

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF JANUARY 25, 2012

REGULAR MEETING

TO: Ron Briggs, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

AGENDA ITEM #10A1: Consider Proposed Changes to Government Code §56133

RECOMMENDATION

Staff recommends that the Commission review the proposed changes to Government Code §56133 and provide direction to staff on how to respond to CALAFCO.

REASON FOR RECOMMENDED ACTION

CALAFCO is soliciting feedback from member LAFCOs on the proposed changes to Government Code §56133, which governs the extension of services outside of an agency's service boundaries.

BACKGROUND

As the Commission is aware, Government Code §56133 prohibits an agency from extending services outside its service boundaries except under limited circumstances (a threat to health or public safety; in anticipation of a later annexation; when it involves contracts between agencies for like services and in the case of transferring of non-potable water). Some LAFCOs find this section to be prohibitive and have led to, in their view, undesirable results. When the Commission has discussed this section, its view has been that the code section is fine as-is.

As the result of a discussion at the 2009 CALAFCO staff workshop, a committee was formed to review the 56133 language and explore the possibility of compromise between those LAFCOs that want to loosen the restrictions and those LAFCOs that consider the current language acceptable. Your Executive Officer participated in that committee, whose results are attached to this report in Attachment B.

While the language is not perfect, it is probably as perfect as it ever will be. In particular, your Executive Officer believes that more discretionary authority should be given to LAFCOs when reviewing out of agency service requests from public agencies

for public facilities, such as schools or fire stations, as was articulated by Sonoma LAFCO during the committee meetings and in the second page of Attachment F. Consequently, staff requests that the Commission review the language and provide direction to staff on how or the Commission's wishes to respond. Options include whether the Commission finds the language acceptable or whether changes to the language will be requested. Also attached to this staff report are the report prepared by the CALAFCO Legislative Committee, the original legislation proposal prepared by the committee and the feedback received from other LAFCOs so far.

Attachments:

- Attachment A: CALAFCO Legislative Committee Staff Report
- Attachment B: Proposed Language Changes to Government Code §56133
- Attachment C: Comments from Assembly Local Government Staff
- Attachment D: 2012 CALAFCO Legislation Proposal
- Attachment E: Butte LAFCO Letter of Opposition
- Attachment F: Sonoma LAFCO Response
- Attachment G: San Luis Obispo LAFCO Letter of Support