

RESOLUTION NO. 127

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA**

| | |
|---|--------------------------------------|
| AMEND POLICIES, STANDARDS, AND |) APPROVED AMENDMENT TO |
| PROCEDURES, SECTION 320 – EXTENDED |) POLICIES, STANDARDS, AND |
| SERVICE PROCEDURES THAT WOULD |) PROCEDURES SECTION 320 |
| AUTHORIZE THE EXECUTIVE OFFICER |) AUTHORIZING THE EXECUTIVE |
| TO APPROVE REQUESTS FOR EXTENDED |) OFFICER TO APPROVE REQUESTS |
| SERVICES |) FOR EXTENDED SERVICES |

WHEREAS, on April 3, 1986, the Local Agency Formation Commission adopted its Policies, Standards, and Procedures; and

WHEREAS, over the years the Local Agency Formation Commission has found it necessary to revise the Policies, Standards, and Procedures to conform with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, to add new policies or revise and/or delete those that are obsolete, and to meet the rising costs of administering review of proposals and the day-to-day activity by the Commission; and

WHEREAS, pursuant to Fresno LAFCo Policy 320 (Extended Service Procedures), and as authorized by Section 56133 of the Government Code (GC), a city or district principally in Fresno County may provide new or extended services by contract or agreement outside its boundaries only if, with limited exceptions, the city or district requests and receives approval from the Commission; and

WHEREAS, GC Section 56133(d) states: "...When the request is deemed complete, the executive officer shall place the request on the agenda for the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of those requests to the executive officer"; and

WHEREAS, prior to the submittal of an application, the applicant and the city or district has almost always negotiated a contract or agreement but the actual extension of infrastructure still requires the Commission's approval and approvals by the Commission are therefore generally administrative in nature and delegation to the executive officer will reduce the amount of time necessary to process the application.

WHEREAS, the Executive Officer set a hearing to amend Section 320 (Extended Services Procedures), said notice was duly given by mail, posting, and newspaper publication as required by State law; and

WHEREAS, the Executive Officer prepared a report for the Commission to consider amending Section 320 including a recommendation, said report having been mailed to and considered by this Commission; and

WHEREAS, this Commission considered all relevant factors and evidence and heard all interested parties wishing to speak on said policy amendment; and

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does hereby **STATE, FIND, DETERMINE, AND ORDER** as follows:

Section #1. This Commission approves amendment to Section 320 (Extended Service Procedures) as shown on Exhibit "A".

Section #2. The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution as provided in Government Code Section 56882, as required by State law.

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ADOPTED THIS 1ST DAY OF OCTOBER, 2014, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS LOPEZ, SANTOYO, SILVA

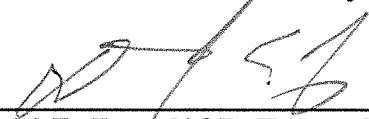
NOES NONE

ABSENT: COMMISSIONERS LARSON, PEREA

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

CERTIFICATION

I, David Fey, Executive Officer of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, hereby certify that the foregoing resolution was adopted by the Commission on the 1st day of October, 2014.



David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission

Exhibit A

320 EXTENDED SERVICE PROCEDURES

Pursuant to Section 56133 of the Government Code, a City or District principally in Fresno County may provide new or extended services by contract or agreement outside its boundaries only if it requests and receives approval from the Commission.

Requests for approval of extended service shall be by application in the form provided by the Commission. All requests will be reviewed for consistency with Commission Policies, Standards, and Spheres of Influence.

Pursuant to section 56133(e), contracts or agreement solely involving two or more public agencies are exempt from these procedures.

The following policies shall be used to evaluate applications for extended services.

- 01 "Extended service" is defined as a new extension of infrastructure (service mains or facilities), or the new provision of one or more a municipal services (including but not limited to domestic water, wastewater collection, solid waste, or enhanced levels of fire or police services) by a public agency to members of the public or private property that is outside of the agency's LAFCo-approved city limit, service area or sphere of influence.
- 02 The Commission delegates the Executive Officer the authority to approve, disapprove, or approve with conditions applications for extended service.
- 03 The Executive Officer may deny applications for extended service if, in his/her opinion, the service is more appropriately provided through annexation or some other reasonable solution rather than by extended service.
- 04 The following procedure shall apply to applications for extended services:
 - 01 The Executive Officer, within 30 days of receipt of an application for extended service, shall determine whether the application is complete and acceptable for filing or whether the application is incomplete.
 - 02 If the application is determined to be incomplete, the Executive Officer shall immediately transmit that determination to the applicant, specifying those parts of the application that are incomplete and the elements necessary to make the application complete.
 - 03 Applications for extended service outside the sphere of influence shall include documentation of the actual impending threat to public health and safety of the residents of the affected territory. Upon receipt of such an application, the executive officer shall notify any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code that has filed a map and a statement of its service capabilities with the Commission.

- 04 When the application is deemed complete by the Executive Officer, the Executive Officer shall, within 90 days, approve, disapprove, or approve with conditions the contract for extended services.
- 05 The Executive Officer may require as part of his or her conditioning authority a condition of approval that the property owner benefitting from the extended service shall covenant to not protest future annexation of the subject property.
- 06 The Executive Officer's decision regarding an application for extended service shall be conveyed by letter to the applicant in a timely manner.
- 07 If the application is disapproved or approved with conditions, the applicant may request reconsideration pursuant to the criteria and time requirements specified in Government Code Section 56895, citing the reasons for reconsideration.
- 08 The Executive Officer shall provide a summary report to the Commission at the next available meeting.

Adopted: August 24, 1994

Revised: December 19, 2001; October 1, 2014