

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF DECEMBER 17, 2008

REGULAR MEETING

TO: Francesca Loftis, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

AGENDA ITEM #5: **CONSIDERATION AND DESIGNATION OF CSA LATENT
POWERS**

RECOMMENDATION

Staff recommends that the Commission adopt the attached matrix designating the authorized powers of the six county service areas in El Dorado County. Any power listed in Government Code §25210.4 or §25210.4a (to be renumbered GC §25213 effective January 1, 2008) that is not on this inventory becomes a “latent service.”

REASON FOR RECOMMENDED ACTION

Senate Bill 1458 (Senate Local Government Committee), which rewrote and updated the County Service Area Law, requires the determination of latent powers of a CSA prior to January 1, 2009.

BACKGROUND

The County Service Area Law (Government Code §25210.1 et seq.) was adopted in 1953 and governs the creation and operations of CSAs. Since its initial adoption, however, it had not been comprehensively revised and was not reflective of other statutory and constitutional changes since that time. For example, the CSA Law predates LAFCO Law and there was confusion, perhaps even conflict, between the two relating to the creation of new CSAs. This rewrite streamlines the CSA Law and conforms it to the new legislative landscape, which also includes Proposition 218 and the Brown Act. A more comprehensive discussion on the changes to the CSA Law was included in the September 24, 2008 meeting packet as Attachment A to Agenda Item 8a. In addition, a new report prepared by the Senate Local Government Committee on SB 1458 was distributed via e-mail to the Commission on November 5, 2008 and is also available under the “Resources” tab of the LAFCO website.

One of the changes by SB 1458 is the creation of an inventory of latent powers of CSAs. "Latent powers" is defined under the new Government Code §25210.2(g). Earlier this year the Commission had to adopt an inventory of latent powers for community services districts to comply with 2005's SB 135 (Kehoe). This effort is similar to that process with a notable exception:

- "Latent power" is defined in the CSD law as "those services and facilities...that the local agency formation commission has determined...*that a district did not provide prior to January 1, 2006*" (emphasis added).
- In the CSA rewrite, "latent power" is defined as "any service or facility authorized by Article 4 (commencing with Section 25213) that the local agency formation commission has determined...*that the county service area was not authorized to provide prior to January 1, 2009*" (emphasis added).

The emphasized words are significant because with the CSAs it is a matter of determining what a CSA can do – whether or not a CSA is actively providing all of its authorized services. In contrast, with the CSDs the Commission determined whether the services are actually being provided.

LAFCO staff conferred with County staff to ensure that LAFCO's list of authorized powers matched the County's inventory. Attachment A contains the catalog of authorized powers for the six CSAs. All other powers specified in Government Code §25213 that are not on this list become latent and will require Commission approval if a CSA wanted to activate them.

Attachments

Attachment A: Inventory of Authorized CSA Powers