



Local Agency Formation Commission of Napa County
Subdivision of the State of California

1030 Seminary Street, Suite B
Napa, California 94559
Phone: (707) 259-8645
Fax: (707) 251-1053
www.napa.lafco.ca.gov

We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 7b (Discussion)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer
Dawn Mittleman Longoria, Analyst II

MEETING DATE: February 3, 2020

SUBJECT: Legislative Report

BACKGROUND AND SUMMARY

This item is being presented to the Commission for discussion purposes. No formal actions will be taken as part of this item.

Commission Request for Agenda Item

On November 18, 2019, the Commission requested a future agenda item to discuss State funding opportunities for LAFCOs to complete municipal service reviews.

It is important to note on February 21, 2019, Assembly Bill (AB) 1253 was introduced by Assembly Member Rivas and co-authored by Senators Caballero and Hertzberg, and was sponsored by CALAFCO. AB 1253, included as Attachment One, seeks one-time grant funding for LAFCOs to initiate and complete the dissolution of inactive special districts as well as complete specific studies and actions related to municipal service provision for disadvantaged communities.

On March 15, 2019, consistent with local policy, staff submitted a letter to the Legislature in support of AB 1253. The submitted letter is included as Attachment Two. After passing through the Assembly floor, but before the Senate Governance and Finance Committee voted on AB 1253, the author requested a cancellation of the hearing and the bill was pulled. It is anticipated AB 1253 will be re-introduced this year as a budget trailer bill.

If signed into law, AB 1253 could serve as a pilot program for a future grant program to provide State funding to LAFCOs to complete municipal service reviews. Staff recommends the Commission closely watch AB 1253 and consider taking a formal position when the bill is re-introduced. CALAFCO sponsored the bill in response to a recommendation from the Little Hoover Commission Report of 2017. It was recommended that the Legislation provide one-time grant funding for in-depth studies of potential reorganization of local service providers.

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County of Napa Supervisor, 1st District

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Brendon Freeman
Executive Officer

CALAFCO, as a non-profit organization, has limited funds and resources to devote to legislative activity. The Board has adopted policies and priorities for its legislative activity that include processes for recommending legislation and action on existing bills. The CALAFCO Legislative Committee considers legislation, makes legislative proposals, and takes positions where deemed appropriate. The CALAFCO Legislative Committee makes recommendations to the Board. When it is deemed appropriate for CALAFCO to take a position on legislation, comments are provided in writing which include the reason for the position. These written comments are provided to stakeholders and testimony is given when needed. LAFCOs are requested to write letters and contact their legislators in response to CALAFCO's legislative position.

Annually, the Senate Local Government Committee introduces a LAFCO Omnibus bill. Member LAFCOs can submit legislative proposals to the Legislative Committee for possible inclusion in the Omnibus bill. Also, legislative proposals for bills other than the Omnibus bill may be submitted to the Legislative Committee following the adopted procedure. Sponsorship of a bill requires significant time and resources from CALAFCO staff and members. The process requires close interaction with a legislator and with staff of legislative committees. Sponsorship requires approval of the CALAFCO Legislative Committee and the Board for a bill of priority or direct concern for the organization.

California Government Code Section 56133.5

In 2015, then-Assembly member Bill Dodd authored Assembly Bill 402, enacted on January 1, 2016, and codified as California Government Code (G.C.) Section 56133.5. This statute established a pilot program that allows Napa and San Bernardino LAFCOs to authorize cities and special districts to provide municipal services outside their jurisdictional boundaries and spheres of influence to support existing or planned uses if the Commission makes all of the following determinations at a noticed public hearing:¹

- 1) The extension of service or services deficiency was identified and evaluated in a municipal service review.
- 2) The extension of service will not result in either (1) adverse impacts on open space or agricultural lands or (2) growth inducing impacts.
- 3) A sphere of influence change involving the affected territory and its affected agency is not feasible under this division or desirable based on the adopted policies of the commission.

G.C. Section 56133.5 is scheduled to be repealed on January 1, 2021.

¹ For purposes of G.C. Section 56133.5, "planned use" means any project that is included in an approved specific plan as of July 1, 2015.

On November 18, 2019, the Commission directed staff to submit a letter to the Legislature regarding local participation in the pilot program. The letter, included as Attachment Three, was submitted on November 20, 2019. The letter recommends the Legislature extend the pilot program beyond the date of its scheduled repeal on January 1, 2021.

On January 7, 2020, Senator Dodd introduced Senate Bill (SB) 799, which would amend G.C. Section 56133.5 to remove the scheduled repeal date. The bill text and a fact sheet for SB 799 are included as Attachments Four and Five, respectively.

The Commission previously requested an opportunity to discuss any proposed amendments to the pilot program and solicit feedback from local agencies prior to taking a formal position. With this in mind, staff recommends circulating the SB 799 bill text and fact sheet to all local agencies in Napa County and invite their comments prior to the Commission's next scheduled meeting of April 6, 2020. The Commission is invited to discuss the recommended outreach efforts and provide direction to staff as appropriate.

Legislative Committee

The Commission's Legislative Committee (Commissioners Dillon and Mohler) will meet in the foreseeable future to review all bills that are relevant to LAFCOs. The Legislative Committee will return at a future Commission meeting with additional information on current bills and possible recommendations to take formal positions.

ATTACHMENTS

- 1) AB 1253 Text (February 21, 2019)
- 2) Submitted Letter of Support for AB 1253 (March 15, 2019)
- 3) Letter to Legislature Regarding Local Participation in G.C. Section 56133.5 Pilot Program
- 4) SB 799 Text (January 7, 2020)
- 5) SB 799 Fact Sheet