

ASSEMBLY BILL

No. 402

Introduced by Assembly Member Dodd

February 19, 2015

An act to amend Section 56133 of the Government Code, relating to local agency formation.

LEGISLATIVE COUNSEL'S DIGEST

AB 402, as introduced, Dodd. Local agency services: contracts.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation and change of organization of cities and special districts. Existing law permits a city or district to provide extended services, as defined, outside its jurisdictional boundaries only if it first requests and receives written approval from the local agency formation commission in the affected county. Under existing law, the commission may authorize a city or district to provide new or extended services outside both its jurisdictional boundaries and its sphere of influence under specified circumstances, including when responding to an impending threat to the public health or safety of the residents in the affected territory where specified requirements are met.

This bill would additionally allow a commission to authorize a city or district to provide new or extended services outside its jurisdictional boundaries to support existing or planned uses involving public or private properties, subject to approval at a publicly noticed hearing where the commission makes specified determinations. The bill would also authorize the commission to delegate to its executive officer review and approval of requests to provide new or extended services outside a city or district's boundary that are made in anticipation of a later

change of organization, or to respond to an existing or impending threat to the public health or safety of the residents of the affected territory. The bill would also make technical and conforming changes.

Vote: majority. 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 of the Government Code is
2 amended to read:

3 56133. (a) A city or district may, *as described in this section,*
4 provide new or extended services by contract or agreement outside
5 its jurisdictional ~~boundaries~~ *boundary* only if it first requests and
6 receives written approval from the ~~commission in the affected~~
7 ~~county.~~ *commission. The commission may delegate review and*
8 *approval of requests made pursuant to subdivision (b) and*
9 *paragraph (1) of subdivision (c) to the executive officer.*

10 (b) The commission may authorize a city or district to provide
11 new or extended services outside its jurisdictional ~~boundaries~~
12 *boundary* but within its sphere of influence in anticipation of a
13 later change of organization.

14 (c) ~~The~~ *If consistent with adopted policy, the* commission may
15 authorize a city or district to provide new or extended services
16 outside its jurisdictional ~~boundaries~~ *boundary* and outside its sphere
17 of influence ~~to respond to an existing or impending threat to the~~
18 ~~public health or safety of the residents of the affected territory if~~
19 ~~both of the following requirements are met:~~ *to do either of the*
20 *following:*

21 (1) *Respond to an existing or impending threat to the public*
22 *health or safety of the residents of the affected territory, if both of*
23 *the following requirements are met:*

24 (1)

25 (A) The entity applying for ~~the contract~~ approval has provided
26 the commission with documentation of a threat to the health and
27 safety of the public or the affected residents.

28 (2)

29 (B) The commission has notified any alternate service provider,
30 including any water corporation as defined in Section 241 of the
31 Public Utilities Code, ~~or sewer system corporation as defined in~~

1 ~~Section 230.6 of the Public Utilities Code~~, that has filed a map and
2 a statement of its service capabilities with the commission.

3 (2) *Support existing or planned uses involving public or private*
4 *properties, subject to approval at a noticed public hearing in which*
5 *the commission makes all of the following determinations:*

6 (A) *The extension of service of services deficiency was identified*
7 *and evaluated in a review of municipal services prepared pursuant*
8 *to Section 56430.*

9 (B) *The extension of service will not result in adverse impacts*
10 *on open space or agricultural lands, or have growth inducing*
11 *impacts.*

12 (C) *A later change of organization involving the subject territory*
13 *and its affected agency is not feasible or desirable based on the*
14 *adopted policies of the commission.*

15 (d) The executive officer, within 30 days of receipt of a request
16 for approval by a city or district ~~of a contract~~ to extend services
17 outside its jurisdictional boundary, shall determine whether the
18 request is complete and acceptable for filing or whether the request
19 is incomplete. If a request is determined not to be complete, the
20 executive officer shall immediately transmit that determination to
21 the requester, specifying those parts of the request that are
22 incomplete and the manner in which they can be made complete.
23 When the request is deemed complete, the executive officer shall
24 place the request on the agenda of the next commission meeting
25 for which adequate notice can be given but not more than 90 days
26 from the date that the request is deemed complete, unless the
27 commission has delegated approval of ~~those requests~~ *made*
28 *pursuant to this section* to the executive officer. The commission
29 or executive officer shall approve, disapprove, or approve with
30 conditions the ~~contract~~ for extended services. If the ~~contract~~ *is new*
31 *or extended services* are disapproved or approved with conditions,
32 the applicant may request reconsideration, citing the reasons for
33 reconsideration.

34 (e) This section does not apply to ~~contracts or agreements solely~~
35 ~~involving~~ two or more public agencies where *the commission*
36 *determines that* the public service to be provided is an alternative
37 to, or substitute for, public services already being provided by an
38 existing public service provider and where the level of service to
39 be provided is consistent with the level of service contemplated
40 by the existing service provider. ~~This~~

- 1 (f) *This section does not apply to ~~contracts for~~ the transfer of*
2 *nonpotable or nontreated water. ~~This~~*
- 3 (g) *This section does not apply to ~~contracts or agreements solely~~*
4 *involving the provision of surplus water to agricultural lands and*
5 *facilities, including, but not limited to, incidental residential*
6 *structures, for projects that serve conservation purposes or that*
7 *directly support agricultural industries. However, prior to extending*
8 *surplus water service to any project that will support or induce*
9 *development, the city or district shall first request and receive*
10 *written approval from the commission in the affected county. ~~This~~*
- 11 (h) *This section does not apply to an extended service that a city*
12 *or district was providing on or before January 1, 2001. ~~This~~*
- 13 (i) *This section does not apply to a local publicly owned electric*
14 *utility, as defined by Section 9604 of the Public Utilities Code,*
15 *providing electric services that do not involve the acquisition,*
16 *construction, or installation of electric distribution facilities by the*
17 *local publicly owned electric utility, outside of the utility's*
18 *jurisdictional ~~boundaries~~. *boundary.**
- 19 (j) *This section applies only to the commission of the county in*
20 *which the extension of service is proposed.*