

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: JULY 12, 2010
FROM: SAMUEL MARTINEZ, Senior LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #7 – REVIEW AND APPROVAL OF UPDATE TO
OUT-OF-AGENCY SERVICE CONTRACT ADMINISTRATIVE
GUIDELINES AND APPLICATION FORM**

RECOMMENDATION:

Staff recommends that the Commission take the following actions:

1. Review and approve the updated administrative guidelines for “Out-of-Agency Service Contracts”;
2. Adopt the revised “Extension of Service by Contract” application form; and,
3. Instruct staff to forward notification of the changes to the County, Cities, and Special Districts, and post the updated guidelines and the revised application form on the LAFCO Website.

BACKGROUND:

Beginning January 1, 1994, LAFCO’s were charged with the responsibility for reviewing and approving or denying City or District agreements/contracts to extend service(s) outside its jurisdiction. This responsibility is set out in Section 56133 of the California Government Code. In March and in May 1994, the Commission adopted its policies related to the implementation of its review of out-of-agency agreements/contracts and directed LAFCO staff to develop administrative procedures for implementing the process.

In December 2000, with the passage of Assembly Bill 2838 (the Cortese-Knox-Hertzberg Reorganization Act of 2000), the Commission updated its Policy and Procedures Manual which included updated policies related to the implementation of Government Code Section 56133. Likewise, the LAFCO’s forms, including the

“Extension of Service by Contract” application form, were also adopted by the Commission as part of the updated Policy and Procedures Manual. Since then, applicants requesting review of an out-of-agency agreement/contract have been using the application form that was adopted in 2000 and have been operating under the Administrative Guidelines that was originally formulated by LAFCO staff.

Through the years, staff has come across a number of application forms that were either submitted with confusing information or insufficient data. To correct this issue, staff has made revisions to the Application for Extension of Service by Contract form (included as Attachment #1 to the staff report) to include more user friendly check-boxes for yes and no responses, rewrote or expanded on many of the original questions, and included additional questions that would generate more useful information from the applicant. All the revisions not only make the form easier to fill-out but also aims to gather the information valuable to staff’s analysis of the application request, which ultimately provides the Commission with the essential information to make its decision regarding the application.

In addition, staff also took a closer look at the Administrative Guidelines that were originally drafted in 1997 (with updates made in 2000 to include the additional policies that were adopted by the Commission through the passage of the Assembly Bill 2838 and also additional changes in 2005) and felt that there was also a need to update the Out-of-Agency Agreements/Contracts for Service Administrative Guidelines (included as Attachment #2 to the staff report). Staff tried to reorganize the framework of the original guidelines and added more detailed information on the policies and procedures to give applicants a better understanding of the Commission’s process of implementing Government Code Section 56133.

Because of the number of changes made on both the revised application form and the updated administrative guidelines, staff is providing the Commission with only the final versions of both documents. If the Commission has no additional changes, staff recommends that the Commission approve the updated administrative guidelines for “Out-of-Agency Service Contracts” and adopt the revised “Extension of Service by Contract” application form.

KRM/sm

Attachments:

1. [Revised Application for Extension of Service by Contract](#)
2. [Updated Out-of-Agency Agreements/Contracts for Service Administrative Guidelines](#)