



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 2/3/2020

Agenda Placement: 7A

Napa County Legislative Subcommittee Board Agenda Letter

TO: Napa County Legislative Subcommittee

FROM: Mary Booher - County Executive Officer
County Executive Office

REPORT BY: Nelson Cortez, Staff Assistant-BOS - 7072991478

SUBJECT: SB 799 (Dodd) Local agency services: contracts: Counties of Napa and San Bernardino

RECOMMENDATION

County Executive Officer seeks discussion and possible action on SB 799 (Dodd) that would remove the sunset on a pilot program that allows local agency formation commissions in the Counties of Napa and San Bernardino to authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence, as specified.

EXECUTIVE SUMMARY

SB 799 (Dodd) will remove the January 1, 2021, repeal date with regard to a pilot program (AB 402, Dodd, 2015) that authorized the local agency formation commissions in Napa and San Bernardino Counties, upon making specified determinations at a noticed public hearing, to 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 specified.

The County of Napa Board of Supervisors, and the Napa LAFCO, supported the legislation to create the pilot program in 2015.

Staff is requesting discussion and action on this bill, consistent with the state legislative and regulatory platform.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

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**Synopsis and Background**

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 its jurisdictional boundary if it requests and receives written approval from local agency formation commission (LAFCO) in the county in which the extension of service is proposed.

AB 402 in 2015 by, then, Assembly Member Dodd, established a pilot program for Napa and San Bernardino LAFCOs, until January 1, 2021, to allow service extensions outside spheres of influence and jurisdictional boundaries, beyond health and safety issues. Under the pilot, Napa and San Bernardino LAFCOs may authorize, if consistent with their adopted policies, a city or district to extend services to support existing or planned uses, as defined, involving public or private properties, if the approval is done at noticed public hearing where the LAFCO makes specified determinations.

SB 799 (Dodd) will remove the January 1, 2021, repeal date of the pilot program thereby continuing its operation indefinitely.

Status

Introduced, referred to the Senate Committee on Governance and Finance.

Support and Opposition

CSAC: No Action

NACo: N/A

Local: Napa County Board of Supervisors and the Napa LAFCO supported AB 402 (Dodd) in 2015.

STAFF COMMENTS**Platform: Yes**

Federal: N/A

State: Priority 1 - Local Agency Services, Page 12

Implications to Napa County and County Departments

SB 799 will permanently allow the Napa LAFCO the flexibility to approve service extensions outside of a sphere of influence without requiring annexation of territories that might lead to unintended sprawl - a major priority of the Board of Supervisors which has historically taken the position that development should be limited to incorporated areas to preserve the agriculture economy and open space in the County. This legal provision is particularly important in Napa County when property owners want or need to join municipal water services.

Recommendation

Direct staff to draft a letter of support and transmit it to the author, state representatives, and the County's lobbyists

bypassing the Board of Supervisors since this issue is consistent with the County's legislative platform.

SUPPORTING DOCUMENTS

A . SB 799 (Dodd)

Recommendation: Approve

Reviewed By: Molly Rattigan