



## Executive Officer's Report

**To:** Imperial LAFCo Commissioners

**From:** Tyler Salcido, Executive Officer

A handwritten signature in blue ink, appearing to read "T.S.", is written over the name Tyler Salcido.

**Item #:** 10b

**Subject:** Delegation of Authority for Extension of Services

**Date:** January 23, 2025

**Time:** 08:30 a.m.

**Location:** El Centro City Council Chambers  
1275 W. Main Street, El Centro, CA 92243

### Report

#### Background:

In the 2013 LAFCO Policy Manual, a conflict has been identified in the Commission's delegation of authority to the Executive Officer regarding the consideration, approval, or denial of extensions of service. The conflict pertains to the criteria for specified projects, particularly whether the extension of service should involve four (4) or fewer connections/users versus twenty (20) or fewer connections/users.

#### Policy Conflict:

#### **Page XIX, section L, under section 3. LAFCO Proceedings, under the Executive Summary (see also Exhibit A):**

Under certain conditions and only for specified projects, the Executive Officer through delegation of authority from the Commission has the authority to consider, approve or deny a project. (Government Code Section 56133)

1. Specified Project(s)
  - a. Extension of new or extended water service by a city or district to an entity other than another city or district within the Sphere of Influence of the city/district limit and provided there are **four (4) or fewer connections.**
  - b. Extension of new or extended sewer service by a city or district to an entity other than another city or district within the Sphere of Influence of

- the city/district limit and provided there are **four (4) or fewer connections**.
- c. Extension of solid waste service by a city or district within the Sphere of Influence of the city/district limit and provided there are **four (4) or fewer users**.
  - d. Modification to justification of roadways to “clean-up” jurisdiction issues on road location issues.
  - e. Projects not meeting the above criteria shall only be considered by the full Commission.

**Page 28, section A. Specified Project(s), under section 5. Administrative Hearing by Executive Officer, under section A. The LAFCO Evaluation and Hearing Process, under Chapter III Description of the LAFCO Process (see also Exhibit B):**

Administrative Hearing by Executive Officer

Under certain conditions and only for specified projects, the Executive Officer through delegation of authority from the Commission has the authority to consider, approve or deny a project. (Government Code Section 56133 (d)).

- A. Specified Project(s)
  - 1. Extension of new or extended water service by a city or district to an entity other than another city or district within the Sphere of Influence of the city/district limit and provided there are **twenty (20) or fewer connections**.
  - 2. Extension of new or extended sewer service by a city or district to an entity other than another city or district within the Sphere of Influence of the city/district limit and provided there are **twenty (20) or fewer connections**.
  - 3. Extension of solid waste service by a city or district within the Sphere of Influence of the city/district limit and provided there are **twenty (20) or fewer users**.

The full Commission shall only consider projects not meeting the above criteria.

Under the Cortese-Knox-Hertzberg Reorganization Act of 2000, Government Code Section 56133d, the Commission may delegate approval, disapproval, or approval with conditions of extension of services to the Executive Officer.

## Options

- OPTION #1:** Grant the delegation of authority to the Executive Officer to approve, disapprove, or approve with conditions an extension of service within the sphere of influence provided there are four (4) or fewer connections/users.
- OPTION #2:** Grant the delegation of authority to the Executive Officer to approve, disapprove, or approve with conditions an extension of service within the sphere of influence provided there are twenty (20) or fewer connections/users.
- OPTION #3:** Grant the delegation of authority to the Executive Officer to approve, disapprove, or approve with conditions an extension of service as amended by the Commission.

**OPTION #4:** Remove the delegation of authority from the Executive Officer to approve, disapprove, or approve with conditions extension of services.

## Recommendation by the Executive Officer

The Executive Officer recommends that the Commission:

1. Discuss the delegation of authority to approve, disapprove, or approve with conditions an extension of service on specified projects; and
2. Direct the Executive Officer to update the LAFCO policy on the extension of services based upon the Commission's decision on the delegation of authority to approve, disapprove, or approve with conditions extension of services on specified projects.

**EXHIBIT A:** Page XIX of the 2013 LAFCO Policy Manual

**EXHIBIT B:** Page 28 of the 2013 LAFCO Policy Manual

# EXHIBIT A

Page XIX of the 2013 LAFCo Policy Manual

2. All of the owners of land within the affected territory have given their written consent to the change of organization or reorganization.
  3. All affected local agencies that will gain territory as a result of the change of organization or reorganization have consented in writing to a waiver of conducting authority proceedings.
- L. Under certain conditions and only for specified projects, the Executive Officer through delegation of authority from the Commission has the authority to consider, approve or deny a project. (Government Code Section 56133)
1. Specified Project(s)
    - a. Extension of new or extended water service by a city or district to an entity other than another city or district within the Sphere of Influence of the city/district limit and provided there are four (4) or fewer connections.
    - b. Extension of new or extended sewer service by a city or district to an entity other than another city or district within the Sphere of Influence of the city/district limit and provided there are four (4) or fewer connections.
    - c. Extension of solid waste service by a city/district a city or district within the Sphere of Influence of the city/district limit and provided there are four (4) or fewer users.
    - d. Modification to justification of roadways to “clean-up” jurisdiction issues on road locations issues.
    - e. Projects not meeting the above criteria shall only be considered by the full Commission.
  2. Applications are required for the above types of projects.

#### **4. Completion and Effective Date**

- A. The Executive Officer issues a **Certificate of Completion**, which completes the proceedings. The certificate is recorded with the County Recorder. If no effective date is specified in the Commission resolution, the recordation date is the effective date. A statement of boundary change or creation is issued by the Executive Officer and filed, with the appropriate fees, with the State Board of Equalization and County Assessor. (Government Code Section 57200). Property tax resolutions, if any, are forwarded to the County Auditor for property tax transfer (Revenue and Taxation Code, Section 99).

# EXHIBIT B

Page 28 of the 2013 LAFCo Policy Manual

- D. Based upon the above calculations and estimations, the Commission will determine the fiscal effect of the proposal.

**5. Administrative Hearing by Executive Officer**

Under certain conditions and only for specified projects, the Executive Officer through delegation of authority from the Commission has the authority to consider, approve or deny a project. (Government Code Section 56133 (d))

- A. Specified Project(s)
  - 1. Extension of new or extended water service by a city or district to an entity other than another city or district within the Sphere of Influence of the city/district limit and provided there are twenty (20) or fewer connections.
  - 2. Extension of new or extended sewer service by a city or district to an entity other than another city or district within the Sphere of Influence of the city/district limit and provided there are twenty (20) or fewer connections.
  - 3. Extension of solid waste service by a city/district to a city or district within the Sphere of Influence of the city/district limit and provided there are twenty (20) or fewer users.

The full Commission shall only consider projects not meeting the above criteria.

- B. Applications Required
  - 1. A city or district proposing to provide services by contract or agreement outside of its jurisdictional boundaries (and within its Sphere of Influence) shall file an application (request for approval) with the Executive Officer.
  - 2. Along with the application, the city/district shall also provide the CEQA documentation if so required under CEQA.

*NOTE: In the event the city/district does not prepare CEQA documentation and the Executive Officer determines that the application constitutes a project under CEQA, LAFCO shall then be the lead agency and prepare the appropriate CEQA documentation.*