

DATE: January 4, 2006

TO: Member, Local Agency Formation Commission

FROM: Peter Banning, Executive Officer

SUBJECT: Community Services Districts – Inventory of Existing Services for Requirements of Senate Bill 135

Last year, the Legislature passed and the Governor signed SB 135, which updated the enabling statute for community services districts. Among other changes, the law gives LAFCO authority over changes to the service functions of community services districts. LAFCO approval is required if a CSD wishes to add a service function or divest itself of a service function (if another agency would become responsible for providing that service).

The process for addition of a service function is called the activation of a “latent power.” A latent power is defined as those services and facilities authorized by the Community Services District Law (GCS 61000 et seq.) that the local agency formation commission has determined that a district did not provide prior to January 1, 2006.

The process for identifying latent powers requires that LAFCO first identify existing powers of the County’s five CSDs exercised prior to January 1, 2006. The subsequent provision of services authorized by the Community Services District Law but not provided by a CSD prior to this date will require approval by LAFCO as an activation of a latent power. Staff has requested and received information on services provided from each CSD and summarized that information in the attached table. The summary is consistent with information received in the course of sphere of influence updates for three CSDs for which the Commission has completed spheres of influence reviews.

In the case of the Marin City Community CSD, the District included in its response several services that were originally authorized in the resolution approving formation of the District but which have not been actually provided by Marin City CSD. These services (fire protection, police, security alarm, library, and emergency medical) fall within the definition of latent powers and therefore have not been included in the attached table.

**Recommendation:** Staff recommends that the Commission accept the attached summary of services provided by community services districts in Marin County prior to January 1, 2006 pursuant to new requirements of the Community Services District Law.

Respectfully submitted,

Peter Banning  
Executive Officer