



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

1754 Second Street, Suite C
Napa, California 94559
Phone: (707) 259-8645
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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 6d (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *B F*

MEETING DATE: December 9, 2024

SUBJECT: California Government Code Sections 56133.5 and 56133.6 Pilot Programs Report to the Legislature

RECOMMENDATION

It is recommended the Commission consider directing staff to submit the report to the Legislature, included as Attachment 1, with any desired changes.

BACKGROUND AND SUMMARY

The Commission will consider providing formal direction to the Executive Officer to submit a report to the Legislature consistent with the California Government Code (G.C.) sections 56133.5 and 56133.6 pilot programs. The report is due before January 1, 2025, and describes the Commission's participation in the pilot programs.

In 2015, then-Assembly member Bill Dodd authored Assembly Bill 402, enacted on January 1, 2016, and codified as 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 both their jurisdictional boundaries and spheres of influence under unique circumstances. The Commission utilized G.C. section 56133.5 one time in October 2019 when it authorized the City of Napa to provide water service to the Carneros Resort and Spa.

G.C. section 56133.5 was scheduled to be repealed on January 1, 2021, but was extended for five years by Senator Dodd with an amendment recognizing the establishment of a new pilot program codified as G.C. section 56133.6. G.C. section 56133.5 is included as Attachment 2 and scheduled to be repealed on January 1, 2026.

G.C. section 56133.6 allows Napa LAFCO to authorize the City of St. Helena to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence under unique circumstances. G.C. section 56133.6 is included as Attachment 3 and also scheduled to be repealed on January 1, 2026.

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Beth Painter, Commissioner
Councilmember, City of Napa

Vacant, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Chair
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Vice Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

The Commission is required to submit a report to the Legislature before January 1, 2025, on its participation in the two pilot programs. A draft report is included as Attachment 1. The Commission is invited to make any desired changes to the report. For example, the Commission may wish to include a request for one or both pilot programs to be extended for another five years. Notably, the Commission has not utilized either pilot program in the last five years.

ATTACHMENTS

- 1) Draft Report to the Legislature on the Commission's Participation in the Pilot Programs
- 2) California Government Code Section 56133.5
- 3) California Government Code Section 56133.6



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December 10, 2024

TO: California State Legislature

FROM: Local Agency Formation Commission of Napa County

SUBJECT: California Government Code Sections 56133.5 and 56133.6 Pilot Programs

The Local Agency Formation Commission (LAFCO) of Napa County submits this report to the Legislature in compliance with California Government Code (G.C.) section 56133.5(d). This report summarizes LAFCO of Napa County's participation in the pilot programs codified as G.C. sections 56133.5 and 56133.6.

Napa LAFCO received one request for extension of service pursuant to G.C. section 56133.5 and zero requests pursuant to G.C. section 56133.6.

In 2019, the City of Napa requested authorization under G.C. section 56133.5 to provide public water service outside its jurisdictional boundary and sphere of influence. Napa LAFCO approved the request on October 7, 2019. The report that accompanies Napa LAFCO's approval is available online at:

napa.lafco.ca.gov/files/f33b3a054/10-7-19_6b_CarnerosOSA-Napa.pdf

Napa LAFCO is not aware of any additional potential requests under G.C. section 56133.5 or 56133.6 within the foreseeable future. Toward this end, Napa LAFCO does not request an extension of either pilot program.

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
 Senator Bill Dodd, District 3
 Sam Martinez, San Bernardino LAFCO Executive Officer

Margie Mohler, Commissioner
 Councilmember, Town of Yountville

Anne Cottrell, Chair
 County of Napa Supervisor, 3rd District

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 County of Napa Supervisor, 1st District

Brendon Freeman
 Executive Officer

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 commission determines both of the following:

(A) The extension of service will not result in adverse impacts on open space or agricultural lands.

(B) The extension of service will not result in 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, 2025, to the Legislature on their participation in the pilot program, including how many requests for extension of services were received on or after the effective date of this section, and the action by the commission to approve, disapprove, or approve with conditions. The Napa commission shall also include in the report on the pilot program information on its decision to approve, deny, or approve with conditions any authorization for the City of St. Helena to provide new or extended services outside its jurisdictional boundary and sphere of influence, as described in Section 56133.6. 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 Part 1 of Division 1 of the Public Utilities Code.

(f) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

(Added by Stats. 2021, Ch. 482, Sec. 1. (SB 13) Effective October 4, 2021. Repealed as of January 1, 2026, by its own provisions.)

State of California

GOVERNMENT CODE

Section 56133.6

56133.6. (a) As part of the pilot program established pursuant to Section 56133.5, the Napa commission may authorize the City of St. Helena to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to 341 Saint Helena Hwy S, St. Helena, Napa County, Assessor's Parcel Numbers 027-130-006 and 027-130-005, and to 401 St. Helena Highway S, St. Helena, Napa County, Assessor's Parcel Numbers 027-120-052, 027-120-061, and 027-120-062, subject to approval at a noticed public hearing in which the Napa commission makes all of the following determinations:

(1) The extension of service or services will result in specific environmental benefits, including transitioning septic systems to a treated sewer system, and either of the following:

(A) The extension of services will serve an agricultural employee housing development, as contemplated by Section 17021.8 of the Health and Safety Code, of no less than 6 units and no more than 12 units.

(B) The extension of services will serve a mobilehome park reuse or mobilehome park redevelopment of no more than 25 units.

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

(3) The commission determines both of the following:

(A) The extension of service will not result in adverse impacts on open space or agricultural lands.

(B) The extension of service will not result in growth-inducing impacts.

(4) 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) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

(Added by Stats. 2021, Ch. 482, Sec. 2. (SB 13) Effective October 4, 2021. Repealed as of January 1, 2026, by its own provisions.)