



Solano Local Agency Formation Commission

3700 Hilborn Rd. Ste. 600 • Fairfield, California 94534
(707) 439-3897 • FAX: (707) 438-1788

AGENDA
ITEM
7E

February 11, 2013

Proposal: Out of area service agreements for threats to public health and safety

Discussion: Government Code Section 56133 allows LAFCO to approve new or extended services for a city or district by contract or agreement outside its jurisdictional boundaries under certain specified conditions. Such an agreement is referred to as an Out of Area Service Agreement (OASA). Acceptable conditions are for 1) an area within the agency's sphere of influence that is anticipated to be annexed to the agency or 2) to respond to an existing or impending threat to the public health or safety of residents in the affected territory. In order to satisfy the second condition the applicant must include sufficient documentation and the Commission must notify other alternate service providers in that area.

Section 56133 goes on to say that the executive officer has 30 days to determine if the application is complete and if so has 90 days from the date of a complete request to put the question on the next agenda. Alternatively the Commission can delegate approval of those requests to the executive officer.

On January 30, 2013 staff received an application from the City of Fairfield to respond to a request from the Guru Nanak Sikh Temple to provide potable water. The Sikh Temple had been notified by the Solano County Department of Resource Management that coliform bacteria had been found in multiple samples at the site indicating the well or piping is subject to contamination. By definition this represents a threat to public health that would meet the requirements of an out of area service agreement in Section 56133.

LAFCO staff has been reviewing the application. Past practice has been to notice a public hearing for a subsequent hearing. In this case the next hearing would be April 8. Given the risk to public health staff is requesting the Commission delegate approval to the executive officer for out of area service agreements that responds to existing or impending threats to public health and safety.

Staff Recommendation: That the Commission delegate authority to the executive officer to approve out of area service agreements that arise from threats to public health and safety.