



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

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

Agenda Item 7b (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: November 18, 2019

SUBJECT: California Government Code Section 56133.5 Pilot Program Report to the Legislature

RECOMMENDATION

It is recommended the Commission consider taking the following actions:

- 1) Provide formal direction to staff to submit the report to the Legislature, included as Attachment One, with any changes as desired; and
- 2) Provide formal direction to staff to submit a letter to the County of Napa's Legislative Subcommittee recommending the County's 2020 State Legislation & Policy Platform include support for legislation that extends the pilot program.

BACKGROUND

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 (Attachment Two). This statute established a pilot program that allows Napa and San Bernardino LAFCOs to authorize cities and special districts to provide municipal services outside both their jurisdictional boundaries and spheres of influence under unique circumstances. G.C. Section 56133.5 is scheduled to be repealed on January 1, 2021.

G.C. Section 56133.5(d) requires the Napa and San Bernardino Commissions to submit a report to the Legislature before January 1, 2020, on their participation in the pilot program. The report shall be submitted in compliance with G.C. Section 9795.

Kenneth Leary, Vice Chair
Councilmember, City of American Canyon

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Gregory Rodeno, Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

SUMMARY

A draft report to the Legislature is included as Attachment One. The draft report states the Commission has received one request for extension of services pursuant to G.C. Section 56133.5 and the Commission approved the request on October 7, 2019. The draft report also includes a recommendation to extend the pilot program beyond the scheduled repeal date of January 1, 2021. The Commission is invited to discuss the draft report and provide feedback to staff with respect to any desired changes prior to submittal of the report. Staff recommends the Commission formally authorize staff to submit the report to the Legislature with any desired changes.

It should be noted the County of Napa's 2019 State Legislative & Policy Platform includes support for legislation that extends the pilot program for an additional five years while the legislature studies the impact of the program.¹ The deadline to submit letters to the County's Legislative Subcommittee with recommendations for the 2020 State Legislative & Policy Platform is November 22, 2019. With this in mind, staff recommends the Commission submit a letter to the County's Legislative Subcommittee no later than November 22, 2019, recommending the County's 2020 State Legislation & Policy Platform include support for legislation that extends the pilot program beyond its scheduled repeal date of January 1, 2021. The Commission is invited to discuss this recommendation and provide feedback and/or direction to staff as appropriate.

ATTACHMENTS

- 1) Draft Report to the Legislature on the Commission's Participation in the Pilot Program
- 2) California Government Code Section 56133.5

¹ The County of Napa's 2019 State Legislative & Policy Platform is available online at: <https://www.countyofnapa.org/DocumentCenter/View/6495/2019-STATE-PLATFORM-PDF?bidId>. See page 12 for discussion of the G.C. Section 56133.5 pilot program.



Local Agency Formation Commission of Napa County
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Attachment One

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

November 18, 2019

TO: California State Legislature

FROM: Local Agency Formation Commission of Napa County

SUBJECT: California Government Code Section 56133.5 Pilot Program

The Local Agency Formation Commission (LAFCO) of Napa County submits this report to the Legislature in compliance with California Government Code Section 56133.5(d). This report summarizes LAFCO of Napa County's participation in the pilot program.

LAFCO of Napa County received one request for extension of service pursuant to the pilot program. The City of Napa requested authorization to provide public water service outside its jurisdictional boundary and sphere of influence to the Carneros Inn Mutual Water Company. LAFCO of Napa County approved the request on October 7, 2019. The written report that accompanies LAFCO of Napa County's approval is available online at:

https://www.napa.lafco.ca.gov/uploads/documents/10-7-19_6b_CarnerosOSA-Napa.pdf

It is important to note the pilot program in Napa County has resulted in several public benefits as described in the referenced report dated October 7, 2019. Toward this end, LAFCO of Napa County respectfully recommends the Legislature extend the pilot program beyond the date of its scheduled repeal on January 1, 2021.

If you have any questions, please do not hesitate to contact me at (707) 259-8645 or bfreeman@napa.lafco.ca.gov.

Sincerely,

Brendon Freeman
Executive Officer

Distribution: Secretary of the Senate
Chief Clerk of the Assembly
Legislative Counsel
Napa LAFCO Commissioners
Sam Martinez, San Bernardino LAFCO Executive Officer
Pamela Miller, CALAFCO Executive Director
Senator Bill Dodd, District 3

Kenneth Leary, Vice Chair
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State of California

GOVERNMENT CODE

Section 56133.5

56133.5. (a) A pilot program is hereby established for the Napa and San Bernardino commissions. If consistent with adopted policy, the Napa and San Bernardino commissions may 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, subject to approval at a noticed public hearing in which the commission makes all of the following determinations:

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

(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.

(b) Subdivision (d) of Section 56133 shall apply to any request for new or extended services pursuant to this section.

(c) For purposes of this section, “planned use” means any project that is included in an approved specific plan as of July 1, 2015.

(d) The Napa and San Bernardino commissions shall submit a report before January 1, 2020, to the Legislature on their participation in the pilot program, including how many requests for extension of services were received pursuant to this section and the action by the commission to approve, disapprove, or approve with conditions. The report required to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(e) The pilot program established pursuant to this section shall be consistent with Chapter 8.5 (commencing with Section 1501) of the Public Utilities Code.

(f) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

(Amended by Stats. 2018, Ch. 86, Sec. 4. (AB 3254) Effective January 1, 2019. Repealed as of January 1, 2021, by its own provisions.)