

## **POLICIES FOR "OUT-OF-AGENCY CONTRACT FOR SERVICES" PROPOSALS**

1. A city or special district may provide new or extended services by contract or agreement outside its jurisdiction only upon LAFCO approval.

Agreements for services solely between public agencies are exempt from LAFCO approval, ONLY where the service to be provided is an alternative to, or substitute for, services already being provided by an existing public service provider and where the level of service is consistent with the level of service contemplated by the existing service provider.

Agreements for the transfer of non-potable or non-treated water, or for the provision of surplus water to agricultural lands for projects which serve conservation purposes or directly support agricultural industries, in accordance with the provisions of Government Code section 56133, do not need LAFCO approval.

2. LAFCO shall not accept for review any proposal, which is outside of the agency's sphere of influence except as provided under § 56133 (c) of the Government Code.
3. LAFCO will consider whether annexation is a logical alternative to extending services beyond the jurisdictional boundaries of a local agency.
4. If immediate annexation is not a feasible alternative, then an extension of services may be approved in anticipation of a future annexation if the agency is able to provide LAFCO with a resolution of intent to annex as well as appropriate assurances. Such assurances will be evaluated on a case by case basis and will include all appropriate actions such as pre-zoning` the area, preparing a plan for annexation of the area, requiring deferred annexation agreements and waiver of protest rights from property owners in the area, and requiring that the property owners submit in advance the legal map, description and fees for the future annexation of the area.
5. LAFCO will consider the public benefit of the proposal, including the resolution of an existing health and safety hazard.
6. LAFCO will consider factors such as the following to determine the local and regional impacts of an out-of-agency contract for services:
  - a. The growth inducing impacts of any proposal.
  - b. The proposal's consistency with the policies and general plans of all affected local agencies.
  - c. The ability of the local agency to provide service to the proposal area without detracting from current service levels.
  - d. Whether the proposal contributes to the premature conversion of agricultural land or other open space land.

7. LAFCO will consider the applicable service reviews and discourage service extensions that undermine adopted service review determinations or recommendations.
8. An administrative approval may be allowed for those projects which pose an urgent health or safety concern, without consideration by LAFCO. The administrative approval shall be made jointly by the LAFCO Chairperson (or Vice Chairperson if the Chair is not available) and the Executive Officer. Both must agree that an administrative approval is appropriate, based upon the criteria outlined below:
  - a. The lack of service being requested constitutes an immediate health and safety concern.
  - b. The property is currently developed.
  - c. There are physical restrictions on the property that prohibit a conventional service delivery method typically suited to the unincorporated area (i.e., septic tank, private well, etc.)

Adopted on December 11, 1996  
Amended on December 11, 2002