

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Services to Newly Incorporated Cities

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Purpose

To define the County's responsibility to provide services to newly incorporated cities.

Background

California Government Code Section 57384(a) requires that the Board of Supervisors shall continue to furnish, without additional charge, to the area incorporated all services furnished to the area prior to the incorporation. Those services shall be furnished for the remainder of the fiscal year during which the incorporation became effective or until the city council requests discontinuance of the services, whichever occurs first.

In September 1986 Government Code Section 57384 was amended to add subsection (b), which applies to incorporations for which application was filed with the Local Agency Formation Commission (LAFCo) on or after January 1, 1987. Government Code Section 57384(b) states that prior to the commission adopting a resolution making determinations, the Board of Supervisors may request that the city reimburse the county for the net cost of services provided pursuant to subdivision (a). The commission shall impose this requirement as a term and condition of its resolution. The city shall be obligated to reimburse the county within five years of the effective date of the incorporation or for a period in excess of five years, if the Board of Supervisors agrees to a longer period. As used in this subdivision, net cost of services means the total direct and indirect expense to the County of providing services, as determined pursuant to paragraph (2) of subdivision (c) of Section 56842, adjusted by any subsequent change in the California Consumer Price Index, less any revenues which the county retains that were generated from the formerly unincorporated territory during the period of time the services are furnished pursuant to subdivision (a). This subdivision applies only to those services, which are to be assumed by the city.

Policy

It is the policy of the Board of Supervisors that:

1. Continuation of General County Services

The County of San Diego will provide services for the remainder of the fiscal year during which the incorporation became effective or until the city council requests discontinuance of the services, whichever occurs first, at the level budgeted by the Board of Supervisors. These services include but are not limited to: routine road maintenance; routine land development review and permit processing; law enforcement; animal control; general

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fund supported park services; and disaster preparedness. These services do not include traffic control and traffic accident investigation which are provided by the California Highway Patrol; unbudgeted rehabilitation and construction services; and non-routine land development and planning services. During the period of time the County provides these services it will continue to collect and retain all user fees, or charges imposed for purposes of cost recovery for said services. Pursuant to Government Code Section 57384(b), the Board of Supervisors shall request reimbursement for the net costs of services provided to the new city for all incorporations filed with LAFCo after January 1, 1987.

2. Special District Services

County Service Areas will automatically be excluded from County dependence upon incorporation (Government Code Section 25210.90), with rare exceptions for health and safety reasons. Areas within the San Diego County Streets and Highways Code and San Diego Countywide Permanent Road Division No. 1000 will automatically be excluded upon incorporation (Streets and Highways Code Section 22613). The new cities, as the successor agencies, will assume their functions, and receive property taxes collected by these special districts as determined in property tax negotiations.

For health and safety reasons, services provided by county service are fire and emergency districts, sanitation districts, the flood control district, or other special districts providing essential services will be continued until the effective date of the dissolution of, or detachment from said special district. These continued services will continue to be funded in the special districts' budgets.

3. Services beyond the First Fiscal Year or Effective Date of Loss of Special District Responsibility

- a. The County will not provide any free services beyond the end of the first fiscal year of incorporation, except as such free services are equally available to all other cities within San Diego County.
- b. The County will consider providing services to new cities by contract. Such service contracts will be based on full cost recovery for the County, to the extent allowable by State law, specifically Government Code Section 51350.

Sunset Date: This policy will be reviewed for continuance by 12-31-15.

Board Action

2-2-60 (91)

6-23-69(98)

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1-8-86 (28)
12-15-87 (30)
11-29-94 (40)
8-7-2002 (5)
6-25-08 (12)
12-09-08 (33)

CAO Reference

1. Department of Planning and Land Use
2. Department of Public Works
3. Sheriff
4. Department of Parks and Recreation
5. Department of Animal Control
6. Office of Disaster Preparedness
7. Chief Administrative Officer