



Making Sense of Outside Services: Merits/Demerits of Amending Section 56133

Moderator: Chris Tooker, Public Member, Sacramento LAFCo

Session Objective...

Discussion on the merits/demerits of the proposed amendments drafted by the CALAFCO Legislative Committee to Government Code Section 56133; the statute governing LAFCos' approval authority as it relates to cities and special districts providing outside services.

Session Takeaways...

- Further disseminate information regarding the proposed amendments.
 - Help inform the CALAFCO Board with regards to next steps.
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Genesis to Section 56133...

- Prior to 1994 – No LAFCo authority over out-of-agency services.
 - 1994 – LAFCo approval required for out-of-agency extensions within sphere of influence in anticipation of future annexation.
 - 1997 – Procedural provisions added.
 - 1999 – LAFCo given authority to approve service extensions outside spheres of influence to respond to a documented threat to health and safety of residents in the affected territory.
 - 2002 – Exempted services prior to 2001.
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Section 56133 currently provides...

- A city or district may provide new or extended services by contract or agreement outside its boundaries only if it first receives written approval from LAFCo.
 - LAFCo may authorize a new or extended service outside of an agency's boundaries but within the sphere of influence in anticipation of a later change of organization.
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Section 56133 currently provides (continued)...

- LAFCo may authorize a new or extended service outside of an agency's boundaries AND sphere of influence to respond to an existing or impending threat to the public health and safety of the residents of the affected territory provided:
 1. The agency documents the health and safety threat
 2. Alternative service providers have been notified
 - Exemptions: service between public agencies, non-potable water service, surplus water to agriculture, service extensions prior to 2001, and publicly owned electric utilities.
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Three Key Changes to Section 56133 Proposed by CALAFCO

1. Provide LAFCos with new authority to approve new or extended services outside spheres of influence irrespective of public health and safety threats so long as LAFCos make three findings (to be discussed) at a noticed public hearing.
2. Clarify LAFCos' sole authority in determining the application of the statute.
3. Deemphasize contract approval and emphasize outside service approval.

Today's discussion will focus on the first key change



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Amendments Proposed by CALAFCO...

(c) If consistent with adopted policy, the commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries boundary and outside its sphere of influence under any of the following circumstances:

(2) To support existing or planned uses involving public or private properties subject to approval at a noticed public hearing that includes all of the following determinations:



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Amendments Proposed by CALAFCo (continued)...

(A) The extension of service or service deficiency was identified and evaluated in a municipal service review prepared by the commission pursuant to Section 56430

(B) The effect of the extension of service would not result in adverse impacts on open space or agricultural lands or result in adverse growth inducing impacts

(C) A later change of organization involving the subject property and the affected agency is not feasible or desirable based on the adopted policies of the commission



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Panelists

Pro Panel:

Keene Simonds, Executive Officer, Napa LAFCo

George Spiliotis, Executive Officer, Riverside LAFCo

Con Panel:

Steve Lucas, Executive Officer, Butte LAFCo

Kai Luoma, Deputy Executive Officer, Ventura LAFCo

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(C) A later change of organization involving the subject property and the affected agency is not feasible or desirable based on the adopted policies of the commission