

Introduced by Senator HertzbergFebruary 17, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SB 239, as introduced, Hertzberg. Cities and districts: extended services.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundaries if the city or district requests and receives permission to do so from the local agency formation commission in the affected county. Existing law authorizes the commission to authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization, or outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory, under specified circumstances. Existing law requires the executive officer of the local agency formation commission, within 30 days of receipt of a request for approval by a city or district of a contract to extend services outside its jurisdictional boundary, to determine whether the request is complete and acceptable for filing, as specified.

This bill would extend the period within which the executive officer is required to make that determination to 45 days.

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 provide new or extended
4 services by contract or agreement outside its jurisdictional
5 boundaries only if it first requests and receives written approval
6 from the commission in the affected county.

7 (b) The commission may authorize a city or district to provide
8 new or extended services outside its jurisdictional boundaries but
9 within its sphere of influence in anticipation of a later change of
10 organization.

11 (c) The commission may authorize a city or district to provide
12 new or extended services outside its jurisdictional boundaries and
13 outside its sphere of influence to respond to an existing or
14 impending threat to the public health or safety of the residents of
15 the affected territory if both of the following requirements are met:

16 (1) The entity applying for the contract approval has provided
17 the commission with documentation of a threat to the health and
18 safety of the public or the affected residents.

19 (2) The commission has notified any alternate service provider,
20 including any water corporation as defined in Section 241 of the
21 Public Utilities Code, or sewer system corporation as defined in
22 Section 230.6 of the Public Utilities Code, that has filed a map and
23 a statement of its service capabilities with the commission.

24 (d) The executive officer, within ~~30~~ 45 days of receipt of a
25 request for approval by a city or district of a contract to extend
26 services outside its jurisdictional boundary, shall determine whether
27 the request is complete and acceptable for filing or whether the
28 request is incomplete. If a request is determined not to be complete,
29 the executive officer shall immediately transmit that determination
30 to the requester, specifying those parts of the request that are
31 incomplete and the manner in which they can be made complete.
32 When the request is deemed complete, the executive officer shall
33 place the request on the agenda of the next commission meeting
34 for which adequate notice can be given but not more than 90 days
35 from the date that the request is deemed complete, unless the
36 commission has delegated approval of those requests to the
37 executive officer. The commission or executive officer shall
38 approve, disapprove, or approve with conditions the contract for

1 extended services. If the contract is disapproved or approved with
2 conditions, the applicant may request reconsideration, citing the
3 reasons for reconsideration.

4 (e) This section does not apply to contracts or agreements solely
5 involving two or more public agencies where the public service
6 to be provided is an alternative to, or substitute for, public services
7 already being provided by an existing public service provider and
8 where the level of service to be provided is consistent with the
9 level of service contemplated by the existing service provider. This
10 section does not apply to contracts for the transfer of nonpotable
11 or nontreated water. This section does not apply to contracts or
12 agreements solely involving the provision of surplus water to
13 agricultural lands and facilities, including, but not limited to,
14 incidental residential structures, for projects that serve conservation
15 purposes or that directly support agricultural industries. However,
16 prior to extending surplus water service to any project that will
17 support or induce development, the city or district shall first request
18 and receive written approval from the commission in the affected
19 county. This section does not apply to an extended service that a
20 city or district was providing on or before January 1, 2001. This
21 section does not apply to a local publicly owned electric utility,
22 as defined by Section 9604 of the Public Utilities Code, providing
23 electric services that do not involve the acquisition, construction,
24 or installation of electric distribution facilities by the local publicly
25 owned electric utility, outside of the utility's jurisdictional
26 boundaries.

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