A Tradition of Stewardship
A Commitment to Service

NAPA COUNTY BOARD OF SUPERVISORS
Board Agenda Letter

TO: Board of Supervisors

FROM: Lawrance Florin - Director
Housing and Intergovernmental Affairs

REPORT BY: Michael Karath, STAFF ASSISTANT - BOS - 299-1477

SUBJECT: Support for AB 402 (Dodd) - California LAFCO Jurisdiction

RECOMMENDATION

Director of Housing and Intergovernmental Affairs requests that the Board of Supervisors consider authorizing the Chair to communicate to the Legislature and other pertinent parties support for AB 402 (Dodd) that seeks to allow a Local Agency Formation Commission (LAFCO) more flexibility to authorize cities and districts under its jurisdiction to provide services outside of sphere of influence or jurisdictional boundaries.

EXECUTIVE SUMMARY

Current law states that a Local Agency Formation Commission (LAFCO) can authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its Sphere of Influence (SOI) boundaries if the entity applying for the extension can provide documentation to its LAFCO that service extension is necessary due to:

- An impending threat to the public's health and safety, or
- An assurance that the territory will be annexed into the district or city at a later date

If neither of these criteria can be met, the LAFCO must either deny the request or amend said territory into the jurisdiction's sphere of influence. In certain circumstances, this process has been shown to be illogical, drawn-out and costly.

AB 402 will make several changes to California Government Code 56133 that would expedite the process.

PROCEDURAL REQUIREMENTS

1. Staff reports.

2. Public comments.
3. Motion, second, discussion and vote on the item.

FISCAL IMPACT

Is there a Fiscal Impact?   No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Current law states that a Local Agency Formation Commission (LAFCO) can authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its Sphere of Influence (SOI) boundaries if the entity applying for the extension can provide documentation to its LAFCO that service extension is necessary due to:

- An impending threat to the public's health and safety, or
- An assurance that the territory will be annexed into the district or city at a later date.

If neither of these criteria can be met, the LAFCO must either deny the request or amend said territory into the jurisdiction's sphere of influence. In certain circumstances, this process has been shown to be illogical, drawn-out and costly.

AB 402 will make several changes to California Government Code 56133 that would expedite the LAFCO process. Subject to approval at a noticed public hearing, service extension may be granted by a LAFCO in such situations described above if several determinations are made:

- A service deficiency for the territory must be identified and evaluated in municipal services review that has been approved by LAFCO;
- The extension will not result in adverse impacts on open space or agricultural lands or have growth inducing impacts; and
- A later change of organization involving the subject territory and its affected agency is not feasible or desirable based on commission policies.

These changes to California Government Code 56133 would give LAFCOs the flexibility to approve service extensions outside of a sphere of influence without requiring annexation of territories that might lead to unintended sprawl.

This bill will also allow the commission to delegate the review of services extensions to its Executive Officer.

No state entity, such as CSAC, RCRC, has taken a position on AB 402 at this point in time.

SUPPORTING DOCUMENTS

A . Assembly Bill 402

CEO Recommendation: Approve

Reviewed By: Molly Rattigan