

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF APRIL 22, 2020

REGULAR MEETING

TO: Shiva Frentzen, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

**AGENDA ITEM #4C APPROVAL OF AMENDMENT TO POLICY & GUIDELINES
SECTION 6.8 CLARIFYING THE DETERMINATION OF
EXEMPTION UNDER GOVERNMENT CODE 56133(e)**

RECOMMENDATION

Staff recommends that the Commission approve the attached amendments to Policies & Guidelines Section 6.8.

REASON FOR RECOMMENDED ACTION

At the January 22, 2020 meeting, the Commission directed staff to craft language clarifying that LAFCO retains the exclusive authority to determine whether a service extension is exempt under 56133(e). While adding the new language to 6.86, additional minor changes were identified that should be approved.

BACKGROUND

The Commission will recall that Government Code Section 56133 prohibits the extension of services outside of an agency's service area unless the extension is done by contract – subject to approval by LAFCO – or because of a threat to the public's health or safety. Subsection (e) to 56133 has certain exemptions to this rule. The Commission directed staff to clarify it retained exclusive authority to decide which agencies, services and under what circumstances qualify for exemption under 56133(e). Attachment A contains this language under Policies & Guidelines (P&G) Subsection 6.8.4.

This additional language is actually a small addition to Section 6.8. Staff realized that Section 6.8 needed some cleanup for clarity. Old Section 6.8.9 is moved up to 6.8.3, followed by the new language. These changes push all but the last section down two spots. Lastly, the new section 6.8.5 needed to recognize that fire agency contracts now have a new process to follow under Government Code Section 56134 and the P&G should reflect that change in the Government Code.