

Introduced by Senator DoddDecember 7, 2020

An act to add and repeal Section 56133.5 of the Government Code, relating to local agency formation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 13, as introduced, Dodd. Local agency services: contracts: Counties of Napa and San Bernardino.

Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, a city or district may only provide new or extended services by contract or agreement outside of its jurisdictional boundary if it requests and receives written approval, as provided, from the local agency formation commission in the county in which the extension of service is proposed. The act establishes a pilot program under which the commissions in the Counties of Napa and San Bernardino, upon making specified determinations at a noticed public hearing, may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, as provided. Existing law requires the Napa and San Bernardino commissions to submit a report to the Legislature on their participation in the pilot program, as specified, before January 1, 2020, and repeals the pilot program as of January 1, 2021.

This bill would reestablish the pilot program, which would remain in effect until January 1, 2026. The bill would impose a January 1, 2025, deadline for the Napa and San Bernardino commissions to report to the Legislature on the pilot program, and would require the contents of that

report to include how many requests for extension of services were received under these provisions.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Napa and San Bernardino.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 56133.5 is added to the Government
2 Code, to read:

3 56133.5. (a) A pilot program is hereby established for the
4 Napa and San Bernardino commissions. If consistent with adopted
5 policy, the Napa and San Bernardino commissions may authorize
6 a city or district to provide new or extended services outside its
7 jurisdictional boundary and outside its sphere of influence to
8 support existing or planned uses involving public or private
9 properties, subject to approval at a noticed public hearing in which
10 the commission makes all of the following determinations:

11 (1) The extension of service or services deficiency was identified
12 and evaluated in a review of municipal services prepared pursuant
13 to Section 56430.

14 (2) The extension of service will not result in either: (A) adverse
15 impacts on open space or agricultural lands or (B) growth inducing
16 impacts.

17 (3) A sphere of influence change involving the affected territory
18 and its affected agency is not feasible under this division or
19 desirable based on the adopted policies of the commission.

20 (b) Subdivision (d) of Section 56133 shall apply to any request
21 for new or extended services pursuant to this section.

22 (c) For purposes of this section, “planned use” means any project
23 that is included in an approved specific plan as of July 1, 2015.

24 (d) The Napa and San Bernardino commissions shall submit a
25 report before January 1, 2025, to the Legislature on their
26 participation in the pilot program, including how many requests
27 for extension of services were received on or after the effective
28 date of this section, and the action by the commission to approve,

1 disapprove, or approve with conditions. The report required to be
2 submitted pursuant to this subdivision shall be submitted in
3 compliance with Section 9795 of the Government Code.

4 (e) The pilot program established pursuant to this section shall
5 be consistent with Chapter 8.5 (commencing with Section 1501)
6 of Part 1 of Division 1 of the Public Utilities Code.

7 (f) This section shall remain in effect only until January 1, 2026,
8 and as of that date is repealed.

9 SEC. 2. The Legislature finds and declares that a special statute
10 is necessary and that a general statute cannot be made applicable
11 within the meaning of Section 16 of Article IV of the California
12 Constitution because of the unique circumstances relating to
13 implementing the pilot program described in Section 56133.5 of
14 the Government Code in the Counties of Napa and San Bernardino.

15 SEC. 3. This act is an urgency statute necessary for the
16 immediate preservation of the public peace, health, or safety within
17 the meaning of Article IV of the California Constitution and shall
18 go into immediate effect. The facts constituting the necessity are:

19 Due to the public health crisis resulting from the coronavirus
20 (COVID-19) pandemic, the Legislature was not able to vote on
21 the extension of the pilot program described in Section 56133.5
22 of the Government Code, which provides necessary public services.
23 In order to preserve the public peace and safety and avoid any
24 interruptions in the approval process for a city or district to provide
25 public services outside its boundaries and sphere of influence, it
26 is necessary for this act to take effect immediately.