

AMENDED IN ASSEMBLY MAY 5, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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~~ *boundary* 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 ~~may~~ provide new or extended services by contract or agreement
5 outside its jurisdictional boundary only if it first requests and
6 receives written approval from the commission. ~~The commission~~
7 ~~may delegate review and approval of requests made pursuant to~~
8 ~~subdivision (b) and paragraph (1) of subdivision (c) to the executive~~
9 ~~officer.~~

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

14 (c) If consistent with adopted policy, the commission may
15 authorize a city or district to provide new or extended services
16 outside its jurisdictional boundary and outside its sphere of
17 influence to do either of the following:

18 (1) Respond to an existing or impending threat to the ~~public~~
19 health or safety of the *public or the* residents of the affected
20 territory, if both of the following requirements are met:

21 (A) The entity applying for approval has provided the
22 commission with documentation of a threat to the health and safety
23 of the public or the affected residents.

24 (B) The commission has notified any alternate service provider,
25 including any water corporation as defined in Section 241 of the
26 Public Utilities Code, that has filed a map and a statement of its
27 service capabilities with the commission.

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

1 (A) The extension of service—of *or* services deficiency was
2 identified and evaluated in a review of municipal services prepared
3 pursuant to Section 56430.

4 (B) The extension of service will not result in adverse impacts
5 on open space or agricultural lands, or have growth inducing
6 impacts.

7 (C) A later change of organization involving the subject territory
8 and its affected agency is not feasible *under this division* or
9 desirable based on the adopted policies of the commission.

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

28 (e) This section does not apply to two or more public agencies
29 where ~~the commission determines that~~ the public service to be
30 provided is an alternative to, or substitute for, public services
31 already being provided by an existing public service provider and
32 where the level of service to be provided is consistent with the
33 level of service contemplated by the existing service provider.

34 (f) This section does not apply to the transfer of nonpotable or
35 nontreated water.

36 (g) This section does not apply to the provision of surplus water
37 to agricultural lands and facilities, including, but not limited to,
38 incidental residential structures, for projects that serve conservation
39 purposes or that directly support agricultural industries. However,
40 prior to extending surplus water service to any project that will

1 support or induce development, the city or district shall first request
2 and receive written approval from the commission in the affected
3 county.

4 (h) This section does not apply to an extended service that a
5 city or district was providing on or before January 1, 2001.

6 (i) This section does not apply to a local publicly owned electric
7 utility, as defined by Section 9604 of the Public Utilities Code,
8 providing electric services that do not involve the acquisition,
9 construction, or installation of electric distribution facilities by the
10 local publicly owned electric utility, outside of the utility's
11 jurisdictional boundary.

12 (j) This section applies only to the commission of the county in
13 which the extension of service is proposed.