL AGENCY FORMATION COMMISSION
OF SANTA CRUZ COUNTY

EXHIBIT D: INSURANCE REQUIREMENTS FOR
STANDARD SERVICE CONTRACTS

Indemnity

During the term of this contract, the Contractor shall indemnify, defend, and hold harmless the Local Agency Formation Commission of Santa Cruz County (hereinafter "LAFCO"), its officers, agents and employees from any claim, liability, loss, injury or damage arising out of, or in connection with, performance of this Agreement by Contractor and/or its agents, employees or sub-contractors, excepting only loss, injury or damage caused by the active negligence or willful misconduct of personnel employed by LAFCO. It is the intent of the parties to this Agreement to provide the broadest possible coverage for LAFCO. The Contractor shall reimburse LAFCO for all costs, attorneys' fees, expenses and liabilities incurred with respect to any litigation in which the Contractor is obligated to indemnify, defend and hold harmless the LAFCO under this Agreement.

Insurance

Without limiting the Contractor's indemnification of LAFCO, the Contractor shall provide and maintain at its own expense, during the term of this Agreement, or as may be further required herein, the following insurance coverages and provisions:

A. Evidence of Coverage

Prior to commencement of this Agreement, the Contractor shall provide a Certificate of Insurance certifying that coverage as required herein has been obtained. Individual endorsements executed by the insurance carrier shall accompany the certificate. In addition, a copy of the policy or policies shall be provided by the Contractor upon request.

This verification of coverage shall be sent to the LAFCO Executive Officer, unless otherwise directed. The Contractor shall not receive a Notice to Proceed with the work under the Agreement until it has obtained all insurance required and such insurance has been approved by LAFCO Executive Officer. This approval of insurance shall neither relieve nor decrease the liability of the Contractor.

B. Qualifying Insurers

All coverages, except surety, shall be issued by companies which hold a current policyholder's alphabetic and financial size category rating of not less than A- V, according

to the current Best's Key Rating Guide or a company of equal financial stability that is approved by the LAFCO Executive Officer.

C. Notice of Cancellation

All coverage as required herein shall not be canceled or changed so as to no longer meet the specified insurance requirements without 30 days' prior written notice of such cancellation or change being delivered to the LAFCO Executive Officer.

D. Insurance Required

1. Automobile Liability Insurance

For bodily injury (including death) and property damage which provides total limits of not less than \$15,000 per person, \$30,000 per occurrence, \$5,000 property damage applicable to all owned, non-owned and hired vehicles.

2. Workers' Compensation and Employer's Liability Insurance

a. Statutory California Workers' Compensation coverage including broad form all-states coverage.

b. Employer's Liability coverage for not less than one million dollars (\$1,000,000) per occurrence.

E. Special Provisions

The following provisions shall apply to this Agreement:

1. The foregoing requirements as to the types and limits of insurance coverage to be maintained by the Contractor and any approval of said insurance by the LAFCO Executive Officer or insurance consultant(s) are not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Contractor pursuant to this Agreement, including but not limited to the provisions concerning indemnification.

2. LAFCO acknowledges that some insurance requirements contained in this Agreement may be fulfilled by self-insurance on the part of the Contractor. However, this shall not in any way limit liabilities assumed by the Contractor under this Agreement. Any self-insurance shall be approved in writing by LAFCO upon satisfactory evidence of financial capacity. Contractors obligation hereunder may be satisfied in whole or in part by adequately funded self-insurance programs or self- insurance retentions.

3. Should any of the work under this Agreement be sublet, the Contractor shall require each of its subcontractors of any tier to carry the aforementioned coverages, or Contractor may insure subcontractors under its own policies.

4. LAFCO reserves the right to withhold payments to the Contractor in the event of material noncompliance with the insurance requirements outlined above.

F. Fidelity Bonds (Required only if contractor will be receiving advanced funds or payments)

Before receiving compensation under this Agreement, Contractor will furnish County with evidence that all officials, employees, and agents handling or having access to funds received or disbursed under this Agreement, or authorized to sign or countersign checks, are covered by a BLANKET FIDELITY BOND in an amount of AT LEAST fifteen percent (15%) of the maximum financial obligation of the County cited herein. If such bond is canceled or reduced, Contractor will notify County immediately, and County may withhold further payment to Contractor until proper coverage has been obtained. Failure to give such notice may be cause for termination of this Agreement, at the option of County.



Santa Cruz Local Agency Formation Commission

Date: March 2, 2022
To: LAFCO Commissioners
From: Joe Serrano, Executive Officer
Subject: **Professional Services Agreements**

SUMMARY OF RECOMMENDATION

The Cortese-Knox-Hertzberg Act delegates LAFCOs with regulatory and planning duties to coordinate the logical formation and development of local governmental agencies through various actions, including but not limited to, processing boundary changes and developing service and sphere reviews. In some cases, LAFCO staff requires additional assistance from outside consultants for specific projects. This report will summarize the three proposed agreements for professional services.

It is recommended that the Commission consider the following actions:

- 1) Adopt the contractual agreement with Fire Reorganization Consulting, LLC for fire consulting services;
 - 2) Adopt the contractual agreement with Chase Design, Inc. for website services; and
 - 3) Direct staff to coordinate with Monterey LAFCO and develop a contractual agreement for shared administrative services on an as-needed basis.
-

EXECUTIVE OFFICER'S REPORT:

LAFCO has been operating with one full-time employee since September 2021. During this time, staff has been able to perform without any setbacks in productivity and has concluded that one staff member is sufficient to complete the Commission's Multi-Year Work Program and other identified goals. However, the Commission has tasked staff to implement contingencies in case the Executive Officer is out of the office for an extended period of time. Additionally, there are current projects that would benefit from temporary assistance. That is why staff is recommending the approval of three contractual agreements that will help with internal operations and current projects.

Shared Services (Monterey LAFCO)

Government Code Section 56430(a)(5) requires LAFCO to determine the status of, and opportunities for, shared services and facilities when conducting a service review for a city or special district. Encouraging strategic partnerships among local agencies is, and continues to be, a core goal for LAFCO. It is staff's position that LAFCO should also consider collaborating with neighboring LAFCOs for shared services opportunities. One way to maximize existing resources and champion a new joint venture is by developing a

contractual agreement with Monterey LAFCO for administrative services. This agreement would be similar to a retainer with a law firm when legal services are needed during specific events. In this case, the agreement with Monterey LAFCO will address situations when administrative assistance is needed. If approved, this may lead to extending the agreement to include other neighboring LAFCOs such as Santa Clara or San Mateo LAFCOs or even become a model for other LAFCOs statewide to consider. In summary, this proposed agreement will guarantee two outcomes: (1) the Santa Cruz LAFCO office will remain open when the Executive Officer is out of office for an extended period of time, and (2) the Santa Cruz LAFCO office will have additional staffing upon request without the need to search for temporary assistance. Staff is recommending that the Commission direct staff to create and sign a contractual agreement with Monterey LAFCO.

Website Services (Chase Design, Inc.)

One of staff's goals for 2022 is to revamp LAFCO's website. Staff has been updating various webpages over the years but professional assistance is needed to completely renovate the entire website. Chris Chase has been instrumental in revamping other LAFCO websites during the last few years. His professional services will improve our website in three distinctive ways: (1) improve LAFCO's transparency by making the website easier to navigate, (2) increase efficiency by reducing redundant links and pages, and (3) improve productivity by upgrading the back-end system. Staff is recommending that the Commission approve the contractual agreement with Chase Design, Inc. for website services. This agreement includes language that the total cost will not exceed \$10,000, as shown in **Attachment 1**.

Fire Consulting Services (Fire Reorganization Consulting, LLC)

Last October, the Commission adopted the 2021 Countywide Fire Protection Service & Sphere Review. A number of recommendations and actions were identified in this comprehensive report, including the development of annexation plans by the fire agencies based on their sphere boundaries. Additionally, LAFCO encouraged the Branciforte Fire Protection District (FPD) to develop a strategic plan to prove that it is capable of being a standalone agency or consider merging with the Scotts Valley Fire Protection District. Due to expressed interest in annexation by several fire agencies, coupled with the fact that Branciforte FPD's future governance is uncertain, staff is recommending that the Commission hire Don Jarvis for his expertise in fire-related operations and reorganizations. As you may recall, Don Jarvis was hired by Aptos/La Selva Fire Protection District to be their interim fire chief during the consolidation with the Central Fire Protection District. The proposed agreement with Don Jarvis would last until March 2024 and includes language that the total cost for his services will not exceed \$40,000 at the end of any calendar year, as shown in **Attachment 2**.

Conclusion

Staff has proven that LAFCO's productivity has increased while the number of staffing has been reduced to one full-time employee. While staff is confident that day-to-day operations, processing boundary changes, and upcoming service reviews will be completed in a timely manner, certain projects may benefit from outside consultants. Therefore, staff is recommending that the Commission approve the two contractual

agreements (refer to Attachments 1 and 2) for website and fire consulting services respectively, and direct staff to work with Monterey LAFCO and develop a contractual agreement for administrative services when needed. The table below summarizes the three contractual agreements being considered by the Commission.

Table A: Proposed Contractual Agreements

Firm/ Agency	Point Person	Purpose/ Objective	Estimated Cost	Completion Date
Chase Design, Inc.	Chris Chase	Website Services	No more than \$10,000	June 2022
Fire Reorganization Consulting, LLC	Don Jarvis	Consulting Services	No more than \$40,000/year	March 2024
Monterey LAFCO	Kate McKenna	Administrative Services	Hourly Rate (as needed basis)	N/A

Respectfully Submitted,



Joe A. Serrano
Executive Officer

Attachments:

1. Contractual Agreement for Website Services (Chase Design, Inc.)
2. Contractual Agreement for Fire Consulting Services (Fire Reorg. Consulting, LLC)

cc: Chris Chase, Website Consultant
Don Jarvis, Fire Consultant
Kate McKenna, Monterey LAFCO



LOCAL AGENCY FORMATION COMMISSION
OF SANTA CRUZ COUNTY

**PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT
SERVICES BETWEEN THE LOCAL AGENCY FORMATION
COMMISSION OF SANTA CRUZ COUNTY AND CHASE DESIGN INC**

This Agreement ("Agreement") is made effective _____, by and between the Local Agency Formation Commission of Santa Cruz County ("LAFCO") and Chase Design, Inc. ("Contractor") to provide consulting services for assisting LAFCO staff in the review of fire protection and related services as part of any change of organization and/or reorganization proposals, special studies, and municipal service reviews as requested by the Executive Officer.

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Act, Government Code section 56000 et seq., LAFCO is an independent body; and

WHEREAS, LAFCO needs assistance with revamping the LAFCO Website; and

WHEREAS, Contractor has experience and expertise necessary to provide such services; and

WHEREAS, at the March 2, 2022 Regular LAFCO Meeting, the Commission delegated authority to the LAFCO Executive Officer to execute an agreement with the Contractor for website services;

THEREFORE, the parties agree as follows:

1. Nature of Services.

The Contractor will provide to LAFCO the services described in Exhibit A, Scope of Services, which is attached hereto and incorporated herein by this reference. Contractor shall perform the services in accordance with the project timeline as described in Exhibit B, which is attached hereto and incorporated herein by this reference.

2. Term of Agreement.

The term of this Agreement shall commence at 12:00 a.m. on March 3, 2022 and shall terminate at 11:59 p.m. on June 30, 2022 unless extended in writing by mutual agreement of the parties or terminated earlier in accordance with Section 4 ("Termination") below.

3. Compensation.

A. Contractor will be compensated for services provided under this Agreement in accordance with the Rate Schedule included in Exhibit C, which is attached hereto and incorporated herein by this reference. Contractor will complete all the work and tasks described in Exhibit A for an amount not to exceed \$10,000. The Contractor shall be paid based on the rate schedule indicated in Exhibit C, but compensation and expenses shall not exceed the maximum compensation stated herein.

B. Contractor will provide LAFCO with task-specific invoices based on estimated costs in Contractor's proposal, which shall be accompanied by a detailed summary of activities undertaken over the course of completing the task.

C. Deliverables shall be in accordance with the project timeline provided in Exhibit B, which has been negotiated between the parties prior to the effective date of this Agreement, or as otherwise determined by mutual written agreement of the parties. If the deliverables are not according to such timeline in Exhibit B or as otherwise mutually agreed or if they do not comply with the requirements in the Scope of Services, it is understood, acknowledged and agreed that LAFCO will suffer damage. As fixed and liquidated damages, LAFCO shall withhold from Contractor the payment of the sum of \$200 per calendar day for each and every calendar day of delay beyond the date that such deliverables are due in accordance with Exhibit B, or as otherwise mutually agreed. For purposes of this section, the total cost for each of the tasks shall be consistent with the rate schedule in Exhibit C.

4. Termination.

A. Termination Without Cause. Either party may terminate this Agreement without cause by giving the other party thirty (30) days written notice.

B. Termination for Cause. LAFCO may terminate this Agreement for cause upon written notice to Contractor. For purposes of this Agreement, cause includes, but is not limited to, any of the following: (1) material breach of this Agreement by Contractor, (b) violation by Contractor of any applicable laws, (c) assignment by Contractor of this Agreement without the written consent of LAFCO pursuant to Section 13, or (d) failure to provide services in a satisfactory manner. Such notice shall specify the reason for termination and shall indicate the effective date of such termination.

C. In the event of termination, Contractor will deliver to LAFCO copies of all reports and other work performed by Contractor under this Agreement whether complete or incomplete, and upon receipt thereof, Contractor will be compensated based on the completion of services provided, as solely and reasonably determined by LAFCO.

5. Project Managers; Substitution

A. Contractor designates _____ as the Contractor's Project Manager for the purpose of performing the services under this Agreement. _____ will serve as day-to-day contact for LAFCO and work directly with staff.

B. LAFCO designates the LAFCO Executive Officer as its Project Manager for the purpose of managing the services performed under this Agreement.

C. Contractor may not substitute anyone other than _____ to serve as Project Manager without the written permission of the LAFCO Executive Officer or her authorized representative. Any such substitution shall be with a person or firm of commensurate experience and knowledge necessary for the tasks to be undertaken.

6. Conflicts of Interest.

In accepting this Agreement, Contractor covenants that it presently has no interest, and will not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of the Services.

Contractor further covenants that, in the performance of this Agreement, it will not employ any contractor or person having such an interest.

7. Indemnification/Insurance.

Contractor's indemnification and insurance obligations with respect to this Agreement are set forth in Exhibit D, attached hereto and incorporated herein by this reference.

8. Compliance with all Laws.

Contractor shall, during the term of this contract, comply with all applicable federal, state, and local rules, regulations, and laws.

9. Maintenance of Records.

Contractor shall maintain financial records adequate to show that LAFCO funds paid under the contract were used for purposes consistent with the terms of the contract. These records shall be maintained during the term of this contract and for a period of three (3) years from termination of this contract or until all claims, if any, have been resolved, whichever period is longer, or longer if otherwise required under other provisions of this contract.

10. Nondiscrimination.

Contractor will comply with all applicable Federal, State, and local laws and regulations including Santa Cruz County's equal opportunity requirements. Such laws include but are not limited to the following: Title VII of the Civil Rights Act of 1964 as amended; Americans with Disabilities Act of 1990; The Rehabilitation Act of 1973 (Sections 503 and 504); California Fair Employment and Housing Act (Government Code sections 12900 et seq.); California Labor Code sections 1101 and 1102.

Contractor will not discriminate against any subcontractor, employee, or applicant for employment because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status in the recruitment, selection for training including apprenticeship, hiring, employment, utilization, promotion, layoff, rates of pay or other forms of compensation. Nor will Contractor discriminate in provision of services provided under this contract because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status.

11. Notices.

All notices required by this Agreement will be deemed given when in writing and delivered personally or deposited in the United States mail, postage prepaid, return receipt requested, addressed to the other party at the address set forth below or at such other address as the party may designate in writing in accordance with this section:

To Contractor: Chase Design Inc.
2011 Palomar Airport Road, Suite 304
Carlsbad, CA 92011

To LAFCO: LAFCO Executive Officer
701 Ocean Street, Room 318-D
Santa Cruz, CA 95060

12. Governing Law.

This Agreement has been executed and delivered in, and will be construed and enforced in accordance with, the laws of the State of California. Venue shall be in Santa Cruz County.

13. Assignment.

Contractor has been selected to perform services under this Agreement based upon the qualifications and experience of Contractor's personnel. Contractor may not assign this Agreement or the rights and obligations hereunder without the specific written consent of LAFCO. Any attempted assignment or subcontract without prior written consent will be null and void and will be cause, in LAFCO's sole and absolute discretion, for immediate termination of the Agreement.

14. Relationships of Parties; Independent Contractor.

Contractor will perform all work and services described herein as an independent contractor and not as an officer, agent, servant or employee of LAFCO. None of the provisions of this Agreement is intended to create, nor shall be deemed or construed to create, any relationship between the parties other than that of independent parties contracting with each other for purpose of effecting the provisions of this Agreement. The parties are not, and will not be construed to be in a relationship of joint venture, partnership or employer-employee. Neither party has the authority to make any statements, representations or commitments of any kind on behalf of the other party, or to use the name of the other party in any publications or advertisements, except with the written consent of the other party or as is explicitly provided herein. Contractor will be solely responsible for the acts and omissions of its officers, agents, employees, contractors, and subcontractors, if any.

15. Entire Agreement.

This document represents the entire Agreement between the parties with respect to the subject matter hereof. All prior negotiations and written and/or oral agreements between the parties with respect to the subject matter of this Agreement are merged into this Agreement.

16. Amendments.

This Agreement may be amended only by an instrument signed by the parties.

17. Counterparts.

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

18. Severability.

If any provision of this Agreement is found by a court of competent jurisdiction to be void, invalid or unenforceable, the same will either be reformed to comply with applicable law or stricken if not so conformable, so as not to affect the validity or enforceability of this Agreement.

19. Waiver.

No delay or failure to require performance of any provision of this Agreement shall constitute a waiver of that provision as to that or any other instance. Any waiver granted by a party must be in writing, and shall apply to the specific instance expressly stated.

20. Ownership of Materials and Confidentiality.

A. Documents & Data; Licensing of Intellectual Property. This Agreement creates a non-exclusive and perpetual license for LAFCO to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in plans, specifications, studies, drawings, estimates, and other documents or works of authorship fixed in any tangible medium of expression, including but not limited to, physical drawings or data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Contractor under this Agreement ("Documents & Data"). Contractor shall require all sub consultants to agree in writing that LAFCO is granted a non-exclusive and perpetual license for any Documents & Data the sub consultant prepares under this Agreement. Contractor represents and warrants that Contractor has the legal right to license any and all Documents & Data. Contractor makes no such representation and warranty in regard to Documents & Data which were prepared by design professionals other than Contractor or provided to Contractor by LAFCO. LAFCO shall not be limited in any way in its use of the Documents & Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at LAFCO's sole risk.

B. Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents & Data either created by or provided to Contractor in connection with the performance of this Agreement shall be held confidential by Contractor. Such materials shall not, without the prior written consent of Contractor, be used by Contractor for any purposes other than the performance of the Agreement. Nor shall such materials be disclosed to any person or entity not connected with the performance of the Agreement. Nothing furnished to Contractor which is otherwise known to Contractor or is generally known, or has become known, to the related industry shall be deemed confidential. Contractor shall not use LAFCO's name or insignia, photographs of the Services, or any publicity pertaining to the Services in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of LAFCO.

C. Confidential Information. LAFCO shall refrain from releasing Contractor's proprietary information ("Proprietary Information") unless LAFCO's legal counsel determines that the release of the Proprietary Information is required by the California Public Records Act or other applicable state or federal law, or order of a court of

competent jurisdiction, in which case LAFCO shall notify Contractor of its intention to release Proprietary Information. Contractor shall have five (5) working days after receipt of the Release Notice to give LAFCO written notice of Contractor's objection to LAFCO's release of Proprietary Information. Contractor shall indemnify, defend and hold harmless LAFCO, and its officers, directors, employees, and agents from and against all liability, loss, cost or expense (including attorney's fees) arising out of a legal action brought to compel the release of Proprietary Information. LAFCO shall not release the Proprietary Information after receipt of the Objection Notice unless either: (1) Contractor fails to fully indemnify, defend (with LAFCO's choice of legal counsel), and hold LAFCO harmless from any legal action brought to compel such release; and/or (2) a final and non-appealable order by a court of competent jurisdiction requires that LAFCO release such information.

TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this Agreement as of the last date indicated below:

"Commission"

By: _____

Joe Serrano, Executive Officer

Date: _____

"Contractor"

By: _____

Chris Chase, Consultant

Date: _____

Approved as to form:

By: _____

Joshua Nelson, General Counsel

Date: _____

Exhibits to this Agreement:

Exhibit A – Scope of Services

Exhibit B – Project Timeline

Exhibit C – Rate Schedule

Exhibit D – Indemnification and Insurance

EXHIBIT A: SCOPE OF SERVICES

The Contractor will provide all of the following services:

Project requirements and limitations

- Redevelop the site using the latest web technology and design trends to meet consumer expectations and functionality
- Create a style-guide to evolve the overall look-and-feel and establish the brand's visual personality
- Architect the site structure for best UX practices
- Implement Google Analytics
- Include prominent Call-to-Actions to provoke consumer interactions
- Ensure the site is fully responsive across mobile devices

Task breakdown:

1) Discovery:

- Research & find a Wordpress theme to use for the base of the new site. We prefer the Impreza Theme.

2) Design Stage:

- Create comprehensive home page design to establish the look-and-feel of the new site.
- Once the home page is approved, we'll use it as the set art direction for the additional pages.

3) Implementation:

- Implement all functionality/features required
- Customize codes to ensure functionality meets the criteria
- Create graphics/imagery to use for site pages/sections
- QA to ensure the site is fully responsive across mobile devices

4) SEO Tools and Tech Setup:

- SEO Plugin Installation, Google Tag Manager/ Google Analytics, Google Webmaster Tools
- On Page Optimization
- Technical Site Optimization and Site Speed

5) Additional Items:

- Sucuri is a website security measure we suggest. It's \$199 a year. You can see more at [Sucuri.net](https://sucuri.net).
- Website hosting. We prefer WP Engine.
- Accessibe - ADA Compliant Tool. It's \$499 a year. You can see more at accessibe.com
- Any stock imagery needed. We have an iStock.com account, the images are 1-3 credits at \$12/credit.

EXHIBIT B: PROJECT TIMELINE

The following is an outline of the anticipated schedule for the contract award and the contract effective date. This schedule is subject to change:

Date	Task
March 2, 2022	Consideration of contractual agreement
March 2022	Review existing website and discuss revamp process
April 2022	Review revamp process
May 2022	Finalize revamp process
June 2022	Unveil new LAFCO Website

EXHIBIT B: APPROVED FEE SCHEDULE

The Contractor will charge \$150 per hour, not to exceed 66 hours or \$10,000 without prior written authorization from LAFCO's Executive Officer. The Contractor's time will be recorded in 6-minute increments and rounded up.

DRAFT

EXHIBIT D: INSURANCE REQUIREMENTS FOR STANDARD SERVICE CONTRACTS

Indemnity

During the term of this contract, the Contractor shall indemnify, defend, and hold harmless the Local Agency Formation Commission of Santa Cruz County (hereinafter "LAFCO"), its officers, agents and employees from any claim, liability, loss, injury or damage arising out of, or in connection with, performance of this Agreement by Contractor and/or its agents, employees or sub-contractors, excepting only loss, injury or damage caused by the active negligence or willful misconduct of personnel employed by LAFCO. It is the intent of the parties to this Agreement to provide the broadest possible coverage for LAFCO. The Contractor shall reimburse LAFCO for all costs, attorneys' fees, expenses and liabilities incurred with respect to any litigation in which the Contractor is obligated to indemnify, defend and hold harmless the LAFCO under this Agreement.

Insurance

Without limiting the Contractor's indemnification of LAFCO, the Contractor shall provide and maintain at its own expense, during the term of this Agreement, or as may be further required herein, the following insurance coverages and provisions:

A. Evidence of Coverage

Prior to commencement of this Agreement, the Contractor shall provide a Certificate of Insurance certifying that coverage as required herein has been obtained. Individual endorsements executed by the insurance carrier shall accompany the certificate. In addition, a copy of the policy or policies shall be provided by the Contractor upon request.

This verification of coverage shall be sent to the LAFCO Executive Officer, unless otherwise directed. The Contractor shall not receive a Notice to Proceed with the work under the Agreement until it has obtained all insurance required and such insurance has been approved by LAFCO Executive Officer. This approval of insurance shall neither relieve nor decrease the liability of the Contractor.

B. Qualifying Insurers

All coverages, except surety, shall be issued by companies which hold a current policyholder's alphabetic and financial size category rating of not less than A- V, according to the current Best's Key Rating Guide or a company of equal financial stability that is approved by the LAFCO Executive Officer.

C. Notice of Cancellation

All coverage as required herein shall not be canceled or changed so as to no longer meet the specified insurance requirements without 30 days' prior written notice of such cancellation or change being delivered to the LAFCO Executive Officer.

D. Insurance Required

1. Automobile Liability Insurance

For bodily injury (including death) and property damage which provides total limits of not less than \$15,000 per person, \$30,000 per occurrence, \$5,000 property damage applicable to all owned, non-owned and hired vehicles.

2. Workers' Compensation and Employer's Liability Insurance

a. Statutory California Workers' Compensation coverage including broad form all-states coverage.

b. Employer's Liability coverage for not less than one million dollars (\$1,000,000) per occurrence.

E. Special Provisions

The following provisions shall apply to this Agreement:

1. The foregoing requirements as to the types and limits of insurance coverage to be maintained by the Contractor and any approval of said insurance by the LAFCO Executive Officer or insurance consultant(s) are not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Contractor pursuant to this Agreement, including but not limited to the provisions concerning indemnification.

2. LAFCO acknowledges that some insurance requirements contained in this Agreement may be fulfilled by self-insurance on the part of the Contractor. However, this shall not in any way limit liabilities assumed by the Contractor under this Agreement. Any self-insurance shall be approved in writing by LAFCO upon satisfactory evidence of financial capacity. Contractors obligation hereunder may be satisfied in whole or in part by adequately funded self-insurance programs or self-insurance retentions.

3. Should any of the work under this Agreement be sublet, the Contractor shall require each of its subcontractors of any tier to carry the aforementioned coverages, or Contractor may insure subcontractors under its own policies.

4. LAFCO reserves the right to withhold payments to the Contractor in the event of material noncompliance with the insurance requirements outlined above.

F. Fidelity Bonds (Required only if contractor will be receiving advanced funds or payments)

Before receiving compensation under this Agreement, Contractor will furnish County with evidence that all officials, employees, and agents handling or having access to funds received or disbursed under this Agreement, or authorized to sign or countersign checks, are covered by a BLANKET FIDELITY BOND in an amount of AT LEAST fifteen percent (15%) of the maximum financial obligation of the County cited herein. If such bond is canceled or reduced, Contractor will notify County immediately, and County may withhold further payment to Contractor until proper coverage has been obtained. Failure to give such notice may be cause for termination of this Agreement, at the option of County.



LOCAL AGENCY FORMATION COMMISSION
OF SANTA CRUZ COUNTY

**PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT
SERVICES BETWEEN THE LOCAL AGENCY FORMATION
COMMISSION OF SANTA CRUZ COUNTY AND THE FIRE
REORGANIZATION CONSULTING LLC**

This Agreement ("Agreement") is made effective _____, by and between the Local Agency Formation Commission of Santa Cruz County ("LAFCO") and the Fire Reorganization Consulting LLC ("Contractor") to provide consulting services for assisting LAFCO staff in the review of fire protection and related services as part of any change of organization and/or reorganization proposals, special studies, and municipal service reviews as requested by the Executive Officer.

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Act, Government Code section 56000 et seq., LAFCO is an independent body; and

WHEREAS, LAFCO needs assistance with the upcoming fire-related projects; and

WHEREAS, Contractor has experience and expertise necessary to provide such services; and

WHEREAS, at the March 2, 2022 Regular LAFCO Meeting, the Commission delegated authority to the LAFCO Executive Officer to execute an agreement with the Contractor for professional services;

THEREFORE, the parties agree as follows:

1. Nature of Services.

The Contractor will provide to LAFCO the services described in Exhibit A, Scope of Services, which is attached hereto and incorporated herein by this reference. Contractor shall perform the services in accordance with the Approved Fee Schedule as described in Exhibit B, which is attached hereto and incorporated herein by this reference.

2. Term of Agreement.

The term of this Agreement shall commence at 12:00 a.m. on March 3, 2022 and shall terminate at 11:59 p.m. on March 1, 2024 unless extended in writing by mutual agreement of the parties or terminated earlier in accordance with Section 4 ("Termination") below.

3. Compensation.

A. Contractor will be compensated for services provided under this Agreement in accordance with the Rate Schedule included in Exhibit B, which is attached hereto and incorporated herein by this reference. Contractor will complete all the work and tasks described in Exhibit A for an amount not to exceed \$40,000 at the end of any calendar year. The Contractor shall be paid based on the rate schedule indicated in Exhibit B, but compensation and expenses shall not exceed the maximum compensation stated herein.

B. Contractor will provide LAFCO with task-specific invoices based on estimated costs in Contractor's proposal, which shall be accompanied by a detailed summary of activities undertaken over the course of completing the task.

C. Deliverables shall be in accordance with the Scope of Services provided in Exhibit A, which has been discussed between the parties prior to the effective date of this Agreement, or as otherwise determined by mutual written agreement of the parties. If the deliverables are not according to such timeline in Exhibit A or as otherwise mutually agreed or if they do not comply with the requirements in the Scope of Services, it is understood, acknowledged and agreed that LAFCO will suffer damage. As fixed and liquidated damages, LAFCO shall withhold from Contractor the payment of the sum of \$200 per calendar day for each and every calendar day of delay beyond the date that such deliverables are due in accordance with Exhibit A, or as otherwise mutually agreed. For purposes of this section, the total cost for each of the tasks shall be consistent with the rate schedule in Exhibit B.

4. Termination.

A. Termination Without Cause. Either party may terminate this Agreement without cause by giving the other party thirty (30) days written notice.

B. Termination for Cause. LAFCO may terminate this Agreement for cause upon written notice to Contractor. For purposes of this Agreement, cause includes, but is not limited to, any of the following: (1) material breach of this Agreement by Contractor, (b) violation by Contractor of any applicable laws, (c) assignment by Contractor of this Agreement without the written consent of LAFCO pursuant to Section 13, or (d) failure

to provide services in a satisfactory manner. Such notice shall specify the reason for termination and shall indicate the effective date of such termination.

C. In the event of termination, Contractor will deliver to LAFCO copies of all reports and other work performed by Contractor under this Agreement whether complete or incomplete, and upon receipt thereof, Contractor will be compensated based on the completion of services provided, as solely and reasonably determined by LAFCO.

5. Project Managers; Substitution

A. Contractor designates _____ as the Contractor's Project Manager for the purpose of performing the services under this Agreement. _____ will serve as day-to-day contact for LAFCO and work directly with staff.

B. LAFCO designates the LAFCO Executive Officer as its Project Manager for the purpose of managing the services performed under this Agreement.

C. Contractor may not substitute anyone other than _____ to serve as Project Manager without the written permission of the LAFCO Executive Officer or her authorized representative. Any such substitution shall be with a person or firm of commensurate experience and knowledge necessary for the tasks to be undertaken.

6. Conflicts of Interest.

In accepting this Agreement, Contractor covenants that it presently has no interest, and will not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of the Services.

Contractor further covenants that, in the performance of this Agreement, it will not employ any contractor or person having such an interest.

7. Indemnification/Insurance.

Contractor's indemnification and insurance obligations with respect to this Agreement are set forth in Exhibit C, attached hereto and incorporated herein by this reference.

8. Compliance with all Laws.

Contractor shall, during the term of this contract, comply with all applicable federal, state, and local rules, regulations, and laws.

9. Maintenance of Records.

Contractor shall maintain financial records adequate to show that LAFCO funds paid under the contract were used for purposes consistent with the terms of the contract. These records shall be maintained during the term of this contract and for a period of three (3) years from termination of this contract or until all claims, if any, have been resolved, whichever period is longer, or longer if otherwise required under other provisions of this contract.

10. Nondiscrimination.

Contractor will comply with all applicable Federal, State, and local laws and regulations including Santa Cruz County's equal opportunity requirements. Such laws include but are not limited to the following: Title VII of the Civil Rights Act of 1964 as amended; Americans with Disabilities Act of 1990; The Rehabilitation Act of 1973 (Sections 503 and 504); California Fair Employment and Housing Act (Government Code sections 12900 et seq.); California Labor Code sections 1101 and 1102. Contractor will not discriminate against any subcontractor, employee, or applicant for employment because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status in the recruitment, selection for training including apprenticeship, hiring, employment, utilization, promotion, layoff, rates of pay or other forms of compensation. Nor will Contractor discriminate in provision of services provided under this contract because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status.

11. Notices.

All notices required by this Agreement will be deemed given when in writing and delivered personally or deposited in the United States mail, postage prepaid, return receipt requested, addressed to the other party at the address set forth below or at such other address as the party may designate in writing in accordance with this section:

To Contractor: Fire Reorganization Consulting LLC
511 Hawk Ridge Lane
Watsonville, CA 95076

To LAFCO: LAFCO Executive Officer
701 Ocean Street, Room 318-D
Santa Cruz, CA 95060

12. Governing Law.

This Agreement has been executed and delivered in, and will be construed and enforced in accordance with, the laws of the State of California. Venue shall be in Santa Cruz County.

13. Assignment.

Contractor has been selected to perform services under this Agreement based upon the qualifications and experience of Contractor's personnel. Contractor may not assign this Agreement or the rights and obligations hereunder without the specific written consent of LAFCO. Any attempted assignment or subcontract without prior written consent will be null and void and will be cause, in LAFCO's sole and absolute discretion, for immediate termination of the Agreement.

14. Relationships of Parties; Independent Contractor.

Contractor will perform all work and services described herein as an independent contractor and not as an officer, agent, servant or employee of LAFCO. None of the provisions of this Agreement is intended to create, nor shall be deemed or construed to create, any relationship between the parties other than that of independent parties contracting with each other for purpose of effecting the provisions of this Agreement. The parties are not, and will not be construed to be in a relationship of joint venture, partnership or employer-employee. Neither party has the authority to make any statements, representations or commitments of any kind on behalf of the other party, or to use the name of the other party in any publications or advertisements, except with the written consent of the other party or as is explicitly provided herein. Contractor will be solely responsible for the acts and omissions of its officers, agents, employees, contractors, and subcontractors, if any.

15. Entire Agreement.

This document represents the entire Agreement between the parties with respect to the subject matter hereof. All prior negotiations and written and/or oral agreements between the parties with respect to the subject matter of this Agreement are merged into this Agreement.

16. Amendments.

This Agreement may be amended only by an instrument signed by the parties.

17. Counterparts.

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

18. Severability.

If any provision of this Agreement is found by a court of competent jurisdiction to be void, invalid or unenforceable, the same will either be reformed to comply with applicable law or stricken if not so conformable, so as not to affect the validity or enforceability of this Agreement.

19. Waiver.

No delay or failure to require performance of any provision of this Agreement shall constitute a waiver of that provision as to that or any other instance. Any waiver granted by a party must be in writing, and shall apply to the specific instance expressly stated.

20. Ownership of Materials and Confidentiality.

A. Documents & Data; Licensing of Intellectual Property. This Agreement creates a non-exclusive and perpetual license for LAFCO to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in plans, specifications, studies, drawings, estimates, and other documents or works of authorship fixed in any tangible medium of expression, including but not limited to, physical drawings or data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Contractor under this Agreement ("Documents & Data"). Contractor shall require all sub consultants to agree in writing that LAFCO is granted a non-exclusive and perpetual license for any Documents & Data the sub consultant prepares under this Agreement. Contractor represents and warrants that Contractor has the legal right to license any and all Documents & Data. Contractor makes no such representation and warranty in regard to Documents & Data which were prepared by design professionals other than Contractor or provided to Contractor by LAFCO. LAFCO shall not be limited in any way in its use of the Documents & Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at LAFCO's sole risk.

B. Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents & Data either created by or provided to Contractor in connection with the performance of this Agreement shall be held confidential by Contractor. Such materials shall not, without the prior written consent of Contractor, be used by Contractor for any purposes other than the performance of the Agreement. Nor shall such materials be disclosed to any person or entity not connected with the performance of the Agreement. Nothing furnished to Contractor which is otherwise known to Contractor or is generally known, or has become known, to the related industry shall be deemed confidential. Contractor shall not use LAFCO's name or

insignia, photographs of the Services, or any publicity pertaining to the Services in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of LAFCO.

C. Confidential Information. LAFCO shall refrain from releasing Contractor's proprietary information ("Proprietary Information") unless LAFCO's legal counsel determines that the release of the Proprietary Information is required by the California Public Records Act or other applicable state or federal law, or order of a court of competent jurisdiction, in which case LAFCO shall notify Contractor of its intention to release Proprietary Information. Contractor shall have five (5) working days after receipt of the Release Notice to give LAFCO written notice of Contractor's objection to LAFCO's release of Proprietary Information. Contractor shall indemnify, defend and hold harmless LAFCO, and its officers, directors, employees, and agents from and against all liability, loss, cost or expense (including attorney's fees) arising out of a legal action brought to compel the release of Proprietary Information. LAFCO shall not release the Proprietary Information after receipt of the Objection Notice unless either: (1) Contractor fails to fully indemnify, defend (with LAFCO's choice of legal counsel), and hold LAFCO harmless from any legal action brought to compel such release; and/or (2) a final and non-appealable order by a court of competent jurisdiction requires that LAFCO release such information.

TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this Agreement as of the last date indicated below:

"Commission"

By: _____

Joe Serrano, Executive Officer

Date: _____

"Contractor"

By: _____

Don Jarvis, Consultant

Date: _____

Approved as to form:

By: _____

Joshua Nelson, General Counsel

Date: _____

Exhibits to this Agreement:

Exhibit A – Scope of Services

Exhibit B – Rate Schedule

Exhibit C – Indemnification and Insurance

DRAFT

EXHIBIT A: SCOPE OF SERVICES

The Contractor will provide all of the following services:

1. Attend and represent the Commission at fire-related meetings;
2. Regularly advise the Executive Officer on the availability, need, and adequacy of fire protection and related services as part of the Commission's regulatory and planning duties;
3. Assist the Commission in the review of fire protection and related services as part of change of organization and reorganization proposals, municipal service reviews, and/or special studies;
4. Participate in periodic meetings as requested by LAFCO's Executive Officer; and
5. Be available, as needed, to attend and present to the Commission and related committees.

The Contractor is expected to be available 20-30 hours per month to provide the services listed above. The Consultant shall not work more than 400 hours in one calendar year (approximately 33.3 hours per month) without the express written authorization of LAFCO's Executive Officer.

EXHIBIT B: APPROVED FEE SCHEDULE

The Contractor will charge \$100 per hour, not to exceed 400 hours or \$40,000 in any given calendar year without prior written authorization from LAFCO's Executive Officer. The Contractor's time will be recorded in 6-minute increments and rounded up.

DRAFT

EXHIBIT C: INSURANCE REQUIREMENTS FOR STANDARD SERVICE CONTRACTS

Indemnity

During the term of this contract, the Contractor shall indemnify, defend, and hold harmless the Local Agency Formation Commission of Santa Cruz County (hereinafter "LAFCO"), its officers, agents and employees from any claim, liability, loss, injury or damage arising out of, or in connection with, performance of this Agreement by Contractor and/or its agents, employees or sub-contractors, excepting only loss, injury or damage caused by the active negligence or willful misconduct of personnel employed by LAFCO. It is the intent of the parties to this Agreement to provide the broadest possible coverage for LAFCO. The Contractor shall reimburse LAFCO for all costs, attorneys' fees, expenses and liabilities incurred with respect to any litigation in which the Contractor is obligated to indemnify, defend and hold harmless the LAFCO under this Agreement.

Insurance

Without limiting the Contractor's indemnification of LAFCO, the Contractor shall provide and maintain at its own expense, during the term of this Agreement, or as may be further required herein, the following insurance coverages and provisions:

A. Evidence of Coverage

Prior to commencement of this Agreement, the Contractor shall provide a Certificate of Insurance certifying that coverage as required herein has been obtained. Individual endorsements executed by the insurance carrier shall accompany the certificate. In addition, a copy of the policy or policies shall be provided by the Contractor upon request.

This verification of coverage shall be sent to the LAFCO Executive Officer, unless otherwise directed. The Contractor shall not receive a Notice to Proceed with the work under the Agreement until it has obtained all insurance required and such insurance has been approved by LAFCO Executive Officer. This approval of insurance shall neither relieve nor decrease the liability of the Contractor.

B. Qualifying Insurers

All coverages, except surety, shall be issued by companies which hold a current policyholder's alphabetic and financial size category rating of not less than A- V, according to the current Best's Key Rating Guide or a company of equal financial stability that is approved by the LAFCO Executive Officer.

C. Notice of Cancellation

All coverage as required herein shall not be canceled or changed so as to no longer meet the specified insurance requirements without 30 days' prior written notice of such cancellation or change being delivered to the LAFCO Executive Officer.

D. Insurance Required

1. Automobile Liability Insurance

For bodily injury (including death) and property damage which provides total limits of not less than \$15,000 per person, \$30,000 per occurrence, \$5,000 property damage applicable to all owned, non-owned and hired vehicles.

2. Workers' Compensation and Employer's Liability Insurance

a. Statutory California Workers' Compensation coverage including broad form all-states coverage.

b. Employer's Liability coverage for not less than one million dollars (\$1,000,000) per occurrence.

E. Special Provisions

The following provisions shall apply to this Agreement:

1. The foregoing requirements as to the types and limits of insurance coverage to be maintained by the Contractor and any approval of said insurance by the LAFCO Executive Officer or insurance consultant(s) are not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Contractor pursuant to this Agreement, including but not limited to the provisions concerning indemnification.

2. LAFCO acknowledges that some insurance requirements contained in this Agreement may be fulfilled by self-insurance on the part of the Contractor. However, this shall not in any way limit liabilities assumed by the Contractor under this Agreement. Any self-insurance shall be approved in writing by LAFCO upon satisfactory evidence of financial capacity. Contractors obligation hereunder may be satisfied in whole or in part by adequately funded self-insurance programs or self- insurance retentions.

3. Should any of the work under this Agreement be sublet, the Contractor shall require each of its subcontractors of any tier to carry the aforementioned coverages, or Contractor may insure subcontractors under its own policies.

4. LAFCO reserves the right to withhold payments to the Contractor in the event of material noncompliance with the insurance requirements outlined above.

F. Fidelity Bonds (Required only if contractor will be receiving advanced funds or payments)

Before receiving compensation under this Agreement, Contractor will furnish County with evidence that all officials, employees, and agents handling or having access to funds received or disbursed under this Agreement, or authorized to sign or countersign checks, are covered by a BLANKET FIDELITY BOND in an amount of AT LEAST fifteen percent (15%) of the maximum financial obligation of the County cited herein. If such bond is canceled or reduced, Contractor will notify County immediately, and County may withhold further payment to Contractor until proper coverage has been obtained. Failure to give such notice may be cause for termination of this Agreement, at the option of County.



Santa Cruz Local Agency Formation Commission

Date: March 2, 2022
To: LAFCO Commissioners
From: Joe Serrano, Executive Officer
Subject: **February Correspondence**

SUMMARY OF RECOMMENDATION

In February, LAFCO received written correspondence from the California Association of LAFCOs ("CALAFCO") and a member of the public. This agenda item is for informational purposes only and does not require any action. Therefore, it is recommended that the Commission receive and file the Executive Officer's report.

EXECUTIVE OFFICER'S REPORT:

CALAFCO sent LAFCO four key documents in February, as summarized below.

1. **CALAFCO's Quarterly Report** - covers a number of items including the recent hiring of Rene LaRoche as CALAFCO's new Executive Director. Ms. LaRoche has a diverse background in local government, including her tenure as the Clerk of the Board of Supervisors in Mariposa County (**Attachment 1**).
2. **CALAFCO's 2021 Strategic Plan** - provides a summary on priorities met, partially met, or were not met by CALAFCO in 2021 (**Attachment 2**).
3. **CALAFCO's Bulletin on Protest Legislation** - summarizes the three-year project to update the protest provisions in the Cortese-Knox-Hertzberg Act under Senate Bill 938. This bill is authored by Senator Hertzberg and co-authored by Assemblymember Mayes (**Attachment 3**).
4. **Assembly Local Government Committee's Legislative Summary** - offers an overview of the 131 bills evaluated by the Local Government Committee. The bills are divided into 12 categories, including one section dedicated to LAFCO (refer to pages 26 and 27 in **Attachment 4**).

The fifth written correspondence sent to LAFCO in February was from Becky Steinbruner. Ms. Steinbruner sent LAFCO an email on February 14 expressing concerns about the legislative process in forming a healthcare district in Santa Cruz County without LAFCO action. Ms. Steinbruner's email is shown in **Attachment 5**.

Respectfully Submitted,

A blue ink signature of Joe A. Serrano, written in a cursive style.

Joe A. Serrano
Executive Officer

Attachments:

1. CALAFCO Quarterly Report
2. CALAFCO Strategic Plan Review
3. CALAFCO Bulletin on Protest Provisions
4. Assembly Local Government Committee's 2021 Legislative Summary Report
5. Becky Steinbruner Email



News from the Board of Directors

CALAFCO QUARTERLY

February 2022

A
message
from the
Executive
Director

Greetings from your CALAFCO Board of Directors and Executive Director. As 2022 is underway, there is a lot going on in Sacramento and in CALAFCO. We are happy to bring you all the latest news of the Association.



CALAFCO BOARD ACTIONS

CALAFCO BOARD SELECTS NEW EXECUTIVE DIRECTOR

At their January 21st meeting the CALAFCO Board of Directors selected **René LaRoche** as the new Executive Director. The Board, along with the CALAFCO Regional Officers, Administrator, Legal Counsel and current Executive Director interviewed two finalists before the Board made the selection. The finalists were recommended by the Board's Recruitment Committee (Mike Kelley, Anita Paque, Bill Connelly, Margie Mohler, Mike McGill, Clark Alsop and Steve Lucas) who interviewed five candidates forwarded by the professional recruiting firm of Koff & Associates before making the recommendation. The new Executive Director serves as a full-time, at-will employee under contract with the Association.



René LaRoche comes to CALAFCO with a diverse background that includes local government and private sector experience, as well as experience serving on Association Boards of Directors. Most recently, as Clerk of Board of Supervisors in Mariposa County since 2012, she serves as part of the executive management team working closely with the elected and appointed officials in the County. Among other things, she develops and administers the department's budget and acts as a liaison for the County with national, state, and local entities. Previously, René served as development and business manager for Runaway Holiday, LLC where she did software and business development, and served as a web developer for Mountain Arts Design.

René earned a Master's Degree in Public Management from Johns Hopkins University and a Bachelor's Degree in Public Administration from the University of Las Vegas Nevada. She is past President of the CA Clerk of the Board of Supervisors Association and an Institute Fellow of the CA State Association of Counties. René will be relocating to the Sacramento area and is scheduled to begin full-time on February 28, with a transition overlap with the current Executive Director of several days per week beginning mid-February through mid-March. She is looking forward to meeting LAFCo staff at the March Staff Workshop and connecting with all LAFCo staff and Commissioners in the near future. René can be reached at rlaroche@calafco.org.

NEW BOARD MEMBER APPOINTED

Also during the January 21 meeting, the Board appointed **Derek McGregor**, Orange LAFCo Public Member, to the CALAFCO Board. Derek fills the unexpired term (through October 2022) of former Board Member David West of Imperial LAFCo, who resigned his Board seat late last year.

OTHER RECENT BOARD ACTIONS

The Board met virtually on January 21 and in addition to conducting interviews for a new Executive Director in a lengthy closed session and appointing Derek McGregor to the Board, they also took the following actions:

- ✓ Adopted member LAFCo dues for FY 2022-23 (information distributed to member LAFCo staff on February 1)
- ✓ Conducted the 2021 annual dashboard review of the Strategic Plan
- ✓ Accepted the mid-year financial reports
- ✓ Approved amendments to the final section of the Association's Policies, completing the first ever comprehensive review and update of the Association's Policies
- ✓ Received and filed numerous other reports

Additionally, the Board received a report on the status of the Staff Workshop scheduled for March 23 – 25, 2022. It was reported that registration numbers are currently low, about half of what is normal, and unless facility contractual obligations can be reduced, CALAFCO is on track for a net loss of approx. \$36,000. Staff is working on negotiations with the facility to see what can be done to reduce those obligations.

All CALAFCO Board meeting documents are available for member access on the CALAFCO website.

Welcome to Our Newest Associate Members

CALAFCO is pleased to welcome two new Silver Associate Members.

We welcome **Sloan Sakai Yeung & Wong, LLP** as a Silver Associate member. **Sloan Sakai** focuses on public agency law, LAFCo law, employment law, and labor/personnel relations. They currently serve as general counsel to Sacramento and Napa LAFCOs and have provided special counsel to LAFCOs, special districts, cities, and counties throughout California.

To learn more about **Sloan Sakai**, visit their website at www.sloansakai.com or contact **DeeAnne Gillick** at dgillick@sloansakai.com.

Sloan Sakai

Sloan Sakai Yeung & Wong LLP

We also welcome **Terranomics Consulting (TC)** as a Silver Associate member. **TC** provides consulting services for

News from the Board of Directors

CALAFCO QUARTERLY

February 2022

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urban and environmental planning, community and economic development, and GIS. More specifically, their primary activities include urban land economics, business geography, market and feasibility studies, housing studies, grant development and air dispersion modeling. For more information about *TC*, contact **Vince Zaragoza** at 661-421-2312 or by email at terranomics@hotmail.com.

CALAFCO Educational Events

MARK YOUR CALENDARS FOR THESE UPCOMING CALAFCO EDUCATIONAL EVENTS!

CALAFCO 2022 STAFF WORKSHOP

Join us **March 23- 25** at the **Hyatt Regency Newport Beach John Wayne Airport** when we get LAFCo staff together for the Workshop. It's been so long since we've gathered in person and the time is finally here! All Workshop details including info about the program, registration and hotel reservations are posted on the CALAFCO website.

Deadline to register for the Workshop is March 9 and hotel reservation cutoff date is February 22.

CALAFCO UNIVERSITY

We are pleased to continue offering webinars at no cost to our members. We **are rescheduling** the webinar originally scheduled for **February 23** on **Best Practices for Hiring in the New World (Post-Pandemic)** to a date in the near future. We will feature a labor/employment law attorney, recruiting firm executive, and an Executive Officer, all of whom will share the myriad of things we need to know as we navigate the new (and wild) labor market seeking the best candidates in this post-pandemic world. Watch for the new date and time of this great webinar coming soon.

Details for all CALAFCO University courses are on the CALAFCO website. We have a webinar on-demand library on the CALAFCO website inside the members section containing 16 webinars. CALAFCO members can access these webinars at any time for free using your member access website login credentials.

CALAFCO Administrative Update

A reminder the **2021 CKH Guides** are now available. You can download an electronic copy from the CALAFCO website or place an order for printed hard copies. You will



find all the details on the CALAFCO website at www.calafco.org.

CALAFCO is also doing the annual update of the **membership directory**, so please be sure to get your information to Jeni Tickler at jtickler@calafco.org.

STATEWIDE DUC MAPPING PROJECT COMPLETE

We are very pleased to report the update of the statewide map of disadvantaged unincorporated communities (DUCs) has been completed. The map will be updated every 5 years pursuant to statute. Further, the statewide map of LAFCos (by county) that links each county to your respective LAFCo website is also updated. CALAFCO is grateful to our Associate Member partner **RSG, Inc.** for undertaking this project. We especially thank **Jim Simon, Wesley Smith, Dianna Dunne-Vecchio** and **Jocelyn Sanchez**. We also thank **Seth Hendrick** of **Matson & Isom Technologies**, our web host, for their assistance with this mapping project.

You can find the DUC map on the CALAFCO website here and the LAFCo-link map here.

LAFCos in the News

Congratulations to another retiree

After 21 years of serving Napa LAFCo as Commission Clerk, **Kathy Mabry** is retiring. Kathy has served Napa LAFCo with distinction over her long career with many accomplishments. She also served on many CALAFCO event planning teams for Staff Workshops and Conferences. We are grateful for her service and many contributions locally and statewide, and wish Kathy all the best in her retirement.



Los Angeles LAFCo Mourns the Loss of Former Commissioner Richard Close



Commissioner Close served on LA LAFCo from 1996-2021 in the special seat for the San Fernando Valley Area Member. He was a leader for years in the valley secession efforts. He is described by LA LAFCo as "bright, hard-working, and dedicated. He is remembered for his decades-long service to his local community, the San Fernando Valley, and the City of Los Angeles. The whole of Los Angeles County is a better place due, in many ways, to the work that [Commissioner Close] did for LAFCo, where his voice guided so many important decisions." CALAFCO's thoughts are with his family and LA LAFCo.



CALAFCO Legislative Update

January 3, 2022 marked the start of the second year in the 2-year legislative cycle. Once again the year is expected to be wild and unpredictable. The State has a large budget surplus which is creating all kinds of early budget negotiating, as is the influx of Federal money.

Legislators hit the ground running trying to move the large number of left-over 2-year bills through committee to meet deadlines. Looming deadlines left many of those leftover bills from 2021 on the cutting room floor and they are now designated as "dead". Now we will begin to see new bills for 2022 introduced.

For this legislative year the CALAFCO Board has identified several items as priority. First is the annual Omnibus bill which is authored by the Assembly Local Government Committee (ALGC) and sponsored by CALAFCO. Three proposals were approved by the Legislative Committee (Committee) and sent to the ALGC. Those proposals are now going through the broad stakeholder review process that occurs before the bill is introduced.

The second priority is to co-sponsor a legislative proposal with San Diego LAFCo to amend Gov. Code Sec. 56133 to explicitly state that exemptions pursuant to 56133(e) are to be approved by LAFCo. This is being done to curb agency self-exemptions which seem to be a growing problem across the state. For the past four months CALAFCO and San Diego LAFCo have been working on stakeholder outreach and attempting to secure an author. It is likely that CALAFCO will refocus these efforts to 2023. The Board will consider this at their April meeting.

The final priority as identified by the Board is to complete the work of the protest provisions rewrite working group. CALAFCO has been reporting to you for the past several years that we have been actively responding to several recommendations made in the 2017 Little Hoover Commission report (*Special Districts: Improving Oversight and Transparency*). Specifically, to address one of the recommendations, we initiated a working group of stakeholders in early 2019 to discuss the protest process for consolidations and dissolutions of special districts, specifically, the statutes related to LAFCo-initiated protest provisions and the 10% protest threshold while all other initiated actions have a 25% protest threshold.

The 18-member working group consists of seven CALAFCO representatives (including CALAFCO/CSDA Board member **Jo MacKenzie**, CALAFCO ED **Pamela Miller**, LAFCo legal counsel **Holly Whatley**, and EOs representing all 4 regions of CALAFCO including **José Henríquez** (Sacramento), **Steve**

Lucas (Butte), **Kai Luoma** (Ventura) and **Paul Novak** (LA); seven CSDA representatives (including one of their lobbyists, legal counsel and five members representing water, fire, resource conservation and community services districts), representatives from the League of CA Cities and from the CA State Association of Counties, as well as the consultants from the Assembly Local Government and Senate Governance & Finance Committees.

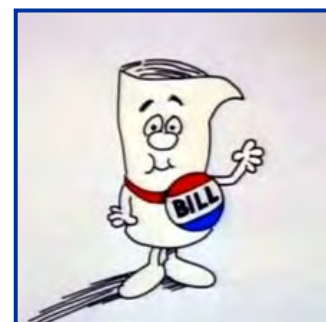
We are pleased to report that after three years of work and

extensive negotiations, the deliverables of the working group have been completed. The entire working group gave consensus on the redraft of existing scattered protest code sections within CKH into a single code section to simplify the reading of the code section. Further, agreement was reached on specific circumstances in which a LAFCo can initiate dissolution using the 25% protest threshold. The CALAFCO Board and Legislative Committee both unanimously approve and support this legislation and CSDA has also gone on record supporting the concept of the pending legislation.

CALAFCO issued a bulletin on the pending legislation and all deliverables for the working group on February 2, 2022. Senator Hertzberg will author

the legislation and our lead co-author is Assemblymember Mayes. For more information on this CALAFCO sponsored legislation (pending bill introduction), please refer to the February 2 bulletin.

All the Legislative Committee meeting documents are located on the CALAFCO website and are available for those with member access. You can also find the CALAFCO tracked legislation on the website. This report is updated daily.



News from the Board of Directors

CALAFCO QUARTERLY

February 2022
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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.

Berkson Associates



A Silver Associate member since 2015, **Berkson Associates** provides clear, concise analysis for preparation of governance studies including district formation, consolidation and dissolutions, and has extensive experience completing incorporation studies. Expertise also includes market analysis, public agency budget forecasting and demographic/housing analysis in support of MSRs. Fiscal and financial analysis of water and wastewater systems, including Plans for Service for annexations and formations. For more information, contact **Richard Berkson** at richard@berksonassociates.com. You can also visit their website at www.berksonassociates.com.

Rosenow Spevacek Group, Inc.



RSG

BETTER COMMUNITIES.
BOLDER FUTURES.

A long-time Associate member (both Gold and now Silver), **RSG** performs fiscal and reorganizational studies for LAFcos and applicants with the goal of establishing a factual, transparent and credible basis for their clients to make informed decisions. **RSG** prepared Placer LAFco's comprehensive fiscal analysis for the most recent incorporation proposal in California (Olympic Valley, 2017), preliminary feasibility studies for incorporation in Malaga (Fresno County, 2018), as well as several reorganization proposals and MSRs. To learn more about **RSG**, visit their website at www.webrsg.com or contact **Jim Simon** at jsimon@webrsg.com.

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

Did You Know??



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). **There are 52 CALAFCO U courses archived and 16 webinars are archived and available for on-demand viewing!**

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.

Career and Consulting Opportunities Posted Online

Did you know that **CALAFCO posts career opportunities for our member LAFcos and Associate Members on our website**? Did you know that **we also post consulting opportunities with our LAFcos for our Associate Members on the website**? Visit the Job Announcements page at <https://calafco.org/resources/job-announcements> for all the latest opportunities.



Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO Leg meeting – 3/11 (virtual)
- ❖ CALAFCO Staff Workshop – 3/23 – 3/25 (Newport Beach)
- ❖ CALAFCO Board of Directors meeting – 4/22 (location TBD)
- ❖ CALAFCO Leg meeting – 4/29 (virtual)

The **CALAFCO 2022 Calendar of Events** can be found on the CALAFCO website.



CALIFORNIA ASSOCIATION OF LOCAL AGENCY FORMATION COMMISSIONS

2021 - 2022 Association Strategic Plan

2021 Dashboard Review

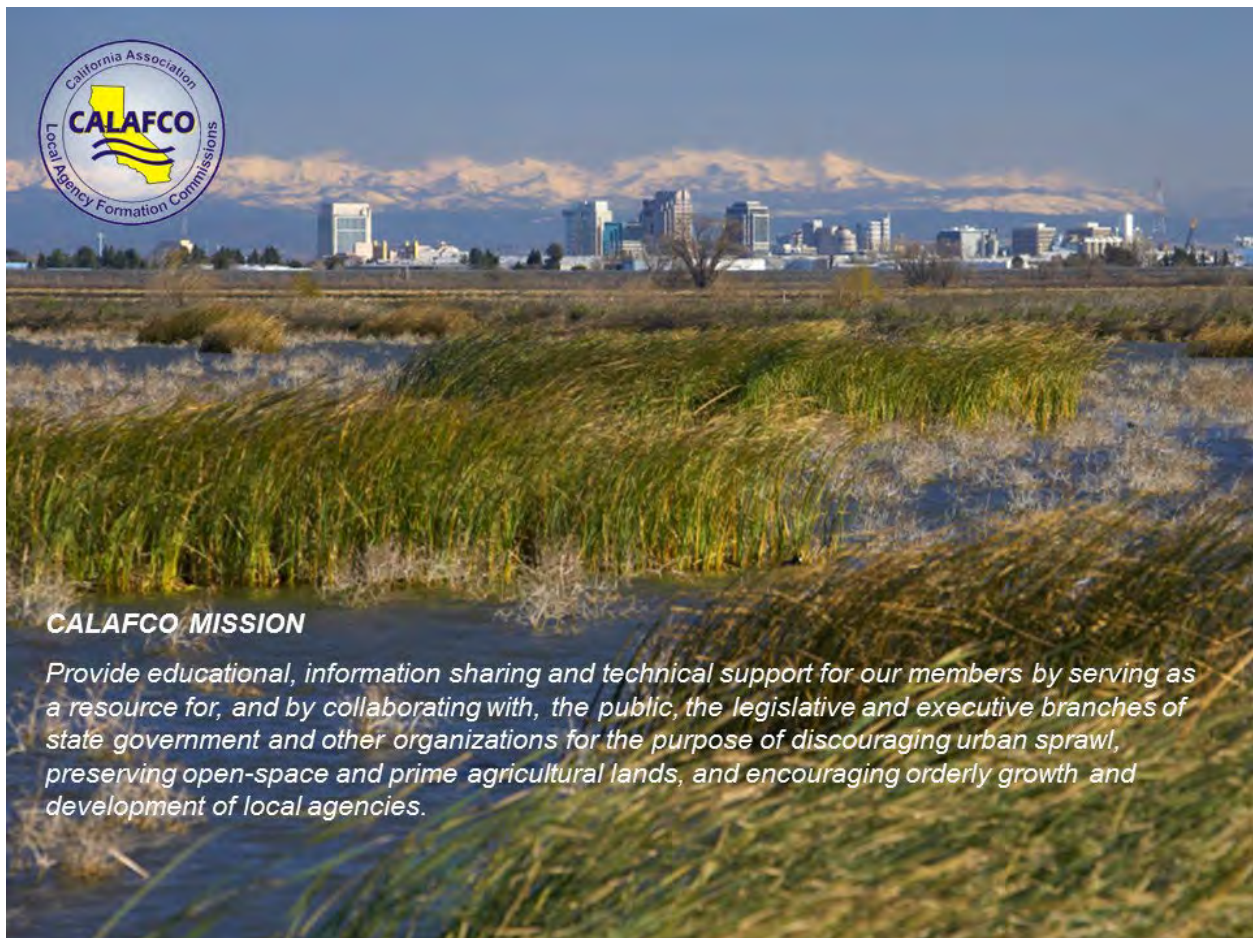
As adopted by the CALAFCO Board of Directors on April 30, 2021



CALAFCO MISSION

CALAFCO provides educational, information sharing and technical support for its members by serving as a resource for, and by collaborating with, the public, the legislative and executive branches of state government, and other organizations for the purpose of discouraging urban sprawl, preserving open-space and prime agricultural lands, and encouraging orderly growth and development of local agencies.

Reaffirmed by the Board of Directors on 11 January 2017.



CALAFCO MISSION

Provide educational, information sharing and technical support for our members by serving as a resource for, and by collaborating with, the public, the legislative and executive branches of state government and other organizations for the purpose of discouraging urban sprawl, preserving open-space and prime agricultural lands, and encouraging orderly growth and development of local agencies.



2021 - 2022 Association Strategies and Objectives

2021 Strategic Plan Performance Dashboard Review

- Indicates the objective was fully met in 2021.
- Indicates the objective was partially met in 2021.
- Indicates the objective was not met in 2021.

STRATEGIC AREA ONE

Serve as an educational resource to member LAFCo Commissioners, LAFCo staff, Associate Members, and stakeholders.

We will do this by offering a variety of educational forums, professional development and networking opportunities.

OBJECTIVES

Annual Conference

- 1. Provide an annual conference which includes superior professional development sessions and networking opportunities for all attendees.
The October 2021 Conference was cancelled. Low enrollment caused by the ongoing pandemic and member LAFCo budget cuts would have resulted in a loss of over \$30,000. Consequently, the Board approved the cancellation of the Conference and directed staff to transition program offerings to webinars.

Staff Workshop

- 1. Provide an annual staff workshop which includes superior professional development sessions and networking opportunities for all LAFCo staff and Associate Members.
The March 2021 Workshop was cancelled due to ongoing pandemic restrictions.

CALAFCO University

- 1. Hold University courses as needed throughout the year for staff, commissioners and stakeholders, which are focused on skill and professional development, important and timely topics, and technical issues.
A combination of CALAFCO U courses and special sessions (Conference topics) were held throughout 2021. In total, there were 9 webinars conducted with a total of 497 registered attendees. All of our educational offerings in 2021 were at no cost to the membership and all offered AICP credits.

Association 2021 Dashboard Review

As adopted by the CALAFCO Board of Directors on April 30, 2021

*Topics included:*

- Four-session series on Fire & EMS
- Fiscal health indicators for cities & districts
- Forming a Community Services District
- Cyber & infrastructure security
- State of the State in terms of extreme weather, fire and water issues
- Throw out the historic water framework - what's next for LAFCo

Other Educational Opportunities

- 1. Maintain coaching partnership with Cal-ICMA and offer no cost training and development resources to all member LAFCOs through this program.

There were several webinars presented during the year, all of which were provided to the membership at no cost. The coaching program remains a no-cost resource to all LAFCo staff and commissioners.

- 2. Develop other educational opportunities as needed and resources allow.

As noted above, several sessions planned in the 2021 Conference program were transitioned to a virtual format and offered October through December. (Two additional sessions are scheduled for the first quarter of 2022.) Additionally, CALAFCO hosted regional roundtables for all four regions in December 2021, and several virtual meetings for Executive Officers throughout the year.

STRATEGIC AREA TWO

Focus efforts on Association member relations, development, recognition and communication. Continue development of a strong and sustainable Association.

We will do this by implementing strategies that build stronger member LAFCOs and a resilient and sustainable Association. CALAFCO will provide support, resources and timely, value-added communication tools for our LAFCo members and Associate Members.

OBJECTIVES**Member Development and Recognition**

- 1. Assist and support all member LAFCOs in fulfilling their statutory mission by identifying information, tools and resources they need. Create and distribute tools that do not exist. Update and re-publish or re-distribute those that currently exist.

CALAFCO continues to host virtual meetings for Executive Officers, offering five (5) this year. Our toll-free conference bridge and Zoom accounts remain available for and are used by our member LAFCOs. We continued to provide information about webinars, papers and other resources of interest to members.

Association 2021 Dashboard Review

As adopted by the CALAFCO Board of Directors on April 30, 2021



This year we partnered with one of our Associate Members (RSG) on the project to update the DUC map on the website as well as add a statewide map linking all 58 LAFCo websites to the map. The project is near completion and the maps should be updated on the website in the first quarter of 2022.

- **2. Conduct study on shared services opportunities among member LAFCOs.**
This study was to be rolled into the biennial member LAFCo survey which was not conducted.
- **3. Conduct member LAFCo survey in 2021 and distribute results to all member LAFCOs.**
Survey not conducted.
- **4. Keep retired LAFCo personnel and commissioners connected and engaged as valuable resources through the exploration of an Emeritus program.**
CALAFCO staff and regional officers discussed the best way to do this, but other priorities prevented action. However, the ED interviewed several retirees who will be featured in the Special 50th Anniversary Edition of The Sphere.
- **5. Focus efforts to strengthen relations with existing Associate Members by continuing to highlight these efforts in Quarterly Reports, through personal outreach and inclusion in the planning and execution of CALAFCO events.**
CALAFCO continues to have the Associate Members' (AM) Corner in the Quarterly Reports and features several AMs in each edition. AMs were represented on four (4) webinar panels this year, two (2) are scheduled to participate on webinar panels in the first quarter of 2022. Several are participating on the program planning committee for the 2022 staff workshop.
- **6. Survey Associate Members to better understand how CALAFCO can create greater value for them.**
Survey completed and report provided to the Board on July 30. A low number of Associate Members participated (only 30% participation) and staff suggests follow-up is necessary to obtain more valuable information. Given other priorities during the second half of the year, this was not completed and should be considered for action in 2022.
- **7. Revise the Association's Achievement Awards Program and implement in 2021.**
Completed and implemented in 2021.

Association Communication

- **1. Provide a quarterly update to the members in the form of the Quarterly Report.**
Quarterly reports were distributed in February, May, August, and December 2021.
- **2. Provide written annual report to the membership.**
2020 Annual Report published in a new format in February 2021.

Association 2021 Dashboard Review*As adopted by the CALAFCO Board of Directors on April 30, 2021*

● **3. Maintain Association's list-serves.**

All 8 list serves continue to be updated. In February 2021, staff sent an email to each list serve reminding users the purpose and terms of use for each list serve.

● **4. Provide value-added and timely resources for members through the organization's website, maintaining the site's integrity and increasing its value.**

The website is updated regularly with new and updated information and resources. Several projects were completed or are in progress as noted in strategic area three below.

● **5. CALAFCO Executive Director to meet with LAFcos as requested/needed.**

ED attended 10 LAFCo meetings during the year.

Association Administration

● **1. Update the Association's Policies and Procedures Manual.**

Project to be completed January 21, 2022. Four of the five Policy Manual sections updated in 2021 with the final section being presented to the Board in January 2022.

● **2. Develop Procedures Manuals for administrative processes, procedures and tasks performed.**

Most of the ED procedures have been documented with the remaining to be done before February 28, 2022. Administrator procedures to be completed in first quarter of 2022.

● **3. Work towards a balanced two-year budget to close the structural deficit without reliance on event net profits.**

Accomplished. On April 30, 2021 the Board adopted the Association's first two-year rolling budget. No event net profits were used to balance the budget, however a portion of the net balance carry-over was used to balance the budget.

STRATEGIC AREA THREE

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.

We will do this by supporting and sponsoring research which collaboratively shares the work and data from member LAFcos and serves as a resource to all Association members. The Association will also advocate for legislative needs and positions on behalf of our members, by serving as an objective resource to the Legislature, organizations seeking to improve local government and to state agencies on local government services.



OBJECTIVES

Information Resource

- 1. Enhance the CALAFCO Library resources for member LAFcos. Develop a more robust database of documents, forms, videos, webinars, training resources and other resources of value on the Association's website for member access.
This year nine (9) new webinars were added for on-demand viewing. The AG Opinions section was updated. The LAFco Litigation and Forms Library sections are still a work in progress and should be a priority to complete in 2022.
- 2. Complete White Papers and Briefs on topics of importance and value to member LAFcos.
An updated version of The Metamorphosis of Special Districts was published July 2021.
- 3. Inform and educate external stakeholders by sharing and presenting on the role of LAFco.
A LAFco 101 was presented to Capitol staff through the Assembly Local Government Committee in February, and another LAFco 101 was presented to the City Clerks Association of California in July. CALAFCO was not invited nor did we submit proposals to participate in any virtual or in-person conference this year. Instead, our educational resources were internally focused to meet the needs of our membership.

Legislative Advocate and Resource

- 1. Sponsor legislation that helps LAFcos achieve their legislative goals pursuant to the Association's adopted Legislative Priorities and Policies and within resource capabilities.
Omnibus bill (AB 1581) with 13 items signed into law on June 28, 2021.
- 2. Facilitate the ongoing work of the Protest Provisions Rewrite Working Group throughout the 2021 - 2022 legislative years.
Some work was done early in the year with the group giving consensus on the removal of seven (7) obsolete provisions (and placed in the Omnibus bill). Later in the year conversations resumed resulting in CALAFCO's Legislative Committee unanimously supporting moving forward with consolidating and reorganizing existing protest provision language (consensus on the draft given by the full working group) and the proposed process for LAFco-initiated dissolutions at 25% protest threshold. Work to be completed through legislative action in 2022.
- 3. Take positions and advocate for those positions on legislation pursuant to the Association's adopted Legislative Priorities and Policies. Encourage member LAFcos to do the same when appropriate.
In 2021 CALAFCO tracked, engaged in and/or took positions on 33 bills. There were two calls for member legislative action. Our efforts resulted in amendments being taken on several bills that had statewide LAFco implications.

Association 2021 Dashboard Review

As adopted by the CALAFCO Board of Directors on April 30, 2021



- 4. Participate in statewide, regional, and local meetings, symposiums, and other events as appropriate.

CALAFCO remained a member of the Department of Water Resources (DWR) County Drought Advisory Group (CDAG). The Group's Final Report was issued in March 2021 and is titled: Small Water Systems and Rural Communities Drought and Water Shortage Contingency Planning and Risk Assessment.

- 5. Work with peer Associations as appropriate on legislative matters.

Done. Where appropriate, CALAFCO took positions on legislation that had broad implications. We worked with other stakeholders on legislation such as the CA Assn. of Sanitation Agencies (CASA), CA Special Districts Assn. (CSDA), CA State Assn. of Counties (CSAC) and Rural Counties Representatives of CA (RCRC). Additionally, CSDA, CSAC and the League are represented on the protest provision rewrite working group.



CALAFCO Sponsored Legislation for Protest Provisions

TO: CALAFCO MEMBER LAFCOS
FROM: CALAFCO & MEMBERS OF THE CALAFCO TEAM OF THE PROTEST PROVISION REWRITE WORKING GROUP
(Pamela Miller, Jo MacKenzie, Holly Whatley, José Henríquez, Steve Lucas, Kai Luoma and Paul Novak)

CALAFCO has been reporting to you for the past several years that we have been actively responding to several recommendations made in the 2017 Little Hoover Commission report (*Special Districts: Improving Oversight and Transparency*). We want to announce the completion of our work relating to the recommendation to ***“convene an advisory committee to review the protest process for consolidations and dissolutions of special districts and to develop legislation to simplify and create consistency in the process”***. CALAFCO initiated a working group of stakeholders in early 2019 to discuss the protest process for consolidations and dissolutions of special districts, specifically, the statutes related to LAFCo-initiated protest provisions and the 10% protest threshold while all other initiated actions have a 25% protest threshold. This disparity makes addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFCo. Further, they serve as a deterrent for LAFCo to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements.

The 18-member working group consists of seven CALAFCO representatives (including CALAFCO/CSDA Board member Jo MacKenzie, CALAFCO ED Pamela Miller, LAFCo legal counsel Holly Whatley, and EOs representing all 4 regions of CALAFCO including José Henríquez (Sacramento), Steve Lucas (Butte), Kai Luoma (Ventura) and Paul Novak (LA); seven CSDA representatives (including one of their lobbyists, legal counsel and five members representing water, fire, resource conservation and community services districts), representatives from the League of CA Cities and from the CA State Association of Counties, as well as the consultants from the Assembly Local Government and Senate Governance & Finance Committees.

The working group agreed on three main deliverables:

1. Review the protest provisions within the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) for relevance and delete any obsolete provisions, which was accomplished through AB 1581 (2021).
2. Redraft existing scattered protest code sections within CKH into a single code section to simplify the reading of the code section.
3. Examine the differing protest thresholds relating to LAFCo-initiated actions and all other initiated actions, which proved to be the most challenging of all the goals.

After considerable negotiation, the working group gave consensus on the following changes to CKH:

- ❖ The redrafting of existing protest code sections into one main section to simplify the reading of the section, and to add minor, non-substantive clarifications;
- ❖ Create specific circumstances under which a LAFCo may initiate dissolution of a district with a 25% protest threshold, with determinations documented in a Municipal Service Review and presented at a 21-day noticed public hearing;
- ❖ Allow for a minimum 12-month remediation period for the district with a progress report provided by the district to the LAFCo halfway through the remediation period; and
- ❖ A second 21-day noticed public hearing to determine if the identified issues have been mitigated, which would result in the LAFCo either terminating the dissolution or moving forward with the dissolution using 25% protest threshold under the standard protest hearing process already in statute, with a public notice period of 60 days.

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

Consistent with the CALAFCO Strategic Plan, the CALAFCO Board of Directors and Legislative Committee unanimously support this effort and proceeding with a legislative solution in 2022. We are proud to announce Senator Hertzberg has agreed to author this measure with Assemblymember Mayes as primary co-author. The bill will be introduced shortly and will begin with the redrafting of existing protest code sections into one section. The new process allowing for LAFCo-initiated dissolutions at 25% will be written and amended into the bill as it proceeds through the legislative process.

CALAFCO continues to conduct stakeholder outreach and will be reaching out to you, our member LAFCos, with regular updates on the bill and executing a call for legislative action requesting your support of this critical piece of legislation. Please contact our Executive Director Pamela Miller at pmiller@calafco.org with any questions.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

2•0•2•1 LEGISLATIVE SUMMARY



Members:

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

Consultants:

Angela Mapp
Jimmy MacDonald
Hank Brady

Secretary:

Marisa Lanchester

Assembly Fellow:

Brooke Pritchard

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

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



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

December 15, 2021

TO ALL INTERESTED PARTIES:

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

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

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

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

Sincerely,

A handwritten signature in black ink, reading "Cecilia M. Aguiar-Curry". The signature is written in a cursive, flowing style.

CALIFORNIA LEGISLATURE

Assembly Local Government Committee

2021 Legislative Bill Summary

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CONTRACTING AND PROCURMENT

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

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

Status: Chapter 689, Statutes of 2021

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

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

Status: Chapter 48, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 95, Statutes of 2021

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

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

Status: Chapter 414, Statutes of 2021

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

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

Status: Chapter 32, Statutes of 2021

SB-333 (Eggman) - San Joaquin Regional Transit District: procurement.

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

Status: Chapter 217, Statutes of 2021

ELECTIONS

AB-428 (Mayes) - Local government: board of supervisors.

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

Status: Chapter 462, Statutes of 2021

AB-1307 (Cervantes) - County of Riverside Citizens Redistricting Commission.

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

Status: Assembly-In Committee Process - Elections

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

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

Status: Chapter 145, Statutes of 2021

ENERGY AND TELECOMMUNICATIONS

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

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

Status: Chapter 658, Statutes of 2021

AB-537 (Quirk) - Communications: wireless telecommunications and broadband facilities.

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

Status: Chapter 467, Statutes of 2021

AB-1124 (Friedman) - Solar energy systems.

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

Status: Chapter 235, Statutes of 2021

AB-1166 (Grayson) - Communications: wireless telecommunications facilities.

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 677, Statutes of 2021

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

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

Status: Vetoed

FINANCE

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 22, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 25, Statutes of 2021

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

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

Status: Chapter 120, Statutes of 2021

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

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

Status: Chapter 121, Statutes of 2021

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

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

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

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

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

Status: Chapter 233, Statutes of 2021

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

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

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

AB-1013 (Lackey) - State mandates: claims.

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

Status: Assembly-In Committee Process - Local Government

AB-1085 (Bigelow) - Property tax: revenue allocations: County of Madera.

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

Status: Senate-In Committee Process - Appropriations

AB-1324 (Robert Rivas) - Transit-Oriented Affordable Housing Funding Program Act.

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

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

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

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

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

ACA-1 (Aguiar-Curry) - Local government financing: affordable housing and public infrastructure: voter approval.

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 216, Statutes of 2021

SB-431 (Rubio) - Street lighting systems: City of West Covina.

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

Status: Chapter 35, Statutes of 2021

SB-438 (Laird) - Redevelopment: enforceable obligations: City of Atascadero.

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

Status: Assembly-In Committee Process - Appropriations

SB-476 (Min) - California Financing Law: program administrators.

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

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

Status: Assembly-Failed Passage in Committee - Local Government

SB-780 (Cortese) - Local finance: public investment authorities.

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

Status: Chapter 391, Statutes of 2021

SB-810 (Committee on Governance and Finance) - Validations.

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

Status: Chapter 36, Statutes of 2021

SB-811 (Committee on Governance and Finance) - Validations.

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

Status: Chapter 37, Statutes of 2021

SB-812 (Committee on Governance and Finance) - Validations.

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

Status: Chapter 38, Statutes of 2021

GOVERNANCE

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

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

Status: Chapter 22, Statutes of 2021

AB-428 (Mayes) - Local government: board of supervisors.

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

Status: Chapter 462, Statutes of 2021

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

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

Status: Senate-In Committee Process - Governance and Finance

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

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

Status: Assembly-In Committee Process - Local Government

AB-1021 (Mayes) - Imperial Irrigation District.

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

Status: Vetoed

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

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

Status: Assembly - Floor - Inactive File

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

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

Status: Chapter 272, Statutes of 2021

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

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

Status: Chapter 761, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Rules

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 342, Statutes of 2021

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

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

Status: Chapter 343, Statutes of 2021

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

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

Status: Chapter 346, Statutes of 2021

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

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

Status: Chapter 347, Statutes of 2021

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

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

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

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

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

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

AB-634 (Carrillo) - Density Bonus Law.

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

Status: Chapter 348, Statutes of 2021

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

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

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

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

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

Status: Assembly-In Committee Process - Local Government

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

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

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

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

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

Status: Chapter 120, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 350, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Natural Resources

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

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

Status: Chapter 154, Statutes of 2021

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

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

Status: Chapter 27, Statutes of 2021

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

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

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

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

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

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

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

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

Status: Assembly-In Committee Process - Natural Resources

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

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

Status: Chapter 710, Statutes of 2021

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

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

Status: Senate Floor

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

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

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

AB-1029 (Mullin) - Housing elements: prohousing local policies.

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

Status: Chapter 353, Statutes of 2021

AB-1075 (Wicks) - Planning and zoning: residential developments.

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

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

AB-1124 (Friedman) - Solar energy systems.

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

Status: Chapter 235, Statutes of 2021

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

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

Status: Chapter 160, Statutes of 2021

AB-1180 (Mathis) - Local governments: surplus land: tribes.

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

Status: Chapter 62, Statutes of 2021

AB-1271 (Ting) - Surplus land.

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

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

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 357, Statutes of 2021

AB-1322 (Bonta) - Land use: local measures: conflicts.

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

Status: Senate-In Committee Process - Environmental Quality

AB-1324 (Robert Rivas) - Transit-Oriented Affordable Housing Funding Program Act.

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

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

AB-1370 (Quirk-Silva) - Housing element: annual report: housing units.

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

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

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

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

Status: Chapter 358, Statutes of 2021

AB-1401 (Friedman) - Residential and commercial development: parking requirements.

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

Status: Senate-In Committee Process - Appropriations

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

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

Status: Chapter 481, Statutes of 2021

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

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

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

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

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

Status: Chapter 718, Statutes of 2021

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

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

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

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

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

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

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

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

Status: Assembly – In Committee Process – Natural Resources

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

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

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

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

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

Status: Chapter 161, Statutes of 2021

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

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

Status: Chapter 162, Statutes of 2021

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

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

Status: Chapter 163, Statutes of 2021

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

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

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

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

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

Status: Chapter 307, Statutes of 2021

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

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

Status: Chapter 340, Statutes of 2021

SB-319 (Melendez) - Land use: development fees: audit.

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

Status: Chapter 385, Statutes of 2021

SB-414 (Jones) - Land.

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

Status: Chapter 106, Statutes of 2021

SB-466 (Wieckowski) - Community development.

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

Status: Assembly-In Committee Process - Local Government

SB-477 (Wiener) - General plan: annual report.

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

Status: Vetoes

SB-478 (Wiener) - Planning and Zoning Law: housing development projects.

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

Status: Chapter 363, Statutes of 2021

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

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

Status: Vetoes

SB-574 (Laird) - Agricultural preserves: Williamson Act.

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

Status: Chapter 644, Statutes of 2021

SB-719 (Min) - Surplus land: exempt surplus land: eligible military base land.

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 365, Statutes of 2021

SB-734 (Hueso) - Redevelopment agencies: passthrough agreements: modification.

Allows local agencies to modify specified redevelopment passthrough agreements.

Status: Chapter 221, Statutes of 2021

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

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

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

SB-791 (Cortese) - California Surplus Land Unit.

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

Status: Chapter 366, Statutes of 2021

LOCAL AGENCY FORMATION COMMISSIONS

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

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

Status: Senate-In Committee Process - Governance and Finance

AB-1021 (Mayes) - Imperial Irrigation District.

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

Status: Vetoed

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

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

Status: Chapter 31, Statutes of 2021

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

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

Status: Chapter 482, Statutes of 2021

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

Repeals several obsolete statutes related to court reunification.

Status: Chapter 117, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 268, Statutes of 2021

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

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

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

Status: Senate-In Committee Process - Appropriations

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

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

Status: Chapter 33, Statutes of 2021

SB-427 (Eggman) - Water theft: enhanced penalties.

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

Status: Chapter 137, Statutes of 2021

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

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

Status: Chapter 291, Statutes of 2021

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

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

Status: Chapter 224, Statutes of 2021

TRANSPARENCY AND ACCOUNTABILITY

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Vetoed

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

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

Status: Chapter 165, Statutes of 2021

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

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

Status: Chapter 406, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Assembly-In Committee Process - Local Government

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

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

Status: Chapter 763, Statutes of 2021

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

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

Status: Assembly-In Floor Process

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

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

Status: Chapter 89, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Transportation

AB-773 (Nazarian) - Street closures and designations.

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

Status: Chapter 587, Statutes of 2021

AB-784 (Quirk) - Alameda-Contra Costa Transit District.

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

Status: Chapter 200, Statutes of 2021

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

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

Status: Chapter 710, Statutes of 2021

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

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

Status: Assembly - Floor - Inactive File

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

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

Status: Chapter 272, Statutes of 2021

WATER

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

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

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

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

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

Status: Chapter 705, Statutes of 2021

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

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

Status: Senate-In Committee Process - Environmental Quality

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

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

Status: Chapter 241, Statutes of 2021

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

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

Status: Chapter 216, Statutes of 2021

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

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

Status: Chapter 242, Statutes of 2021

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

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

Status: Chapter 245, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Local Government

WILDFIRES

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

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

Status: Chapter 225, Statutes of 2021

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

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

Status: Assembly-In Committee Process - Natural Resources

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

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

Status: Assembly-In Committee Process - Local Government

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

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

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

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Joe Serrano

From: Becky Steinbruner <ki6tkb@yahoo.com>
Sent: Monday, February 14, 2022 1:03 PM
To: Joe Serrano
Cc: Becky Steinbruner
Subject: TRANSPARENCY OF PAJARO VALLEY HEALTH CARE DISTRICT PROCESS IS CRITICAL TO PUBLIC TRUST FOR SUCCESS OF FUTURE TAXATION APPROVALS

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Dear LAFCO,

I appreciated the discussion of the proposed Pajaro Valley Health Care District at the February 9, 2022 LAFCO meeting during the Legislative Update report by Mr. Serrano. I want to clarify a few issues regarding my opinion about this important matter.

- 1) I do not object to the need for quality health care for all in South County.
- 2) My family prefers Watsonville Community Hospital for our care because of lower MRSA infection rates vs. those of Dominican Hospital.
- 3) Our family has received good care over the years, and consistently had a better customer experience there than the times we did go to Dominican Hospital.
- 4) **I truly feel that the process to form this new Health Care District must be transparent, but to date, I do not think it has been such.** For example, why did the Santa Cruz County Public Information Officer, Jason Hopin, release news of the District's formation on October 28, 2021 before the County Board of Supervisors approved it on November 9, 2021?

http://santacruzcountyca.igm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=1884&MediaPosition=4649.991&D=11652&CssClass=

Also, how did CAO Carlos Palacios know of the impending Watsonville Community Hospital bankruptcy that was declared one month later ...or was bankruptcy declared to help make possible emergency formation of the new District. as is reported in Bloomberg Law News?

<https://news.bloomberglaw.com/bankruptcy-law/californias-watsonville-community-hospital-files-for-bankruptcy>

Finally, why did the County Board of Supervisors bury their action of January 25, 2022 meeting agenda to approve \$5 million funding for the Watsonville Community Hospital on the Consent Agenda, Item #41, rather than as a Regular Agenda item for good public discussion. All five Board members ended up speaking about it but members of the public were reduced to only having 2 minutes to speak on all Consent items as well as Closed Session issues and items not on the day's agenda, and could have no answers provided to their questions by staff.

http://santacruzcountyca.igm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=1917&MediaPosition=2601.113&D=11994&CssClass=

This all gives the public an uneasy appearance of sneaking things through without transparent public attention or notice. That greatly bothers me and many others who are paying attention and who will likely be affected by the future new taxation.

- 5) I have yet to see any business model or plan for this new Pajaro Valley Health Care District. I want to see a cost/benefit comparison for level of service and nursing wages that have gathered data from Salinas and Hollister examples.

6) I am glad that LAFCO will oversee this new Special District, assuming the voters approve the new tax to support it.

For your information, the opinion blog below is what I wrote for the December 4, 2021 Bratton Online Blog. I received several responses from people who agree with my concerns.

Sincerely,
Becky Steinbruner

Bratton Online December 4, 2021:

ANOTHER TAX ON MID AND SOUTH COUNTY ON THE HORIZON TO BUY WATSONVILLE HOSPITAL

Last week's Watsonville Hospital owner announcement of bankruptcy was interesting, considering it is on the heels of the County Board of Supervisors approval of forming a Pajaro Valley Healthcare District at their November 9, 2021 meeting.

It seems this is all falling into place for this done- deal that CAO Carlos Palacios is driving.

http://santacruzcountyca.igmp2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=1884&MediaPosition=4649.991&ID=11652&CssClass=

This is evident in the fact that the County Public Information Officer, Jason Hoppin, launched the Press Release of the new Pajaro Valley Hospital District formation on October 28, 2021....before the County Board of Supervisors even reviewed the matter publicly.

"The current Pajaro Valley Healthcare District Project (PVHDP) board members are designated by administrators of the County of Santa Cruz, City of Watsonville, Salud Para La Gente and the Community Health Trust of Pajaro Valley. PVHDP will pursue creating a local healthcare district as an avenue to allow for community-driven healthcare services in this region."

<https://www.co.santa-cruz.ca.us/Portals/0/County/CAO/press%20releases/2021/PVHDP%20press%20release%2010.28.21.pdf>

Now, note last week's threat of bankruptcy and hospital closure on January 28 if no buyer is found.

[Watsonville Community Hospital faces closure if not purchased by Jan. 28](#)

Urgency is the mother of all legislative emergency funding, and often gets accomplished with gut-and-amend legislation to fast-track the entire process. This money may help the new Health District to buy the bankrupt Watsonville Hospital, but how will long-term operating costs get paid?

Watsonville Community Hospital faces closure if not purchased by Jan. 28

Watsonville Community Hospital will either be sold to a new buyer or—if that fails—close by Jan. 28, CEO Steven ...

I predict that is where a likely new Special Benefit Assessment District tax will magically spring up for voters. This is a weighted Prop 218 ballot procedure, wherein large property owners' votes count for more than others. Watch for this...it will be coming our way, I assume, sometime soon.

What will this mean for the Hospital workers? What will it mean for the level of patient care? What will it mean in property tax assessments for the area? Stay tuned...



Santa Cruz Local Agency Formation Commission

Date: March 2, 2022
To: LAFCO Commissioners
From: Joe Serrano, Executive Officer
Subject: **Press Articles during the Months of January and February**

SUMMARY OF RECOMMENDATION

LAFCO staff monitors local newspapers, publications, and other media outlets for any news affecting local agencies or LAFCOs around the State. Articles are presented to the Commission on a periodic basis. This agenda item is for informational purposes only and does not require any action. Therefore, it is recommended that the Commission receive and file the Executive Officer's report.

EXECUTIVE OFFICER'S REPORT

The following is a summary of recent press articles. Full articles are attached.

Article #1: "Water quality, rates could rise with Big Basin, San Lorenzo Valley Water merger": The article, dated January 25, discusses the benefits and timeline should San Lorenzo Valley Water District acquire the Big Basin System. The potential annexation of the Big Basin area stems from the major water system damage following the CZU Fire. The proposed annexation, if initiated, would be consistent with SLVWD's current sphere.

Article #2: "Sonoma County moves to consolidate fire districts": The article, dated January 29, highlights the recent agreements adopted by the Sonoma County Board of Supervisors to consolidate several fire agencies. These agreements allows the County to invest money to create an integrated system of fire and emergency response services for the benefit of the county as a whole. At the conclusion of the consolidation effort, Sonoma County will see the number of fire agencies go from 43 to 23 in total.

Article #3: "County Merges Public Works, Planning Into One Department": The article, dated February 3, notes that the Santa Cruz County Board of Supervisors approved a plan to integrate the Planning and Public Works Departments. This internal reorganization will streamline services and improve customer service. The new department will be called the Community Development and Infrastructure Department.

Article #4: "Governor signs John Laird's SB 418": The article, dated February 6, indicates that the Governor has signed Senate Bill 418 into law immediately due to its urgency clause. The bill creates the first and only healthcare district in Santa Cruz County, and will be known as the Pajaro Valley Health Care District. The District is first in line to purchase the financially troubled Watsonville Community Hospital.

Article #5: “Santa Cruz County, health officials confident a district will save Watsonville Community Hospital”: The article, dated February 7, further discusses the benefits in local government oversight to the Watsonville Community Hospital. The article also highlights the coalition of local agencies and health care groups that was formed to spearhead efforts to improve the Hospital’s governance and operations.

Article #6: “Measure U extension will go out to Watsonville voters”: The article, dated February 9, highlights the future of the City of Watsonville’s urban limit line under Measure U. This measure was passed in 2002 to dictate where developers can build. The residents will decide whether the measure should be extended or expire. If extended, the urban limit line would be in place until 2040.

Article #7: “‘Privates’ beach access approved for Santa Cruz County takeover”: The article, dated February 10, notes that Santa Cruz LAFCO approved the reorganization of the Opal Cliffs Recreation District (OCD). The reorganization includes the dissolution of OCD and the concurrent annexation of the dissolved area into County Service Area 11, also known as County Parks. The reorganization was initiated by the OCD Board of Directors following the adoption of LAFCO’s 2021 Countywide Park & Recreation Service and Sphere Review.

Article #8: “Watsonville chips in \$130k to health district’s push for hospital purchase”: The article, dated February 10, indicates that the City of Watsonville approved a donation of \$130,000 to the newly-formed Pajaro Valley Health Care District to help purchase the Watsonville Community Hospital. The article notes that the healthcare district needs to raise \$39 million to purchase the Hospital by February 22. In total, the District needs to raise approximately \$67 million to adequately fund the Hospital’s operations.

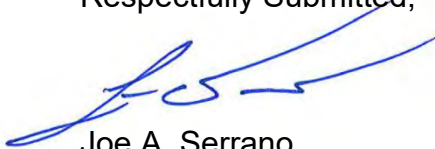
Article #9: “Possible SLVWD, Big Basin Water Merger Inches Along”: The article, dated February 11, highlights SLVWD’s ongoing efforts to help the Big Basin community as they address the potential transfer of water responsibilities from the privately-owned Big Basin Water Company. SLVWD’s General Manager indicated in the article that this will be a slow process to ensure all unresolved issues are addressed and more importantly that the Big Basin community has adequate time to understand the benefits and the overall process.

Article #10: “Pajaro Valley Health Care District Board Members Sought”: The article, dated February 16, indicates that the County of Santa Cruz is seeking applicants to fill the board seats on the newly-created Pajaro Valley Health Care District. In accordance with Senate Bill 418, the Santa Cruz County Board of Supervisors are tasked to appoint the healthcare district’s first board members. Applicants must be permanent residents within the healthcare district and registered voters in either Monterey or Santa Cruz Counties. The deadline to submit applications is Friday, March 4, 2022.

Article #11: “Possible SLVWD, Big Basin Water Merger Inches Along”: The article, dated February 17, was published in Bloomberg which is a news outlet that is distributed globally. The article summarizes the intent of the recently enacted bill and the goal of the Pajaro Valley Healthcare District Group.

Article #12: “Upcoming Branciforte Fire District vote could launch merger”: The article, dated February 22, notes that the Branciforte Fire Protection District will consider a resolution to initiate a reorganization involving the Scotts Valley Fire Protection District. This follows an ongoing effort with LAFCO to improve the overall governance and level of service provided to the Branciforte community.

Respectfully Submitted,



Joe A. Serrano
Executive Officer

Attachments:

1. “Water quality, rates could rise with Big Basin, San Lorenzo Valley Water merger”
2. “Sonoma County moves to consolidate fire districts”
3. “County Merges Public Works, Planning Into One Department”
4. “Governor signs John Laird’s SB 418”
5. “Santa Cruz County, health officials confident a district will save Watsonville Hospital”
6. “Measure U extension will go out to Watsonville voters”
7. “Privates’ beach access approved for Santa Cruz County takeover”
8. “Watsonville chips in \$130k to health district’s push for hospital purchase”
9. “Possible SLVWD, Big Basin Water Merger Inches Along”
10. “Pajaro Valley Health Care District Board Members Sought”
11. “A Health-Care Group is Poised to Buy Bankrupt Hospital in Watsonville, CA”
12. “Upcoming Branciforte Fire District vote could launch merger”

santacruzlocal.org

Water quality, rates could rise with Big Basin, San Lorenzo Valley Water merger

Brian Phan

7-8 minutes



Big Basin Water Co. lost its water treatment facility, main office, several buildings and distribution facilities during the CZU Lightning Complex Fire in 2020. (Brian Phan — Santa Cruz Local)

BOULDER CREEK >>Big Basin Water Co. customers likely will see improved water quality with San Lorenzo Valley Water District's expected acquisition of the Big Basin system, but they'll have to wait. It will take at least 18 months for the two systems to merge, and improvements are likely to take two to three years after that, water officials said this week.

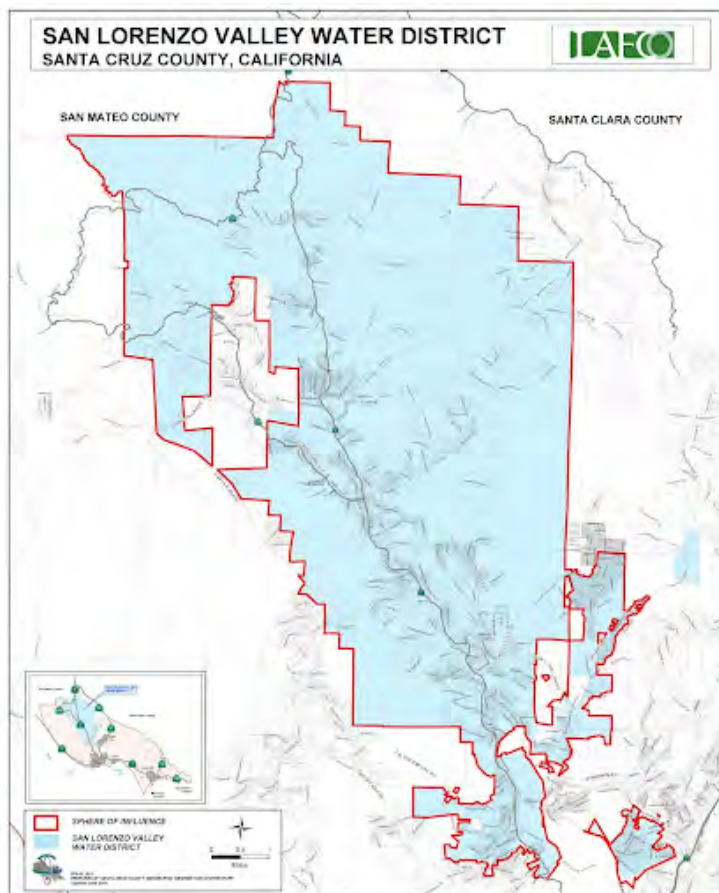
The expected merger is important to customers of Big Basin Water Co. near Boulder Creek because of major water system damage during the CZU Lightning Complex Fire in 2020. It has led to boil-

water advisories for drinking and washing as recently as October. Many Big Basin customers have installed home water filters.

A merger would mean that the San Lorenzo Valley water system would be integrated into Big Basin, and Big Basin customers would have better water service and reliability, water officials said.

Rick Rogers, district manager of San Lorenzo Valley Water, said the California Public Utilities Commission and Santa Cruz County Local Agency Formation Commission could take 18 months to three years to approve the merger.

“It is in the very early stages,” Rogers said this week. “We are working together right now,” he said of the two water districts. “We’re developing agreements and putting together all the background information to move forward.”



A map shows the rough boundary of San Lorenzo Valley Water District in Felton, Ben Lomond, Boulder Creek and other areas. The system encircles an area where Big Basin Water Co. provides water around Highway 236. (San Lorenzo Valley Water District)

In November, the San Lorenzo Valley Water District Board of Directors voted unanimously to examine a merger with Big Basin Water. Jim Moore, manager of Big Basin Water, said last week that his company is moving forward as well.

Moore said that trying to fix Big Basin's infrastructure has been a big task. The firm lost its water treatment facility, main office, several buildings and distribution facilities during the CZU Fire.

"It's been not easy," Moore said. The problem is that there's just my son and myself and it's a lot of work."



Some Big Basin Water Co. equipment off Highway 236 near Boulder Creek was fenced off in early 2021. Much of the water company's infrastructure was damaged in the CZU Lightning Complex Fire in 2020. (Stephen Baxter — Santa Cruz Local file)

San Lorenzo Valley Water has about 7,900 customers. Big Basin serves about 500 customers' homes on Highway 236 and areas northwest of downtown Boulder Creek.

"It's critical that San Lorenzo Valley Water District take in the 500 water customers of Big Basin for reliable, consistent water," said Santa Cruz County Supervisor Bruce McPherson. "It will probably cost those people in Big Basin more, but I think that's expected, if not anticipated."

McPherson represents District 5, which includes the San Lorenzo Valley. Both water companies serve his constituents. "It is the way

to solve the water concerns in the Big Basin Water Company,” McPherson said.

Many of Big Basin’s water customers have had to make costly changes since the CZU Fire.

Customers’ water problems

Harold Moorhead and his wife Christine Charter Moorhead are San Lorenzo Valley Water customers on Garden Lane near Boulder Creek. They installed a roughly \$2,100 water filter system because of the poor water quality from their taps after the fire.



Harold Moorhead of Boulder Creek holds up a home water filter he changed recently. Many water customers have installed filters because of poor water quality after the CZU Lightning Complex Fire in 2020. (Christine Charter Moorhead)

“I changed the filters yesterday. I couldn’t believe it,” Harold Moorhead said Monday. “There are people out there drinking that water.”

Because he has had cancer and a stem cell transplant, he said he’s

trying to be careful with water in his home. He recommended that his neighbors also install home water filters.

“You don’t have to get the most expensive whole house filter that they make,” Moorhead said, “depending on how super clean you want your water.”

San Lorenzo Valley Water District leaders said that its basic tap water meets all state and federal drinking water standards and that it goes through more tests than bottled water.

“Our water is now back to pre-fire quality,” said Rogers, the district manager of San Lorenzo Valley Water. Rogers said he did not necessarily recommend home water filters. “If you had some type of medical condition and your doctor recommended something, definitely,” Rogers said.

In the next few years, the water quality is expected to improve and rates are likely to rise for Big Basin customers. After the merger, state grants could help rebuild Big Basin’s water system, San Lorenzo Valley Water leaders said.

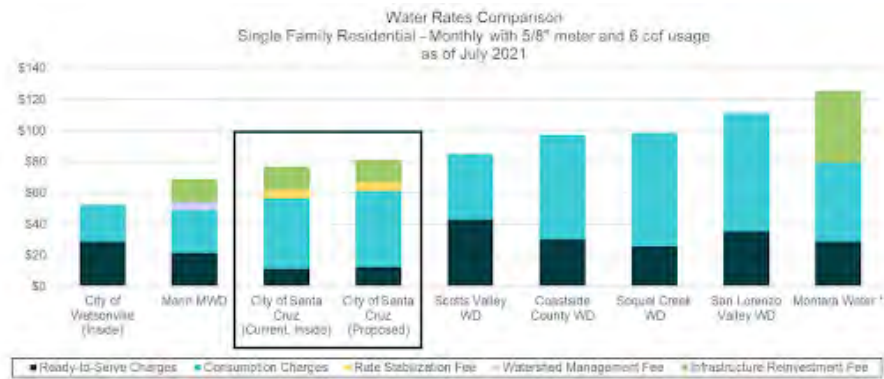
“When the merger is done, the folks in Big Basin will have a top-notch water system with a reliable water supply and water quality,” Rogers said. “It’ll have a professionally trained staff to operate their water system.”

Water rate changes

Big Basin customers now have lower water rates than some other water customers in Santa Cruz County. If the merger is finalized, rates are expected to rise for Big Basin customers but not for San Lorenzo Valley Water customers due to the merger, San Lorenzo Valley water leaders said.

Rogers, the San Lorenzo Valley Water District manager, said Big Basin’s less expensive water “also comes with the lack of maintenance and capital improvements.” He said, “There hasn’t been money to perform upgrades or do ongoing maintenance.” Rogers added, “These folks [Big Basin Water Co.] need the support

of the community.”



Water rates vary among some major providers in Santa Cruz County. (City of Santa Cruz)

How a merger could work

The merger has two parts.

- The Santa Cruz County Local Agency Formation Commission and the California Public Utilities Commission will consider whether to approve the union of the two water companies.
- Then, the two water districts combine their water systems' pipes and other infrastructure.

“In the beginning, and for the foreseeable future, nothing is going to change except for who is going to bill,” said Moore, of Big Basin Water. “I am not going anywhere.”

The expected merger comes on the heels of a separate merger attempt between San Lorenzo Valley Water District and Scotts Valley Water District in 2020. Several San Lorenzo Valley Water customers said they didn't want the change.

The San Lorenzo Valley Water Board of Directors decided not to pursue that merger in May 2021.

Correction: *The Moorheads are San Lorenzo Valley Water customers. A previous version of this story stated that they were customers of another water company.*

sonomanews.com

Sonoma County moves to consolidate fire districts

January 29, 2022

6-8 minutes

The Board of Supervisors voted unanimously approved a series of agreements this week intended to consolidate fire agencies and update how they are funded.

As part of these agreements, supervisors committed \$9 million to help unify and improve fire protection and emergency response services provided by independent fire agencies in unincorporated areas of the county.

The Board of Supervisors approved \$180,000 in annual base funding for the Kenwood Fire Protection District and two annual payments of \$120,000. The money will help stabilize the district, which is staffed with a combination of professional and volunteer firefighters, until it can partner with another fire agency in the future.

“This is us putting our money where our mouths are. While we will continue to look at a sales tax and other options to fund fire services in the future, this is a commitment from our existing budget to build on our mandate for increased resilience,” said Supervisor James Gore, chair of the Sonoma County Board of Supervisors.

“These funds will help defend the northern and eastern flanks against Diablo wind-driven fires, enhance emergency responsiveness from the coast to Highway 101, boost services and coordination in south county, and stabilize delivery in the east. The world demands this action, and we are meeting that challenge.”

At the conclusion of these actions, there will be 23 local fire agencies across Sonoma County, down from 43 that served the

county and its cities in 2014, when the county launched its initiative to unify fire services.

While local fire districts are funded independently and are not part of county government, the Board of Supervisors initiated negotiations with these districts and invested money to create an integrated system of fire and emergency response services for the benefit of the county as a whole.

“This is not technically our legal responsibility, but it is our moral responsibility,” said Supervisor David Rabbitt, a member of the board committee created to lead a restructuring of local fire agencies. “This represents a generational change in the way these services are delivered in Sonoma County, improving fire protection and ensuring long-term sustainability of fire services in unincorporated areas of the county.”

Members of the board acknowledged that additional funding is needed to support a countywide emergency response system. A new poll released by the county today found that 75% of voters believe it is crucial to have high-quality fire protection services, even if it means raising taxes. The poll found that 64% of voters would support a half-cent sales tax increase to fund fire services, just short of the two-thirds majority required to approve a tax increase.

A key element of the plan will create the framework for sustainable fire and emergency services along the Sonoma County coast, which draws millions of visitors annually from across the county and around the world. Roughly 29% of the land in the Bodega Bay Fire Protection District is dedicated to state and county parks, which do not generate any property tax revenue, creating a funding challenge that threatened the district’s ability to serve coastal visitors and residents.

“The coast is one of the crown jewels of Sonoma County. This plan benefits everyone who lives along our coast and all of the people who visit it, providing crucial support for a fire district that delivers essential services to people from across Sonoma County,” said

Supervisor Lynda Hopkins, a member of the committee created to lead a restructuring of local fire agencies.

After the 2017 fires, the Sonoma County Fire Chiefs Association analyzed deployment and response times to identify weak links and unmet needs. The analysis found benefits to consolidating volunteer fire departments and realigning responsibility for serving County Service Area (CSA) 40 territory, which was established in 1993 to provide structural fire protection services in unincorporated areas that were outside a fire protection district, community services district or municipality.

The supervisors approved a complex series of tax exchange and revenue sharing agreements to support the consolidations, which are in various stages of review by the county Local Agency Formation Commission:

■ **Gold Ridge Fire Protection District:** The district will annex seven volunteer fire companies in west and south Sonoma County — Ft. Ross, Camp Meeker, Bodega, Valley Ford, Two Rock, Wilmar and Lakeville — along with one CSA 40 area (Incident Response Plan 81) and the Wilmar Community Facility District. In exchange, the district will receive \$4.4 million in annual base funding and the revenue generated by the Wilmar CFD, currently \$131,946 a year.

■ **Sonoma County Fire District:** The district will annex the Bodega Bay Fire Protection District, improving service to heavily visited sections of the coast that do not generate sufficient property tax revenue to sustainably support emergency services. In exchange, it will receive \$3 million in annual base funding.

■ **Northern Sonoma County Fire District:** The district will annex the Dry Creek-Sotoyome Community Facility District territories and three CSA 40 areas. In exchange, the district will receive a \$1.2 million in annual base funding, subject to an increase after five years, in addition to the revenue generated by the Sotoyome CFD, currently \$112,849 a year.

To fund these agreements, the county will transfer approximately \$2 million annually in property taxes collected in CSA 40 areas for fire

protection services once the annexation processes are completed by the county Local Agency Formation Commission. In addition, the county will direct \$7.2 million in Fire Services Project funds to the districts involved in the consolidation. This includes money from the county's General Fund budget; funding from Proposition 172, the 1993 statewide sales tax to support public safety; and the county's Transient Occupancy Tax on overnight visitors.

All of the funding is subject to annual adjustments, tied to increases in inflation or changes in property tax revenues.

The Board of Supervisors also approved a measure to begin collecting Transient Occupancy Tax funds on overnight visitors at Sonoma County Regional Park campgrounds. The revenue, estimated at \$250,000 to \$300,000 annually, will be programmed to the Fire Services Project Fund.

goodtimes.sc

County Merges Public Works, Planning Into One Department | Good Times Santa Cruz

2 minutes

The Santa Cruz County Board of Supervisors on Tuesday unanimously approved a plan to integrate the Planning and Public Works departments, a move officials say will streamline services and improve customer service.

Officials will immediately begin creating the new department, called Community Development and Infrastructure Department, with full integration expected within one year, said Public Works Director Matt Machado.

The two departments have been “co-located” on the fourth floor for decades, Machado said.

“It’s really benefited us quite well,” he said. “The adjacency has allowed coordination and collaboration, which has benefitted all the services that we provide. We’re looking to further the coordination and collaboration through the integration.”

The centerpiece of the new department will be the Unified Permit center, whose focus on customer service, pre-application clearances and real-time plan checking is an answer to years of complaints from residents who have battled mountains of red tape as they navigated the County’s notoriously Byzantine rules.

“With one counter having our Public Works staff and our Planning staff working shoulder to shoulder and working together on process improvement, we expect that our goals will be met,” Machado said.

Supervisor Bruce McPherson called the move “a long time coming.”

“I just think it’s terrific,” he said. “It’s a long-standing initiative for us to improve our customer service.”

santacruzsentinel.com

Governor signs John Laird's SB 418

3-4 minutes

WATSONVILLE — With the ink barely dry on a vote in the state Senate, California Gov. Gavin Newsom on Friday signed SB 418, according to a release from the office of Sen. John Laird.

SB 418, authored by Laird, creates the Pajaro Valley Health Care District. The district is first in line to purchase the financially troubled Watsonville Community Hospital.



John Laird

“I want to thank Governor Newsom for signing this urgent and important piece of legislation that will help preserve access to health care services for Pajaro Valley residents,” Laird said in the prepared release. “The governor’s signature on SB 418 further demonstrates his commitment to ensuring vulnerable communities are not left without the safety net of health care, especially as COVID19 continues to spread throughout our communities.

Three weeks ago, Laird “gut and amended” Senate Bill 418 to add language that would create the Pajaro Valley Healthcare District. In a matter of weeks, Laird moved this legislation through the full

legislative process. Assemblymembers Robert Rivas and Mark Stone, as well as Sen. Anna Caballero also co-authored SB 418.

In response to the current owners of the Watsonville Community Hospital filing for Chapter 11 bankruptcy, issuing WARN Act notices to employees, and announcing the hospital's January closure, Laird authored legislation to ensure the hospital doors remain open.

In late November, [Watsonville Community Hospital CEO Steven Salyer](#) announced that the hospital would be sold or shuttered by March.

"COVID-19 resulted in a further decline in revenue and it has been difficult to recover," Salyer said in the statement provided to the Sentinel on Nov. 29. "We have been working relentlessly to come up with solutions."

[Pajaro Valley Healthcare District Project leader](#) and former Santa Cruz County health official Mimi Hall is working with the county, Watsonville and others to build financial backing for the acquisition and future operation of the hospital as it goes through Chapter 11 bankruptcy proceedings.

In late January, the Santa Cruz County Board of Supervisors approved \$5 million toward the purchase and the operation of the hospital. Those funds are contingent on the district's successful bid for the hospital. All total, the county has earmarked \$5.5 million, according to a county release.

Sentinel reporter Melissa Hartman contributed to this report.

Timeline

Nov. 26, 2021: CEO Steve Salyer announces that Watsonville Community Hospital will be closed if a buyer isn't found.

Dec. 2: Watsonville Community Hospital employees and other health care workers rally and vow to keep hospital open.

Jan. 25, 2022: Santa Cruz County Board of Supervisors commits \$5 million toward the purchase and operation of hospital by the Pajaro Valley Healthcare District project.

Feb. 3: California Senate unanimously approves SB 418.

Feb. 4: Gov. Gavin Newsom signs SB 418 to create the Pajaro Valley Healthcare District.

lookout.co

Santa Cruz County, health officials confident a district will save Watsonville Community Hospital - Lookout Local Santa Cruz

Hillary Ojeda

10-13 minutes



Quick Take

Watsonville Community Hospital is at risk of closing after years of financial struggle. Santa Cruz County and health care officials hope that a health care district, a government entity with a complicated and not always successful history in the state, will prevent that.

A coalition of local government agencies and health care groups aiming to purchase [Watsonville Community Hospital](#) got a crucial boost Friday from Gov. Gavin Newsom, but leaders acknowledge that steep challenges remain.

Newsom on Friday signed into law [Senate Bill 418](#), legislation proposed by [State Sen. John Laird](#) that creates a health care district which, the nonprofit coalition says, will take over hospital operations and bring stability after years of financial woes.

The coalition, known as the Pajaro Valley Healthcare District Project, still needs to raise at least \$64.4 million to acquire the hospital, which filed for Chapter 11 bankruptcy in December. It has brought in more than \$12 million of that so far, including a \$5 million grant from the County of Santa Cruz, and is hoping community partners will pledge more, but still hopes for a big contribution from

the state budget so it can have a sale agreement by the end of March.

Not only does the nonprofit face challenges to acquire the hospital, but it also faces the long-term goal of creating a sustainable model to run the facility and continue providing care to Pajaro Valley residents. It's something the leaders of the nonprofit — in which the county of Santa Cruz, the city of Watsonville, the Community Health Trust of the Pajaro Valley and Salud Para La Gente are partners — are ready to confront.

“This is a community of essential workers,” Salud Para La Gente CEO Dori Rose Inda said about the population served by the hospital. “Of people who are responsible for putting the healthy food on our tables every day, and it was so important for them to keep working during the pandemic because of their essential role and their essential work.”

Just under 53,000 people live in Watsonville, which along with the communities of Corralitos, Freedom, La Selva Beach, Pajaro, Royal Oaks and Pajaro Dunes make up the Pajaro Valley. About 8,500 people are employed by the agricultural sector and about 2,400 work in the tourism industry, according to estimates from county officials.

Rose Inda can't accept, particularly after the impact of the COVID-19 pandemic on the region in the past two years, that the hospital could close and complicate access to medical services for these communities. The next-closest hospital, Dominican Hospital in Live Oak, is about a 15-minute drive without traffic from Watsonville Community Hospital. On bad traffic days, the drive can take 45 minutes or more.

She, like other project leaders, feels local ownership and accountability are what is needed to keep Watsonville Community Hospital open long-term. After researching solutions, they decided on the health care district model.

No formal opposition against the creation of the healthcare district was filed with the legislature, according to a State Senate floor analysis.

Where health care districts came from and how they work

Facing a shortage of hospital beds and lack of acute care at the end of World War II, the California legislature enacted the Local Hospital District Law in 1945.

“The intent was to give rural, low-income areas without ready access to hospital facilities a source of tax dollars that could be used to construct and operate community hospitals and health care institutions in medically underserved areas, to recruit physicians and support their practices,” according to a [2006 report](#) for the California HealthCare Foundation.

It's common for health care districts to receive a share of local property taxes, while some may charge for services or levy special parcel taxes, according to [analyses](#) of Senate Bill 418. They can also receive grants or generate revenue from property lease income.

In 1994, the legislature responded to changes to health care access and district demographics by changing the law so it became the Local Healthcare District Law instead of hospital districts. Currently, there are 77 health care districts in the state, and of those, 54 are in rural areas, according to the Association of California Healthcare Districts.

State law gives health care districts the authority to build and operate health care facilities, to lease or own property and to provide financial assistance to other entities providing health care services.

Health care districts, like other special districts such as a water district, are overseen by local agency formation commissions, or LAFCos. The commissions can conduct reviews or studies to determine how effective the districts are in providing services.

Each district is led by a five-member board of directors elected by district residents. The board members, who serve four-year terms, have to be registered voters within the district — something the district project leaders are hoping will be beneficial to the long-term success of the hospital. The Santa Cruz County Board of

Supervisors will appoint the initial board members.

While not all health care districts run hospitals, two nearby hospitals — the Salinas Valley Memorial Healthcare System in Salinas and Hazel Hawkins Memorial Hospital in Hollister — are both operated by health care districts.

Sherrie Bakke, director of patient and community engagement and business development at Hazel Hawkins, said one of the major benefits of a health care district-run hospital is that the “governing board of the hospital is a reflection of the community we serve.”

She said this was a contrast to her previous job, where the hospital was run by a private, not-for-profit group.

“The board of directors did not reflect the community they serve, there were no term limits,” she said. “Nobody was allowed at their board meetings, nobody knew the decisions that they were making. Nobody knew what was happening with their hospital.”

Mimi Hall, who’s now CEO and president of the Pajaro Valley Healthcare District Project [after four years as Santa Cruz County’s health services director](#), said while the PVHD will be unique, she hopes to learn from other districts like Salinas. She said the project plans to meet with the hospital’s executives.

Learning from other districts will be useful for Pajaro Valley Healthcare District Project leaders as they begin to develop the health care district.

“When we first decided to do a health care district, people said, ‘You’re crazy. Health care districts with hospitals are closing, they’re not starting,’” she recalled.

When we first decided to do a health care district, people said, “You’re crazy. Health care districts with hospitals are closing, they’re not starting.”

Based on figures from 2017, when there were 79 districts, a total of 38 owned and operated hospitals, 36 didn’t own or operate a hospital and five owned but didn’t operate a hospital, according to a [study](#) published in California Bankruptcy Journal in 2020. As stated in the analyses filed with SB 418, since the law change in 1994, “14 healthcare districts have filed for bankruptcy, and over one-third of

the healthcare districts in California have either closed or sold their hospital.”

This doesn’t sway Hall.

“I do believe that we’re not going to be one of those stories of a hospital that fails because everyone has worked too hard,” she said.

Next steps for the health care district and the hospital’s acquisition

The district project has raised money and continues to work on additional funding sources, which Hall said are not finalized therefore she couldn’t provide more information on them, to purchase the hospital.

“We are buying a hospital before we have the dollars for it,” said Hall. “And that’s highly unusual.”

The project identified \$45 million in acquisition costs, \$18 million to operate the hospital for six months and \$1.4 million to pay for administrative and consulting costs, all adding up to \$64.4 million for its draft business plan, according to analyses filed with SB 418. That amount includes \$25 million in debtor-in-possession financing provided by Medical Properties Trust, which currently owns the land the hospital sits on, in order to keep the hospital operating through the end of March.

Among some of the funding PVHDP has received so far is \$5 million from the County of Santa Cruz and a \$3 million grant from Central California Alliance for Health. In addition, it received \$4.4 million from the Community Health Trust of the Pajaro Valley which will go toward a good-faith deposit, according to Hall. It has also made requests for funding from Kaiser Permanente, CommonSpirit and Sutter Health.

Hall said it will also be asking for assistance from the state budget.

“There’s no way that we can, with the timeline that we have of a sale agreement by March 31, and closing the sale by Aug. 31, I don’t think that there’s any way that we can raise the amount of money that we need without assistance from the state,” said Hall. “I

don't know of any other hospital acquisition that moved this fast from scratch.”

She said she hopes a significant portion of money will come from community partners and the rest from the state.

“My hope is that the state can see how everybody has come to the table locally and regionally,” she said. “And will feel like it’s worthwhile for them to make an investment in the acquisition, because there’s so much other local commitment behind it.”

The noticing agent for the bankruptcy case, known as [Stretto](#), lists a bid deadline of Feb. 14 and a sale hearing on Feb. 23.

In the meantime, hundreds of Watsonville Community Hospital workers have been anxiously waiting for the project to move forward.

Roseann Farris, a registered nurse in the critical care department and the chief nurse representative of the California Nurses Association, said it’s been an emotional period.

“It could either go really well or really bad,” she said. “It’s definitely stressful waiting and hoping that the governor does the right thing and that the project gets the funding.”

The 270 nurses represented by the union have been thrilled to see the legislation progress, Farris said.

“This population that the hospital serves is in desperate need of having this safety-net hospital,” she said. “Without it, the health care of the whole community will go down.”

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Measure U extension will go out to Watsonville voters

Hannah Hagemann

3-4 minutes

WATSONVILLE – Watsonville residents will get to decide if 20-year-old urban development boundaries should stay in place, or expire, after city officials certified a campaign petition on Tuesday.

Watsonville’s urban limit line broadly dictates where developers can build and was passed by way of Measure U in 2002, when 60% of voters cast their ballot for the initiative. Some of those boundaries, which exclude development on a large swath of Pajaro Valley farmland, are set to expire this year. A campaign to renew the limits [launched in July 2021](#) – an effort endorsed by the Santa Cruz County Farm Bureau, Watsonville Wetlands Watch and dozens of agricultural leaders.

As required by the Watsonville city charter, the campaign had to obtain signatures from 10% of registered voters. Campaigners succeeded, garnering around 2,400 certified signatures, compared to the required 2,170.

If championed by voters, Watsonville’s urban limit line would be locked in until the year 2040.

“It’s going to be interesting to see what the voters do, will they side on not building on agricultural land or will they side on building more housing ... that’s the decision they’re going to have make.”

said Watsonville 6th District Councilmember Jimmy Dutra.

On Tuesday night, 5th District Councilmember Rebecca Garcia argued that “Watsonville Planned Growth” campaigners had led some voters astray by asserting that extending the measure would preserve wetlands within the city of Watsonville.

According to Tamara Vides, Watsonville’s pro tempore city manager, those wetlands are currently protected from being developed upon, by way of the city’s 2005 general plan.

“It seems there is misinformation being given in terms of [that] ‘this measure is to protect the wetlands’ when in fact they’re already protected, so I think that needs to be corrected in their future advocacy for this measure,” Garcia said.

According to proponent Yesenia Jimenez, extending Measure U would indirectly provide further protection to wetlands and sloughs.

“We did tell people this would protect the wetlands, and I don’t consider it misinformation,” Jimenez said. “The reason we’re trying to renew Measure U is to have additional protection for wetlands, because what if they [the city council] were to change the general plan?”

In 2013, an effort was launched by city officials and developers to annex some land outside of urban limit lines. Residents defeated the ballot measure in a special election, with 77% of voters voting against Measure T.

Voters will once again be asked to decide whether the current boundaries should persist, or expire, come November.

Jimenez said she wants to see affordable housing built in Watsonville, but in a measured way that doesn’t infringe upon agricultural or undeveloped lands. She pointed to further developing within city of Watsonville limits.

“It’s been 20 years [since Measure U passed] and there’s still 150 empty lots that the city has been really slow to do infill housing in,” Jimenez said. “Building apartments in those lots would stabilize rents faster than building homes that only rich people, or people from outside of Watsonville, could afford.”

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‘Privates’ beach access approved for Santa Cruz County takeover

Jessica A. York

3 minutes

LIVE OAK — One of Santa Cruz County’s smallest — and most controversial — independent coastal parks is on the brink of coming under broad public control.

The board of a local jurisdictional boundary oversight agency Wednesday voted unanimously to approve the dissolution of the more than 70-year-old Opal Cliffs Recreation District, located between Pleasure Point and Capitola.

Though Santa Cruz County Parks officials have been managing the quarter-acre Opal Cliffs Drive park and its beach access, known as “Privates,” for multiple years, this week’s vote by the Santa Cruz Local Agency Formation Commission would formalize the move by annexing the property into the County Service Area 11 general recreation district.

Opal Cliffs Recreation District board director Jenae Replogle told the Sentinel in August that district leaders had sought assurances that County Parks would continue to take into consideration neighborhood safety concerns once it fully takes on the park.

According to LAFCO executive directors, the park’s reorganization will be complete if there are no challenges by the commission through March 11, or by the public from March 11-31. The agency

released a review of the county's recreation districts in August highlighting concern areas for the Opal Cliffs Recreation District, including [declining revenue sources and rising operational costs](#).

In addition to property taxes collected on 440 neighboring parcels, the district drew its primary revenue from "key for fee" electronic gate keycard sales. The California Coastal Commission began challenging the private-access practice in 2015 and park operators were forced to leave the gate unlocked beginning in 2018. A Coastal Commission enforcement supervisor told the Sentinel at the time that Opal Cliffs Recreation District had the only public park in the state charging for coastal access and that the exchange of a 6-foot fence for a 9-foot fence and addition of gate attendants in 2006 to combat trespassing and vandalism issues had not been properly authorized per permit.

In August, the Santa Cruz County Zoning Administrator approved a coastal development permit to replace the existing 9-foot-tall fence and gate with a 6-foot fence and gate, eliminate the use of keycards, eliminate the park aide program, replace existing park signage with updated access hours of sunrise to sunset and highlighting its free access. The infrastructure replacement project, however, had not yet begun as of this month.

Watsonville chips in \$130K to health district's push for hospital purchase

By: Tony Nuñez

4-5 minutes

WATSONVILLE—In a vote that was largely ceremonial, the Watsonville City Council unanimously approved giving \$130,000 to the newly-formed Pajaro Valley Healthcare District to help the nonprofit purchase Watsonville Community Hospital's operations.

The contribution from the cash-strapped municipality pales in comparison with those of other jurisdictions such as Santa Cruz (\$5.5 million) and Monterey (\$3M) counties and encapsulates why the PVHD was formed: to bring WCH back into public ownership as it was before it was purchased by a corporation in the 1990s.

The hospital serves an area with disproportionately low household income and access to quality housing, transportation and healthcare, according to the California Healthy Places Index.

Around 43% of the hospital's gross revenue comes from the state Medi-Cal program, and 30% of its gross revenue comes from the federal Medicare program serving the elderly and disabled.

Because of this, [WCH has struggled to adequately serve the Pajaro Valley over the course of two decades of private ownership.](#)

The current hospital operators filed for Chapter 11 bankruptcy in December. The hospital remains open and offers a full range of medical services as it weaves its way through the bankruptcy court hearings.

PVHD, made up of the County of Santa Cruz, the City of Watsonville, Community Health Trust of Pajaro Valley and Salud

Para La Gente, is the lead candidate of three that have shown interest in buying the hospital's operations.

"If we had millions, we'd probably give millions," Mayor Ari Parker said. "But we'll wait and see what we can do."

During Tuesday's presentation to the council, Cecilia Montalvo, the director of the Cambria Community Health Care District and a founding board member of the PVHD, said the district needs to raise \$39 million to close on the purchase of the hospital by Feb. 22.

Along with the commitments from the city and the two counties the hospital serves, the Community Health Trust, Kaiser Foundation Health Plan, Dominican Hospital and the Central California Alliance for Health have also chipped in, and Montalvo said PVHD is on pace to gather the funds needed for the purchase.

In all, the district will need to raise close to \$67 million to adequately fund the hospital's operations, with the largest investment—an expected infusion of \$15 million—coming from the state.

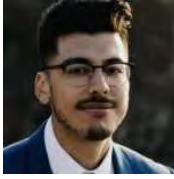
The district will also soon give people the opportunity to contribute individual donations, Montalvo said.

The breakneck pace of the creation, establishment and fund-gathering the PVHD has undergone since it first announced its plans to purchase the hospital last fall—when its chief executive told employees that the facility faced imminent closure—has been nothing short of spectacular, all councilmembers said.

State Senator John Laird's bill (Senate Bill 418) that sought to establish the PVHD passed unanimously in the Assembly and Senate and was signed by Gov. Gavin Newsom in less than a month, clearing the final hurdle on Friday.

Salud Para La Gente CEO Dori Rose Inda said the quick action by the state legislature was a "very powerful proclamation about the importance of our community."

“It was a clear statement by the state that the Pajaro Valley, the residents who work here and live here, and the hospital that serves them, really are essential and important,” said Inda, who is also a founding member of the PVHD.



[Tony Nuñez](#)

Managing Editor Tony Nuñez is a longtime member of the Watsonville community who served as Sports Editor for five years before entering his current role in 2019. A Watsonville High, Cabrillo College and San Jose State University alumnus, he covers the city, business, housing, entertainment and more.

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Possible SLVWD, Big Basin Water Merger Inches Along - Press Banner

By: Christina Wise

6-7 minutes

The San Lorenzo Valley Water District (SLVWD) has had its fair share of couplings since its establishment as a special district in 1941.

In 2008, the district assumed control of Cal-Am Water (servicing Felton), and in 2016, it acquired took over Lompico Water District. In 2020, SLVWD and Scotts Valley Water District attempted to get to know each other a little better, but ratepayers from both districts raised objections, and the potential merger was quashed. Now, in 2022, SLVWD may have found a willing dance partner.

Much like SLVWD, Big Basin Water Company (BBWC) suffered horrendous losses from the CZU Lightning Complex fires in August of 2020. Nearly all the infrastructure for the water company was destroyed, and, like SLVWD, customers of BBWC were not “in water” for months following the disaster.

Boil orders have been a regular occurrence for BBWC ratepayers. Now, SLVWD Manager Rick Rogers is looking to provide long-term assistance to the troubled water utility on the mountain.

“From the time the SLVWD Board of Directors gave authorization for me to explore potential consolidation with Big Basin Water Company, I’ve been on a fact-finding mission,” said Rogers. “We have contacted multiple state agencies looking for grant funding; we believe there’s a lot of grant money available for consolidation and fire-damaged care, and we know the state is very supportive of

this annexation/consolidation.”

Big Basin Water Company is not within the “sphere of influence” for SLVWD, so BBWC’s territory would need to be annexed into SLVWD’s territory in order to move forward with consolidation. One huge component of a possible annexation would be the cost, and Rogers says that SLVWD is not in a financial position to cover the cost of annexation, or cover the replacement, improvements and repairs of Big Basin’s damaged infrastructure.”

“We’re working closely with Big Basin Water owner Jim Moore, who has been a very willing participant in this process, and we’ve scheduled inspections to obtain cost estimates to repair things like pump stations,” he said. “We’re moving ahead, but it’s a very slow process.”

As of now, Rogers says SLVWD hasn’t yet applied for grant funding, nor has his team asked the board for a resolution requesting the Local Agency Formation Commission to start the annexation process.

Before grant applications can be submitted to the state, specific projects related to the consolidation would need to be defined.

“Drafting those projects takes engineering, and engineering takes money, so we’re working with Jim Moore and the State of California to get a pledge to reimburse us for that work,” Rogers said.

An escrow account with the necessary funds would be established in the event that the annexation fails, ensuring that SLVWD customers would not be on the hook for repairs to the Big Basin system.

Rogers says he knows that Big Basin Water customers are holding their wallets tightly, and waiting to see where the numbers fall.

“Big Basin Water customers have the final say on this process,” Rogers said. “They have a vote.”

One concern is the difference in water unit pricing between the two agencies.

“Big Basin Water bills at around \$3 per unit; most ratepayers are billed at \$10/unit,” said Rogers, who is quick to point out that other regional leaders are in support of the consolidation, including Santa Cruz County Supervisor Bruce McPherson, state lawmakers John Laird and Mark Stone and Congresswoman Anna Eshoo.

Simultaneously, SLVWD is working on an emergency operational agreement where the district takes over management of Big Basin Water, but Jim Moore retains ownership and pays the district to come in and operate the utility.

“The California Department of Water Resources has requested that Moore get additional staffing, and we’re working on an emergency intertie with Big Basin to ensure that their customers will stay ‘in water’ in case their one well goes offline due to chemical intrusion or a main break,” said Rogers.

Rogers says every step of the process, from grant applications to the request for annexation to LAFCO, will require his board’s approval.

“It’s a slow process, and we’re here to answer questions for not only our customers, but also Big Basin Water ratepayers,” he said.

Rogers notes that the state has grants available that are dedicated to CZU fire recovery, so in terms of grant money, “this is a good time,” he said.

“[The BBWC] water treatment plant burned to the ground, and all of the above-ground structures had fire damage. Their system took a beating, and now we see an opportunity to help our neighbors,” said Rogers.

BBWC is facing a compliance demand from the state for a host of repairs, so those requirements also need to be addressed in the consolidation plan.

Ultimately, Rogers says SLVWD’s Board of Directors is in favor of the consolidation, but the associated costs can’t be foisted upon existing ratepayers, which is where the need for those grants

comes into focus.

“No matter how this turns out, we promise to have a completely transparent process for everyone involved from both agencies,” he said.

Rogers is reminded that feedback from both Scotts Valley and SLV Water Districts’ ratepayers put the kibosh on their potential merger.

“That’s true,” he said, “but this is a different situation. Big Basin customers need our help, and SLV customers have encouraged us to help our neighbors. That’s what we’re here to do.”

Want to stay informed on the potential consolidation of the two utilities? SLVWD’s Board of Directors meets the first and third Thursday of each month via Zoom. For more information, visit slvwd.com.

patch.com

Pajaro Valley Health Care District Board Members Sought

Michael Wittner

3 minutes

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SANTA CRUZ, CA — The County of Santa Cruz is seeking applicants to the board of the newly-created Pajaro Valley Health Care District, which will govern activities associated with the delivery of medical care in the Pajaro Valley, and manage the sale

of Watsonville Community Hospital.

The district was created Feb. 4 when Gov. Gavin Newsom [signed SB 418](#), which created a new nonprofit district staffed by the County of Santa Cruz, the City of Watsonville, the Community Health Trust of Pajaro Valley, and Salud Para La Gente that will manage the sale of the hospital, which [filed for Chapter 11 bankruptcy](#) in December.

The PVHCD will work with the hospital – which services an area with disproportionately low household income and access to quality housing, transportation, and healthcare, according to the California Healthy Places Index –to build financial backing before a future sale. The hospital remains fully operational.

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The five board positions are voluntary and subject to approval by the Santa Cruz County Board of Supervisors. Initial terms will be by appointment, but future terms will be subject to district-based public elections.

Ideal candidates will "reflect the diversity of Pajaro Valley and have experience in healthcare, business, and/or community endeavors," according to a Santa Cruz County news release.

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Applicants must also be permanent residents of the boundaries of the Health Care District (a map is included on the application form), be a registered voter in Monterey or Santa Cruz counties, and be able to complete applicable statements of economic interest filings.

Applications are due by March 4. See [here](#) for more information and to apply.

The rules of replying:

- **Be respectful.** This is a space for friendly local discussions. No racist, discriminatory, vulgar or threatening language will be tolerated.
- **Be transparent.** Use your real name, and back up your claims.
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A Health-Care Group Is Poised to Buy Bankrupt Hospital in Watsonville, California

Lauren Coleman-Lochner

2 minutes

A health-care group is poised to become the new owner of bankrupt [Watsonville Community Hospital](#) after no other qualified bids for the facility were received.

Pajaro Valley Healthcare District Project, a not-for-profit group that includes Santa Cruz County and the city of Watsonville, will take over the hospital if the sale is approved, according to court filings. An auction scheduled for Thursday was canceled.

Watsonville filed for bankruptcy Dec. 5 after years of losses heightened by the pandemic. It's one of thousands of facilities struggling to pay the bills as they treat some of America's poorest patients. Watsonville lies in the midst of one of California's vast produce farming areas, and most of its population is from Latin America.

Gov. Gavin Newsom signed a [bill](#) creating the Pajaro Valley Healthcare District earlier this month. California created health-care districts to provide care in under-served areas, and 54 of the state's 77 districts are in rural areas, according to the Association of California Healthcare Districts. It has the authority to issue bonds.

A sale hearing is scheduled for Feb. 23, with a Feb. 21 deadline for objections.

The case is Watsonville Hospital Corporation, 21-51477, U.S. Bankruptcy Court for the Northern District of California (San Jose)

santacruzsentinel.com

Upcoming Branciforte Fire District vote could launch merger

Jessica A. York

3-4 minutes

HAPPY VALLEY — A small mostly volunteer-driven fire agency's leaders meet this week to consider starting the process of dissolving its district and folding itself into its larger neighbor.

The Branciforte Fire Protection District's board of directors has been toying with a potential structural reorganization at least since 2015, when it struck up a management contract with the Scotts Valley Fire Protection District. That agreement dissolved at the end of last year, and the board has since renewed efforts to investigate the issue.

On Thursday night, the board will consider a resolution that would begin applying to the Local Agency Formation Commission of Santa Cruz County to merge with Scotts Valley Fire. The Local Agency Formation Commission authored a study in October of fire districts countywide and included a recommendation that Branciforte Fire either reorganize or address numerous operational concerns. The report found that Branciforte Fire had the lowest accreditation rating of fire agencies in the county and served about 1,700 people within 9 square miles out of a single fire station.

The board followed up on the report, voting in November to form an ad-hoc committee to explore merger talks with any interested neighboring fire agency.

This week's meeting is the first to occur since Branciforte Fire's board members and interim chief tentatively were scheduled to

meet with Scotts Valley Fire Protection District leaders earlier this month, along with LAFCO Executive Director Joe Serrano and ad-hoc committee member Neil Austin.

Thursday's resolution cites benefits of the merger of the two districts as facilitating efficient delivery of life- and property-saving services to the affected territory and maintaining the current levels of service provided by paid and paid-call firefighters and staff of the respective districts, constant local demand expectations and available financing.

The resolution also lays out Branciforte Fire's expectations in return, should such merger talks progress to reality:

- Involved parties jointly to host multiple community outreach efforts, including but not limited to workshops and forums.
- Existing paid Branciforte Fire employees and active volunteer firefighters to join Scotts Valley Fire.
- Branciforte and Scotts Valley fire protection district and LAFCO to collaborate to determine the best solution for the future of the Branciforte Fire Station.
- All Branciforte Fire Protection District's existing tax rate areas and revenue mechanisms to be maintained post-reorganization.
- Joint completion of a pre-reorganization agreement.

IF YOU GO

What: Branciforte Fire Protection District board meeting.

When: 6 p.m., Thursday.

Where: Online, zoom.us/join. Meeting ID: 981 4374 1955.

Passcode: 455815.

At issue: Resolution to initiate proceedings for the reorganization of Branciforte Fire with Scotts Valley Fire.