

SUTTER COUNTY

LOCAL AGENCY FORMATION COMMISSION

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December 9, 2008

To: Local Agency Formation Commission

Re: **Implementing SB 1458's provision for designating the latent powers of County Service Areas.**

Recommendation

Staff recommends that the Commission designate the latent powers of County Service Area "C", "D", "F", and "G" as shown in Attachment A.

Background

County Service Areas

The County Service Area Laws (Government Code Section 25210 et seq.) authorize the formation of County Service Areas (CSA) to provide authorized services, as specified. A CSA is a type of local government, similar to a special district, but is a dependent agency with no independently elected board to govern it. A county board of supervisors always governs a CSA which can provide any county service or a higher level of any county service that the county government provides to an unincorporated area. In short, a CSA delivers more county services to a specific geographic region.

Under Government Code Section 25210.4, a CSA may be established to provide any one or more of the following types of extended service within its service area:

- A. Extended police protection,
- B. Structural fire protection,
- C. Local park, recreation or parkway facilities and services,
- D. Extended library facilities and services,
- E. Television translator station facilities and services,
- F. Low-power television services,
- G. Flood or inundation protection services, or

- H. Any other governmental services (“miscellaneous extended services”) which the county is authorized by law to perform and which the county does not also perform to the same extent on a countywide basis both within and without cities, including, but is not limited to, all of the following:
- i. Water service,
 - ii. Sewer service,
 - iii. Pest or rodent control,
 - iv. Street and highway sweeping,
 - v. Street and highway lighting,
 - vi. Refuse collection,
 - vii. Garbage collection,
 - viii. Ambulance service,
 - ix. Planning for a part of the county by a planning agency established pursuant to Article 1 (commencing with Section 65100) of Chapter 3 of Title 7,
 - x. Soil conservation and drainage control,
 - xi. Animal control,
 - xii. Services provided by a municipal advisory council established pursuant to Section 31010,
 - xiii. Transportation services,
 - xiv. Geologic hazard abatement,
 - xv. Road maintenance,
 - xvi. Interments pursuant to the Public Cemetery District Law, Part 4 (commencing with Section 9000) of Division 8 of the Health and Safety Code.

SB 1458 (Senate Local Government Committee)

SB 1458 creates a CSA Law that differs from the previous statute in many ways, but particularly in policy, power, procedures, and oversight. It streamlines the process for the formation and changes in CSAs by bringing the law into consistency with the Cortese-Knox-Hertzberg Local Government Reorganization Act, Proposition 218, the Political Reform Act, and the Brown Act.

Of highest significance, SB 1458 requires LAFCO to designate a CSA’s powers as active or latent by January 1, 2009. “Latent powers” are defined as any service or facility authorized by Article 4 (commencing with Section 25213) that LAFCO has determined, pursuant to subdivision (h) of Section 56425, that the CSA was not authorized to provide prior to January 1, 2009, (Government Code section 25210.2 (g)).

In addition, the bill also requires the Board of Supervisors to receive LAFCO approval prior to exercising a latent power (Section 25213.5) or prior to divesting a CSA of the authority to provide a service or facility, if the proposed divestiture would require another public agency to provide a new or higher level of services or facilities (Section 25213.6).

Process for Determining Latent Powers

In order to comply with SB 1458, staff has created an inventory of latent services; those services not authorized to be provided by the CSAs. This inventory has been compiled from information contained within the Municipal Service Reviews and directly from Sutter County formation resolutions (attached).

All CSAs within Sutter County are currently providing Structural Fire Protection Services. Under Government Code Section 25210.5, "structural fire protection" includes protection against all fires occurring within a county service area except those for which protection is provided pursuant to Section 25642, and include fire prevention, hazard abatement, and enforcement of the Uniform Fire Code as adopted by the State Fire Marshal in Section 1.09 of Title 19 of the California Fire Code.

County Service Areas "C" and "D"

County Service Areas "C" and "D" were formed in December 23, 1968, by Resolution 68-37. This reorganization divided County Service Area C into two distinct CSAs, now known as "C" and "D." The Resolution expressly granted these CSAs the power of providing structural fire protection and related firefighting services.

County Service Area "F"

County Service Area "F" was formed as part of a reorganization that consolidated CSA "A" and CSA "B." Resolution 96-25 contained a "Plan for the Provision of Services," which expressly granted this CSA the powers of fire suppression, fire prevention, emergency medical services, response to hazardous materials releases, and rescue service.

County Service Area "G"

County Service Area "G" was formed as part of a reorganization that dissolved the Walton Fire Protection District and transferred responsibility for the District's fire protection and life safety services to the County by the creation of a CSA. Resolution 01-084 specified that the CSA's responsibilities would include fire protection and life safety services. The Plan for Services document generated for Sutter LAFCO specified that these services include: fire suppression, emergency medical services, fire investigation, pre-fire planning, and hazardous materials response.

Respectfully submitted,
LARRY T. COMBS
EXECUTIVE OFFICER

Sydney Vergis
Senior Planner
SV:gg

Attachments:

- A - Latent Powers Matrix
- B - Resolution 2008-07: Designating Latent Powers for CSA "C", "D", "F", and "G"
- C - Resolution 68-37: Resolution Ordering the Reorganization of CSA "C" and "D"
- D - Resolution 96-25: Resolution Authorizing the Reorganization of CSA "A" and "B" into CSA "F"
- E - CSA "G" Plan of Service

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