



PROVISION OF SERVICES BY CONTRACT

A city or district may provide new or extended services by contract or agreement outside its boundaries only if it first requests and receives written approval from LAFCO (Government Code 56133).

Exceptions: LAFCO authority over out-of-agency services does not apply to:

1. Contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider;
2. Contracts for the transfer of non-potable or non-treated water;
3. Contracts or agreements solely involving the provision of surplus water to agricultural lands; or
4. An extended service that a city or district was providing on or before January 1, 2001.

Procedures: Because LAFCO will only approve out-of-agency service agreements in anticipation of subsequent jurisdictional changes, applicants shall submit an annexation or reorganization application, or other documentation demonstrating that the agreement is in anticipation of a subsequent jurisdictional change. A billable deposit, with the amount to be determined by LAFCO staff, is required prior to Humboldt LAFCO's consideration of the out-of-agency service agreement.

All of the requirements associated with processing an annexation or reorganization proposal, such as rezoning, environmental review, etc., will apply when processing an out-of-agency service agreement. Within 30 days of receipt of a request for approval of a service extension by a city or district, the Executive Officer shall determine whether the request includes the evidence that supports making the required findings and is complete and acceptable for filing. If determined not to be complete, the Executive Officer shall specify in writing those parts of the request, which are incomplete, and the manner in which the request can be made complete.

LAFCO may approve out-of-agency service agreements, if all conditions of approval have been met in accordance with Government Code Section 56133, and the applicant has submitted evidence that supports making the required findings.

If the request is disapproved or approved with conditions, the applicant may request reconsideration of the request, citing the reasons for reconsideration.

Provision of Services by Contract - Updated September 26, 2001.

1st Revision on 12/04/02

2nd revision on 12/03/03 (per AB 2227)

3rd revision on 5/26/04.



Evidence to Support Required Findings for LAFCo Authorization of Extension of Services: Section 56133 of the California Government Code establishes that either of 2 distinct findings must be made by LAFCo in order to approve a request from a city or district to extend services outside its jurisdictional boundaries.

The First finding is that:

The extended services are “within its sphere of influence” and “in anticipation of a later change of organization (56133b).”

Evidence to support the first finding shall include, but is not limited to all of the following:

1. A map illustrating that the subject parcel is located within Humboldt County LAFCo’s adopted Sphere of Influence Map for the entity; and
2. An annexation/reorganization application, or other documentation demonstrating that the agreement is in anticipation of a subsequent jurisdictional change; and
3. A Resolution of Application from the legislative body (city council or district board of directors) specifying the reasons for the request and establishing a schedule for the annexation/detachment which does not exceed 18 months from the adoption of the Resolution, or other documentation demonstrating that the agreement is in anticipation of a subsequent jurisdictional change; and
4. The environmental document which supports the application.

The Second finding is that:

The entity applying for approval of the extension of services has “provided the commission with documentation of a threat to the health and safety of the public or the affected residents,” and the commission has “notified any alternate service provider (56133c).”

Evidence to support the second finding shall include, but is not limited to:

1. Written documentation of a threat to the public health and safety which is prepared by a qualified professional: The documentation shall include an analysis of the degree of health or safety risk to the public or affected residents;
2. Written confirmation from any alternate service provider that they were notified prior to determining the best means of delivering the required service; and



3. A written description of the alternatives considered and reasons for not using other alternatives.

Provision of Surplus Water to Agricultural Lands: Section 56133 of the Government Code specifies that LAFCo does not have jurisdiction to review contracts or agreements solely involving the provision of surplus water to agricultural lands and facilities unless the provision of surplus water is for a project that will support or induce development.

For the purpose of administering these procedures, any project that is not designated by the Humboldt County General Plan for agricultural lands (including timberlands) and designated in the Zoning Regulations as a principally permitted use, is deemed to support or induce development and requires LAFCo approval before any extension of surplus water outside an agency's jurisdictional boundaries may occur. Humboldt County LAFCo has also determined that agricultural lands are those lands that are located in a Timberland Production (TPZ) or Agriculture Exclusive (AE) Zone, or an Agriculture General (AG) Zone, with a General Plan land use designation of Agriculture Exclusive, Agricultural Grazing, Agricultural Lands or Agricultural Rural.