

# **TENTATIVE AGENDA**

## **LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**

**SAN BERNARDINO CITY COUNCIL CHAMBERS  
300 NORTH D STREET, FIRST FLOOR, SAN BERNARDINO**

### **REGULAR MEETING OF SEPTEMBER 21, 2016**

#### **9:00 A.M. – CALL TO ORDER – FLAG SALUTE**

**ANNOUNCEMENT:** Anyone present at the hearing who is involved with any of the changes of organization to be considered and who has made a contribution of more than \$250 in the past twelve (12) months to any member of the Commission will be asked to state for the record the Commission member to whom the contribution has been made and the matter of consideration with which they are involved.

#### **CONSENT ITEMS:**

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the hearing to discuss the matter

1. Approval of Minutes for Regular Meeting of July 20, and August 17, 2016
2. Approval of Executive Officer's Expense Report for July and August 2016
3. Ratify Payments as Reconciled for Months of July and August 2016 and Note Cash Receipts
4. Review and Approval of Merit Acknowledgement Payment for Executive Officer
5. Consideration of: (1) CEQA Statutory Exemption for LAFCO 3210; and (2) LAFCO 3210 – Annexation to the Apple Valley Heights County Water District (APN 0438-132-21)

#### **PUBLIC HEARING ITEMS:**

6. Consent Items Deferred for Discussion
7. Consideration of: (1) CEQA Statutory Exemption for LAFCO 3208; and (2) LAFCO 3208 – Sphere of Influence Amendment for the West Valley Mosquito and Vector Control District **(CONTINUED FROM THE AUGUST 17, 2016 HEARING)**
8. Consideration of: (1) CEQA Statutory Exemption for LAFCO 3209; and (2) LAFCO 3209 – Reorganization to include Annexations to the West Valley Mosquito and Vector Control District and its Assessment District No. 2 (Zone C) **(CONTINUED FROM THE AUGUST 17, 2016)**

**DISCUSSION ITEMS:**

9. Appointment of Voting Delegate for CALAFCO Business Meeting at October CALAFCO Annual Conference (Oral Report)

**INFORMATION ITEMS:**

9. Legislative Update Oral Report
10. Executive Officer's Oral Report
11. Commissioner Comments  
(This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken on off-agenda items unless authorized by law.)
12. Comments from the Public  
(By Commission policy, the public comment period is limited to five minutes per person for comments related to other items under the jurisdiction of LAFCO not on the agenda.)

**ADJOURN TO CALAFCO ANNUAL CONFERENCE IN SANTA BARBARA -- OCTOBER 25 THROUGH 28, 2016**

The Commission may adjourn for lunch from 12:00 to 1:30 p.m. The Commission may take action on any item listed in this Agenda whether or not it is listed For Action. In its deliberations, the Commission may make appropriate changes incidental to the above-listed proposals.

Materials related to an item on this Agenda submitted to the Commission or prepared after distribution of the agenda packet will be available for public inspection in the LAFCO office at 215 N. D St., Suite 204, San Bernardino, during normal business hours, on the LAFCO website at [www.sbclafco.org](http://www.sbclafco.org), and at the hearing.

Current law and Commission policy require the publishing of staff reports prior to the public hearing. These reports contain technical findings, comments, and recommendations of staff. The staff recommendation may be accepted or rejected by the Commission after its own analysis and consideration of public testimony.

if you challenge any decision regarding any of the above proposals in court, you may be limited to raising only those issues you or someone else raised during the public testimony period regarding that proposal or in written correspondence delivered to the local agency formation commission at, or prior to, the public hearing.

The Political Reform Act requires the disclosure of expenditures for political purposes related to a change of organization or reorganization proposal which has been submitted to the Commission, and contributions in support of or in opposition to such measures, shall be disclosed and reported to the same extent and subject to the same requirements as provided for local initiative measures presented to the electorate (Government Code Section 56700.1). Questions regarding this should be directed to the Fair Political Practices Commission at [www.fppc.ca.gov](http://www.fppc.ca.gov) or at 1-866-ASK-FPPC (1-866-275-3772).

A person with a disability may contact the LAFCO office at (909) 388-0480 at least 72-hours before the scheduled meeting to request receipt of an agenda in an alternative format or to request disability-related accommodations, including auxiliary aids or services, in order to participate in the public meeting. Later requests will be accommodated to the extent feasible.

**DRAFT - ACTION MINUTES OF THE - DRAFT  
LOCAL AGENCY FORMATION COMMISSION  
HEARING OF JULY 20, 2016**

**REGULAR MEETING**

**9:00 A.M.**

**JULY 20, 2016**

**PRESENT:**

<b>COMMISSIONERS:</b>	<b>Jim Bagley Kimberly Cox, Chair James Curatalo, Steve Farrell, Alternate Robert Lovingood</b>	<b>Larry McCallon James Ramos, Vice-Chair Acquanetta Warren, Alternate Diane Williams</b>
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**STAFF:**

**Kathleen Rollings-McDonald, Executive Officer  
Clark Alsop, LAFCO Legal Counsel  
Samuel Martinez, Assistant Executive Officer  
Michael Tuerpe, Project Manager  
Jeffery Lum, LAFCO Analyst  
Rebecca Lowery, Clerk to the Commission  
Bob Aldrich, LAFCO Consultant**

**ABSENT:**

**COMMISSIONERS:** Janice Rutherford, Alternate Thurston Smith, Alternate

**CONVENE REGULAR SESSION OF THE LOCAL AGENCY FORMATION COMMISSION –  
CALL TO ORDER – 9:03 A.M. – SAN BERNARDINO CITY COUNCIL CHAMBERS**

Chair Cox calls the regular session of the Local Agency Formation Commission to order and leads the flag salute.

Chair Cox calls for comments from the public regarding the closed session item. There are none.

**ADJOURN TO CLOSED SESSION OF THE LOCAL AGENCY FORMATION COMMISSION  
- -9:05 A.M.**

Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation (Government Code Section 54956.9(d)(2)) – One case: City of San Bernardino v. East Valley Water District et al. (CIVDS1608620).

**CONVENE PUBLIC SESSION – 9:59 A.M.**

Chair Cox asks LAFCO Legal Counsel Clark Alsop to report on the closed session. Mr. Alsop states that no reportable action was taken in closed session.

**ANNOUNCEMENT OF CONTRIBUTIONS**

Chair Cox requests those present who are involved with any of the changes of organization to be considered today by the Commission and have made a contribution of more than \$250 within the past twelve months to any member of the Commission to come forward and state for the record their name, the member to whom the contribution has been made, and the matter of consideration with which they are involved. There was none.

**CONSENT ITEMS – APPROVE STAFF RECOMMENDATION:**

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the hearing to discuss the matter.

- Item 2. Approval of Minutes for Regular Meeting of June 15, 2016
- Item 3. Approval of Executive Officer's Expense Report
- Item 4. Ratify Payments as Reconciled for Month of June 2016 and Note Cash Receipts
- Item 5. Unaudited Year-End Financial Report for Fiscal Year 2015-16
- Item 6. Approval of Fiscal Year 2007-08 Financial Records Destruction Pursuant to Commission Policy
- Item 7. Review and Approval of Contract with Davis Farr, LLP for Financial Audit Services for the Period Fiscal Year 2015-16 through Fiscal Year 2018-19

LAFCO considered the items listed under its consent calendar, which includes a Visa Justification, the Executive Officer's amended expense report and ratification of payments as reconciled for the month of June, the unaudited Year-End Financial Report for FY 15-16, approval of the FY 07-08 Records Destruction and approval of the contract with Davis Farr, LLP for Financial Audit Services FY 15-16 through FY 18-19. Copies of each report are on file in the LAFCO office and are made part of the record by their reference herein.

Executive Officer Kathleen Rollings-McDonald presents an amended Executive Officer's Expense Report.

Chair Cox calls for requests for deferral from Commissioners or staff; there are none.

Commissioner McCallon moves approval of the modified consent calendar, second by Commissioner Ramos. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon, Ramos, Williams. Noes: None. Abstain: None. Absent: None.



**PUBLIC HEARING ITEMS:**

**ITEM 8. CONSENT ITEMS DEFERRED FOR DISCUSSION**

No items deferred for discussion.

Commissioner Lovingood states that he will recuse himself from item 9, LAFCO 3202 – Wrightwood, and will be absent the remainder of the hearing. He leaves the dais at 10:02 A.M.

**ITEM 9. CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3202 AND (2) LAFCO 3202 – REORGANIZATION TO INCLUDE FORMATION OF THE WRIGHTWOOD COMMUNITY SERVICES DISTRICT AND DISSOLUTION OF COUNTY SERVICE AREA 56 (WRIGHTWOOD COMMUNITY WITHIN SAN BERNARDINO AND LOS ANGELES COUNTIES)**

Executive Officer Kathleen Rollings-McDonald presents the staff report for LAFCO 3202, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here. The item has been advertised in *The Mountaineer Progress* newspaper, a newspaper of general circulation.

Ms. McDonald states that the community of Wrightwood is a small mountain community located in the Swarthout Valley in the eastern San Gabriel Mountains. She shows the area on the overhead. She states the this proposal was initiated by the San Bernardino County Board of Supervisors through adoption of a resolution of application in response to requests made by the Feasibility Committee for a Wrightwood Community Services District. She states that the proposal was initiated with an original boundary encompassing 6,012 acres, but as staff's analysis was undertaken, questions arose regarding whether or not the proposed boundary accurately reflected the community of Wrightwood, specifically for the territory within San Bernardino County. She states that following discussions with the proponent and the Committee, the boundary was expanded within San Bernardino County generally northerly to abut the Phelan Pinon Hills CSD boundary, and easterly to include additional territory along Lone Pine Canyon Road, which encompasses approximately 17 square miles or 10,739 +/- acres as reviewed on the overhead.

Ms. McDonald reviews the portion of the CSD Law that the Commission must review when creating a new CSD as listed on the overhead and discussed in the staff report. She states that the formation of this CSD meets 3 of the 4 requirements; it does not meet the requirement for cityhood, as the creation of a city cannot cross county boundaries. Ms. McDonald reviews the timeline for the completion of the CSD formation as noted in the staff report and states that following completion of the reconsideration period, there will be a 21-day protest period, followed by a protest hearing to be held in September. Following the completion of protest, the Boards of Supervisors of Los Angeles and San Bernardino Counties will be requested to direct their respective Registrar of Voters to place the matter of district approval and for the selection of the initial board of directors on the March 7, 2017

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ballot, followed by the adoption of the impartial analysis for the election to be placed on the Commission's agenda. She states that the time lines for this formation are very tight and does not allow much room for latitude in processing. Ms. McDonald provides a flyover of the proposal area on the overhead.

Ms. McDonald states that State law and Commission policy require that staff address specific questions with regard to evaluation of a proposal and reviews the key evaluation elements as noted in the staff report.

Ms. McDonald states that the proposed CSD's boundaries do not infringe upon an established sphere of influence. She states that the boundary presented for the Wrightwood CSD is reflective of the identified community, including lands within both San Bernardino and Los Angeles Counties. She notes that the existing agencies within the area and/or those whose sphere of influence includes CSA 56, which is proposed for dissolution. They include CSA 70, which has a full range of services and whose sphere is coterminous with its boundaries, and the San Bernardino County Fire Protection District and its North Desert Service Zone for San Bernardino County. She states that the Consolidated Fire Protection District for Los Angeles County and the Mojave Desert Resource Conservation District also overlay the territory, and the Golden State Water Company overlays the territory of the proposed District in both counties.

Ms. McDonald states that on June 6<sup>th</sup> the boundaries for the proposed Wrightwood CSD were modified within the San Bernardino County portion to more accurately reflect the community of Wrightwood. She states that the boundaries, as modified, represent the cohesive socio-economic community of interest and that based on the community definition, the boundaries as proposed represent a reasonable service boundary for current and future growth within the community.

Ms. McDonald reviews the service and financial consideration requirements as listed in the staff report. She states that for service considerations, the feasibility study submitted for this application included streetlighting, park and recreation and solid waste services. She states that the proponents have also identified the District as the agency responsible for delivery of solid waste services within the community. She states that in addition, LAFCO staff has identified that CSA 56 is currently authorized sewer service for planning the delivery of a wastewater treatment services in the future, should portions of the community be mandated to install this utility.

Ms. McDonald states that there are no streetlights within the Los Angeles County portion of the Wrightwood community affected by this action as none are owned by a public entity. She states that park and recreation services are provided within the Wrightwood community through the operation of the community/senior center and park under the auspices of CSA 56, and the services are available to the whole of the community whether they are residents of Los Angeles or San Bernardino County.

Ms. McDonald states that staff has identified eight parcels of land within the Wrightwood community within San Bernardino County which are owned by CSA 56 and will be transferred to the new CSD. She states that two of the parcels are adjacent to the Wrightwood

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Elementary School.

Ms. McDonald states that for solid waste, staff has identified that the provision of solid waste is proposed as an active function/service of the new Wrightwood CSD and that the active function would be defined as solid waste and recycling. She states that the delivery of this service highlights the differences between San Bernardino and Los Angeles counties and the need for a staffing pattern at the new CSD, which can address any concerns.

Ms. McDonald states that staff received a response from Los Angeles County which states that the inclusion of residential customers under the Wrightwood CSD and its proposed franchise with CR&R does not pose an issue. She further stated, however, that Los Angeles County has identified that any franchise service contract proposed by the Wrightwood CSD, including bin and roll-off rentals, should be non-exclusive in order to avoid conflict with the existing Los Angeles County Commercial Waste Collection Franchise.

Ms. McDonald states that for San Bernardino County, the boundaries of the proposed district as modified, includes the territory of County Franchise Area (CFA) 15 and portions of CFA 20, and that both are franchised to CR&R Waste and Recycling Services. She states that the current contracts with CR&R are set to expire June 30, 2017. She states that the Wrightwood CSD would be required to assume solid waste collection and recycling responsibilities. She states that as part of the implementation of AB 1826, effective January 1, 2016, the program requires that an entity conduct outreach and education to inform businesses on how to recycle organic waste as well as conduct monitoring to identify those not in compliance. She states that the CSD will also be responsible for mandatory commercial recycling, implementation of Public Resources Code 40059, and will need to comply with Public Resources Code Section 41821.2.

Ms. McDonald states that another aspect of Solid Waste and Recycling will be the transfer of the existing special tax, identified as the County's Refuse Disposal Land Use Fee of \$85.14 per parcel, which will include the administration of the "dump card program" and will require the completion of contracts with the County to be in place before the County will transfer the revenues of the special tax, clearly identified with which County it is designated, for accounting purposes. She states that based on the information provided by the Feasibility Committee, the receipt of these revenues will allow the District to fund development of programs for further source reduction and recycling efforts.

Ms. McDonald states that the Committee has identified in its materials that the inclusion of wastewater service would prompt a negative reaction by the electors and have purposely limited the range of service to those of most interest to the community. She states that the proponent, the County, has indicated that this is a question for the Commission to decide, and the Special Districts Department has expressed its concern that the dissolution of CSA 56 will leave the area without a governance mechanism to address future decisions by the Regional Water Quality Control Board. She states that the requirement for an organized sewer system for a community is not a decision by a local agency but is in response to health and safety concerns of the Regional Water Quality Control Board. She states that staff's review of materials has shown that for many years the question of on-site septic systems for the densely developed downtown portion of the Wrightwood community, located in San

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Bernardino County, has been discussed and that CSA 56 was recognized as the entity responsible for discharge requirements. She further states that CSA 56, through a study in 2006, identified the areas of highest concern as the "Blue Zone". Ms. McDonald reviews the map on the overhead.

Ms. McDonald states that at the outset of this discussion it must reiterated, that the requirement for an organized sewer system is not locally made, but is a requirement which may be imposed by a regional regulatory agency. She states that in staff's view, the voice of the Wrightwood community needs to be heard on the question of a future sewer system for the area and that approval of LAFCO 3202 will replace the board-governed entity with an independent, locally elected board which should answer on behalf of the community. She states that LAFCO staff has proposed the expansion of the CSD's functions/services to include wastewater for the future planning and engineering of a regional sewer facility. Should the CSD desire to actively provide wastewater collection and treatment service, it would be required to return to San Bernardino LAFCO for approval under the provisions outlined in Government Code Section 56824.10, et seq.

Ms. McDonald notes that it is important to understand that providing the CSD with planning and engineering responsibilities for wastewater services will allow the District to work with the regional water quality control board, apply and receive grant funding, and provide opportunities for the community to actively participate in the planning process. She further reiterates that this does not allow the District to build and operate a regional treatment plant. She states that one option for consideration may to create an improvement district that would isolate sewer service planning and engineering to the more densely populated areas of the community. The law allows this Commission to determine the extent and location of a service, although isolating this service to a specific area within the District would represent a change in approach for this Commission.

Ms. McDonald summarizes the options for the Commission and states that staff has concerns regarding the creation of another small community services district due to its small population and relative isolation. She expresses concerns that the proponents did not include sewer service planning and engineering responsibilities in their formation application, a service area of critical importance to the Wrightwood community. She notes that incorporation is not an option because the community spans two counties and there is little interest in a county line adjustment. Ms. McDonald further states that for the last four audit years, the expenditures for CSA 56 have exceeded revenues which raises additional concerns for staff.

Ms. McDonald summarizes the applicant's financial feasibility study noting that staff made changes to the staffing plan, general manager's salary, property tax transfer assumptions, election costs, and added a ten percent contingency reserve consistent with Commission policy. She states that these changes were the result of extensive discussions between the LAFCO staff and the affected agencies. She also notes that an existing revolving loan of CSA 56 to build a skate park and other park improvements will remain of the CSD should its formation be successful. She explains each of the proposed conditions of approval. She states that it is staff's determination that: the proposed Wrightwood CSD formation is fiscally feasible; the CSD can provide for a reasonable reserve for three years; the CSD can maintain existing service levels and provide a higher level of service in the future as resources become

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available; and, the CSD formation would not financially affect existing agencies in the area. Ms. McDonald notes that the LAFCO's environmental consultant, Tom Dodson, has indicated the proposed CSD formation is statutorily exempt from CEQA. She notes that an updated total land value figure for the Los Angeles County portion of Wrightwood was received from the Los Angeles County Assessor after the staff report was published and the revised figure will need to be included in the conditions of approval should this proposal be approved.

In summary, Ms. McDonald states that formation of the CSD could provide a permanent form of local government for the Wrightwood community which can be expanded in the future. She notes that CSDs can provide up to 33 different services, subject to review and approval by LAFCO. Ms. McDonald notes that LAFCO staff's expansion of the CSD application to include wastewater planning and engineering services has drawn great concern from landowners, and staff has attempted to address that concern by specifically limiting that service to planning and engineering services only. Ms. McDonald notes that over the past three years, LAFCO has reviewed a number of small agencies with significant governance and budget concerns. She states that it is not possible for the Commission to require the CSD to hire highly qualified staff to protect its limited resources which is an issue of concern for staff. She notes that once a CSD is formed, it is difficult to dissolve.

Ms. McDonald states that staff has not made a specific recommendation regarding this item, but instead, is providing the Commission with two options. She notes that if the Commission decides to approve this proposal, this decision can be supported because it will provide for a community specific system for the delivery of services, provide a local voice for the community and will unite both the Los Angeles and San Bernardino portions of the Wrightwood community under a single local government agency. She states if the Commission decides to deny the proposal, that decision can be justified due to the small size of the area, isolated location and lack of development does not warrant self-governance at this time.

Chair Cox asks if there are any questions for staff from the Commission.

Commissioner Ramos asks if the special tax for solid waste services referred to in the staff report is already in place, to which Ms. McDonald responds affirmatively and states the existing special tax would transfer to the CSD. She further stated that each landowner received individual notice regarding this issue. Commissioner Ramos inquires whether the special tax is subject to a vote. Ms. McDonald responds that a vote is not required and that the existing tax will automatically transfer to the CSD.

Commissioner Ramos refers to page 17 of the staff report which references the services LAFCO is authorizing with the formation of the CSD. Specifically, he references planning and engineering of sewer facilities. He asks if the authority for the CSD to implement and manage a sewer facility would require LAFCO's approval.

Ms. McDonald responds affirmatively. She notes that there has been a great deal of concern regarding this issue with some residents concerned that installation of a sewer system could threaten their mountain lifestyle. She states that should, at some point in the future, the regional water quality control board require some type of sewer system in Wrightwood,

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having the ability to partner in the planning and engineering of this system would be important to the Wrightwood community. Commissioner Ramos asks if there is any specific timeframe for the implementation of a sewer system. Ms. McDonald states that there is no timeframe.

Commissioner Curatalo inquires if sewer planning and engineering was removed as an authorized service of the CSD at this time, could that function be added later.

Ms. McDonald responds affirmatively. She states that CSA 56 currently has that service but is proposed for dissolution as part of this proposal. She states that CSA 70 still exists on the San Bernardino County portion of Wrightwood and could create a separate zone for sewer planning and engineering. Commissioner Curatalo asks if there are any projected costs for the implementation of a sewer system. Ms. McDonald responds that there are no cost estimates.

Commissioner Bagley states that if he were a resident of Wrightwood he would want to make a decision for the whole community. He states that adding the sewer planning and engineering function to the CSD services is a wise decision.

Commissioner Farrell asks about the option of creating a separate study area or improvement zone for sewer issues, to which Ms. McDonald states that that is an option but historically when the Commission grants a service it is district-wide.

Tom Dodson, LAFCO's environmental consultant, addresses the Commission and states that in evaluating the proposal he assumed the sewer planning and engineering function would be a part of the proposed CSD range of services. If that service were removed from the CSD, and CSA 56 is dissolved, it could result in a delay in responding to a future directive from the regional water quality control board for implementation of a sewer system in Wrightwood and could result in an environmental impact. He asks the Commission to take that into consideration in its deliberations.

Commissioner Ramos asks which agency is currently responsible for sewer planning and engineering services in Wrightwood. Ms. McDonald responds that CSA 56, proposed for dissolution as part of the CSD formation, has that responsibility, and if that power is removed from the proposed CSD, no service provider would be designated to assume that responsibility.

Chair Cox asks for clarification as to the boundaries of CSA 70. Ms. McDonald responds that CSA 70 overlays the San Bernardino County portion of Wrightwood and could address the issue on the San Bernardino side. She clarifies that even if CSA 56 is dissolved, CSA 70 would still remain.

Chair Cox asks if there are any comments from the public.

Natalie Lopiccolo, Chair of the Wrightwood CSD Feasibility Committee, expresses her support for the formation of the Wrightwood CSD. She explains that the committee, along with their consultant, were selective in determining which services the CSD would include in its proposal and excluded sewer planning due to lack of community support. She states that

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following approval of the CSD, sewer planning could be added at that time.

Rex Richardson, Solid Waste Program Director for Los Angeles County, clarifies that the CC&R contract with County Franchise #15 is an evergreen contract with a rolling 8-year term. He notes that residents are not required to participate in the solid waste disposal service - it is a voluntary program and CC&R currently has approximately 1,500 residential accounts and 42 commercial accounts in Wrightwood.

Melissa McClain, Board of Supervisors, 1<sup>st</sup> District Office, states that she represents the applicant – the County Board of Supervisors - and states County supports the formation on the CSD.

Mary Campbell, a Wrightwood resident, expresses concern over additional street lighting in the community, the mandated recycling service, and asks about sources of funding for the planning and engineering of a sewer system.

Ms. McDonald states that grant funds are available for sewer planning and engineering, and actual sewer service, if that service were to be provided in the future, would be paid for by a monthly customer charge. She clarifies that recycling is now universally required and is a part of the CC&R services. She states that Wrightwood is part of the San Bernardino County “night skies” ordinance and additional street lights would only be added to address health and safety issues.

Cynthia Beall, Wrightwood resident, states that her property is located in the “Blue Zone”. She states that the community is unaware of this meeting, and there is strong opposition within the community to the CSD formation. She states that she has a lack of confidence in the proposal and asks the Commission to deny the proposal.

Albert Morrisette, Phelan Pinon Hills CSD Board Member, expresses support for the proposal.

Tom Denard, Wrightwood resident, expresses his support for the CSD and states that the local community should be involved in planning sewer services. He expresses his support for more community meetings to better educate the Wrightwood residents.

Lynn Crawford, Chairman of the Wrightwood Sewer Committee, states that the committee is waiting for the County to complete a sewer feasibility study. She further states that adding the sewer planning and engineering services to the CSD could cause the community to pull their support from the CSD formation.

Charles Franklin, Wrightwood resident, asks for clarification regarding an “at large” election. He further states that Wrightwood has both a Municipal Advisory Committee and CSA 56, and questions the value of another layer of government, to which Ms. McDonald clarifies the definition of “at large” elections.

Leo Horsite, Wrightwood resident, expresses support for the CSD formation.

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Chuck Carroll, Wrightwood resident and member of the Municipal Advisory Committee, states that the sewer issue is beyond the scope of what the community can do and should not be the focus of the CSD.

Lois Steinman, Wrightwood resident and member of the Sewer Committee, expressed support for the CSD.

Chair Cox asks if there any comments from the Commission.

Commissioner Ramos states that approval of the CSD will allow the residents to be more involved in their community and favors approval. He further states that it is time to move on and give residents of Wrightwood the opportunity to vote on this issue.

Commissioner Williams asks about resident notification of the hearing to which Ms. McDonald states that each landowner was individually noticed, and a 1/8 page ad was published in the local newspaper.

Commissioner McCallon states his support for local control and for including the sewer planning and engineering service as part of the CSD.

Commissioner Curatalo states his support for the CSD formation.

Commissioner Bagley expresses support for the CSD. He further states that the CSD will allow the community to take control of its own destiny and speculated that decades from now Wrightwood may become an incorporated city.

Chair Cox cautions that by including the sewer planning and engineering function the Commission is creating a challenge for community support of the CSD.

Chair Cox calls for further testimony, there being none, closes the public hearing.

Commissioner Ramos moves approval of staff's recommendation, as modified, to include wastewater planning powers for LAFCO 3202, second by Commissioner Williams. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Cox, Curatalo, McCallon, Ramos, Williams. Noes: None. Abstain: None. Absent: Lovingood.

(It is noted that Commissioner Curatalo leaves the dais at 12:17 P.M.)

### **DISCUSSION ITEMS:**

#### **ITEM 10 REVIEW AND CONSIDERATION OF CONTRACT NO. 16-1001429 BETWEEN SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION AND LAFCO FOR LEASE OF HARVEY HOUSE PREMISES AND \$130,000 LOAN FOR INTERIOR IMPROVEMENTS LOCATED AT 1170 WEST 3<sup>RD</sup> STREET, UNIT 150, SAN BERNARDINO**

Commissioner McCallon moves approval of staff recommendation, second by Commissioner



Ramos. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Farrell, Cox, McCallon, Ramos, Williams. Noes: None. Abstain: None. Absent: Curatalo (Commissioner Farrell voting in his stead), Lovingood.

**ITEM 11 REVIEW AND ADOPTION OF AMENDMENTS TO LAFCO POLICY AND PROCEDURE MANUAL INCLUDING, BUT NOT LIMITED TO, SECTION III -- HUMAN RESOURCES POLICIES AND PROCEDURES, CHAPTER 2: EMPLOYMENT, AMENDING POLICY 2 (B) -- ESTABLISHMENT OF COMPENSATION RANGE FOR EXECUTIVE OFFICER AND ADDING POLICY 2 (F) EXECUTIVE OFFICER INCENTIVE PAYMENT**

Executive Officer Kathleen Rollings-McDonald presents the staff report for Amendments to the LAFCO Policy and Procedure Manual, a copy of which is on file in the LAFCO office and is made a part of the record by its reference here.

Ms. McDonald states that as a part of the ongoing discussions related to compensation for the Executive Officer, one issue that has been raised by Legal Counsel for LAFCO and Legal Counsel for SBCERA is that the position of Executive Officer has an annually set salary contract amount, and it is a flat rate set by the Commission. She notes that having a salary range for the Executive Officer position is advantageous for future recruitments. She states that staff is proposing a range for the Executive Officer position consisting of five levels.

Ms. McDonald also notes that the proposed policy change includes provisions for Commission authorized incentive payments to staff for superior performance, and that eligibility for incentive payments under the staff's proposal is limited to management level staff only which consists of the Executive Officer, Assistant Executive Officer and Project Manager positions. She states the one complication with this approach is that while the Commission has direct overview of the Executive Officer, all other staff report to the Executive Officer. She notes that this could require closed session discussions with the Commission and subordinate staff during annual performance reviews.

(It is noted that Commissioner Curatalo returns to the dais at 12:19 P.M.)

Chair Cox asks if there are any questions from the Commission.

Chair Cox states that she believes the Executive Officer position should be the only position eligible for the incentive payments, and that the Executive Officer can address other staff performance through merit increases.

Commissioner Warren expresses support for the Executive Officer salary range.

Commissioner McCallon expresses support limiting the incentive payments to the Executive Officer position.

Significant discussion on this issue ensues.

Commissioner Ramos asks if the Executive Officer position salary range can be approved today, and a decision on the performance incentive payments be deferred for future discussion

and consideration by the Commission

Clark Alsop, LAFCO legal counsel, responds affirmatively.

Commissioner Ramos moves approval of the establishment of the compensation range for the Executive Officer position as proposed by staff, second by Commissioner McCallon. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Cox, Curatalo, McCallon, Ramos, Williams. Noes: None. Abstain: None. Absent: Lovingood.

**ITEM 12 ADJOURN TO CLOSED SESSION OF THE LOCAL AGENCY FORMATION COMMISSION - -12:35 P.M.**

Chair Cox adjourns to Commission to closed session.

Personnel (Government Code Section 54957) – Employee Evaluation – Executive Officer

(It is noted that Commissioner Warren leaves the hearing at 12:53 P.M.)

**RECONVENE DISCUSSION SESSION – 12:55 P.M.**

Chair Cox asks LAFCO Legal Counsel Clark Alsop to report on the closed session. Mr. Alsop states that the Commission met in closed session and discussed the amendment number 6 to the contract for the Executive Officer. He states that the Commission was presented with a two page contract which considered and changed subsection e to item number 3 to include the following language, “SB LAFCO agrees that Contractor shall be eligible for a merit acknowledgement for extraordinary service to be determined by the Commission”. He states that the balance of amendment number 6 remains that same.

**ITEM 13. REVIEW AND ADOPTION OF CONTRACT AMENDMENT #6 WITH THE EXECUTIVE OFFICER**

Commissioner McCallon moves approval of contract amendment #6 of the Executive Officer with the change in subsection “e”, second by Commissioner Ramos. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Cox, Curatalo, McCallon, Ramos, Williams. Noes: None. Abstain: None. Absent: Lovingood.

**INFORMATION ITEMS:**

**ITEM 14 LEGISLATIVE UPDATE REPORT**

Executive Officer Kathleen Rollings-McDonald states that there is no legislative report. A copy of the CALAFCO daily legislative report dated July 19, 2016, has been provided to the Commission for information purposes, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here.

**ITEM 15 EXECUTIVE OFFICER'S ORAL REPORT**

Ms. McDonald presents that Executive Officer's oral report and states that a city and public member position is open on the CALAFCO Board of Directors and if there is interest by any of the commissioners to let her know. She states that the annual CALAFCO merit award nominations are now open and recommends the Commission submit the three fire reorganizations completed this year for consideration as Project of the Year. Finally, she requests that if any of the Commissioners are interested in attending the annual CALAFCO conference in Santa Barbara on October 25 – 27, to advise the Commission Clerk as soon as possible.

(It is noted that Commissioner Ramos leaves the hearing at 12:58 P.M.)

Commissioner Bagley moves approval of submitting the three fire reorganizations to CALAFCO for consideration for a merit award, second by Commissioner McCallon. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Cox, Curatalo, McCallon, Williams. Noes: None. Abstain: None. Absent: Lovingood, Ramos.

**ITEM 16 COMMISSIONER COMMENTS**

There are none.

**ITEM 17 COMMENTS FROM THE PUBLIC**

There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION THE HEARING IS ADJOURNED AT 12:59 P.M.**

**ATTEST:**

\_\_\_\_\_  
**KATHLEEN ROLLINGS-McDONALD**  
Executive Officer

**LOCAL AGENCY FORMATION COMMISSION**

\_\_\_\_\_  
**KIMBERLY COX, Chair**

**ACTION MINUTES OF THE  
LOCAL AGENCY FORMATION COMMISSION  
HEARING OF August 17, 2016**

**REGULAR MEETING**

**9:00 A.M.**

**August 17, 2016**

**PRESENT:**

<b>COMMISSIONERS:</b>	<b>Jim Bagley</b>	<b>Aquanetta Warren, Alternate</b>
	<b>James Ramos, Vice Chair</b>	<b>Diane Williams</b>
	<b>Janice Rutherford</b>	

**STAFF:**

**Kathleen Rollings-McDonald, Executive Officer**  
**Clark Alsop, LAFCO Legal Counsel**  
**Samuel Martinez, Assistant Executive Officer**  
**Michael Tuerpe, Project Manager**  
**Jeffrey Lum, LAFCO Analyst**  
**Bob Aldrich, LAFCO Consultant**

**ABSENT:**

<b>COMMISSIONERS:</b>	<b>Kimberly Cox, Chair</b>	<b>Larry McCallon</b>
	<b>Jim Curatalo</b>	<b>Thurston "Smitty" Smith</b>
	<b>Robert Lovingood</b>	<b>Steve Farrell</b>

**CONVENE REGULAR SESSION OF THE LOCAL AGENCY FORMATION COMMISSION  
– CALL TO ORDER – 9:03 A.M. – SAN BERNARDINO CITY COUNCIL CHAMBERS**

Vice Chair Ramos calls the regular session of the Local Agency Formation Commission to order and requests Commissioner Williams to lead the flag salute.

Vice Chair Ramos calls for comments from the public regarding the closed session item. There are none.

**ADJOURN TO CLOSED SESSION OF THE LOCAL AGENCY FORMATION  
COMMISSION – 9:07 A.M.**

Personnel (Government Code Section 54957) – Employee Evaluation – Executive Officer

**CONVENE PUBLIC SESSION – 9:20 A.M.**

Vice Chair Ramos asks LAFCO Legal Counsel Clark Alsop to report on the closed session. Mr. Alsop states that no reportable action was taken in closed session.

**ANNOUNCEMENT OF CONTRIBUTIONS**

Vice Chair Ramos requests those present who are involved with any of the changes of organization to be considered today by the Commission and have made a contribution of more than \$250 within the past 12 months to any member of the Commission to come

forward and state for the record their name, the member to whom the contribution has been made, and the matter of consideration with which they are involved. There was none.

**CONSENT ITEMS – ITEMS #2, #3, AND #4; and,**  
**ITEM 6 -- CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3208; AND (2) LAFCO 3208 – SPHERE OF INFLUENCE AMENDMENT FOR THE WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT; and,**  
**ITEM 7 --CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3209; AND (2) LAFCO 3209 – REORGANIZATION TO INCLUDE ANNEXATIONS TO THE WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT AND ITS ASSESSMENT DISTRICT NO. 1 AND ZONE A -- CONTINUED TO THE SEPTEMBER 21, 2016 HEARING**

Executive Officer Kathleen Rollings-McDonald states that four Commission votes are required to move items forward, and because Vice Chair Ramos and Commissioner Rutherford have identified conflicts with Items 6 and 7 on the agenda, this leaves only three Commissioners to vote. She states that these items require continuance to the September 21, 2016 hearing. Ms. McDonald further states that because of the absence of Rebecca Lowery, Clerk to the Commission, staff is recommending that all of the items on the consent calendar also be continued to the September 21, 2016 hearing.

Vice Chair Ramos asks the Commission to consider a motion and second to continue Items 2, 3, 4, 6 and 7 to the September 21, 2016 hearing.

Commissioner Warren moves approval of the recommended continuance of Items 2, 3, 4, 6 and 7 to the September 21, 2016 meeting, second by Commissioner Williams. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Ramos, Rutherford, Warren and Williams. Noes: None. Abstain: None. Absent: Cox, Curatalo, Lovingood (Ms. Rutherford voting in his stead), McCallon (Ms. Warren voting in his stead)

**PUBLIC HEARING ITEMS:**

**ITEM 5        CONSENT ITEMS DEFERRED FOR DISCUSSION**

No items deferred for discussion.

**DISCUSSION ITEMS:**

**ITEM 8        REVIEW AND CONSIDERATION OF AMENDMENTS AND UPDATES TO LAFCO POLICY AND PROCEDURE MANUAL DEFINED AS: (A.) UPDATE SECTION II – ACCOUNTING AND FINANCIAL POLICIES – ADD, AMEND; (B.) UPDATE SECTION III – HUMAN RESOURCES – ADD, AMEND; (C.) UPDATE SECTION IV – APPLICATION/PROJECT PROCESSING – AMEND; AND (D.) UPDATE SECTION VII – FORMS – ADD, RESCIND – ALL UPDATES APPROVED**

Project Manager Michael Tuerpe presents the staff report, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here. Mr. Tuerpe

states that in June 2012 the Commission directed that an annual review of the LAFCO Policy and Procedure Manual be undertaken in August or September of every year to ensure the document remains current. He indicates that the 2016 amendments relate to specific policies and forms and, in general, are non-controversial.

Mr. Tuerpe states that in April 2008, during the discussion of the 2008-2009 proposed budget, the Commission voiced its position to adopt a policy regarding the implementation of the mandatory apportionment process to provide some budgetary certainty to the independent special districts and cities. He states that the policy is to request that the County Auditor use the apportionment distribution provided during the proposed LAFCO budget review in April of each year using existing State Controller data. Mr. Tuerpe indicates that this would result in the apportionment of the Commission's net costs to the county, cities and independent special districts – regardless if new State Controller data are issued prior to the July 1 billing date. He further states that a policy taking this position was inadvertently omitted from past Policy and Procedure Manual updates and recommends the Commission adopt the policy related to the apportionment process, as reflected in Resolution No. 3232.

Executive Officer McDonald adds that this policy is an important protection measure for LAFCO's member agencies. She further states that LAFCO is required to adopt its budget well in advance of cities and special districts, and this policy provides stability for the entities that fund LAFCO by not apportioning a different amount after their final budgets are prepared.

Vice Chair Ramos asks if the Commission has any questions regarding the proposed apportionment policy. There are none.

Project Manager Tuerpe introduces a proposed change to "Filing Fee Refund" policy. He indicates that the proposal is to simplify the milestones used to determine a refund of LAFCO filing fees for a withdrawn application. He states that the proposed amendment to the policy would change the refunds as follows: if an application is withdrawn following issuance of the Notice of Filing but prior to property tax negotiations for changes of organization or Department Review Committee consideration for sphere of influence amendments, the applicant would receive a 2/3 refund. If an application is withdrawn following commencement of property tax negotiations or Department Review Committee consideration but prior to the advertisement of the Commission's consideration, the applicant would receive a 1/3 refund. If an application is withdrawn following advertisement of the Commission's consideration, the applicant would receive no refund.

Vice Chair Ramos asks if the Commission has any questions regarding the proposed refund policy. There are none.

Mr. Tuerpe introduces a proposed amendment to the Commission's Indemnification policy. He advises the Commission that the current policy requires an applicant and/or real party in interest to indemnify LAFCO upon submission of an application, but that the policy does not clearly reference a fire protection contract. He states that the proposed policy language addressing indemnification specifically references fire protection contracts.

Vice Chair Ramos asks if the Commission has any questions regarding the proposed refund policy.

Commissioner Bagley states that the policy language is fairly broad and he asks if an application for disincorporation would be covered by the proposed policy.

Executive Officer McDonald responds affirmatively and states that, by definition, a change of organization includes a wide range of actions including disincorporation, incorporation, consolidation, etc. She states that the intent of the policy is to require indemnification for all applications submitted to LAFCO.

Project Manager Tuerpe introduces two technical amendments to the Human Resources and Benefits Section of the LAFCO Policy and Procedure Manual. He states that the Human Resources and Benefits Section policies mirror those of the County's Exempt Compensation Plan, but that two changes made by the County in December 2015 were unknown to LAFCO staff at that time. Mr. Tuerpe states that the changes include: (1) minor changes to language to include disability and medical emergency leave as not counting towards step advancements, and (2) a change to the Flexible Spending Account policy to eliminate the current \$10 minimum in order for the Commission to match an employee's flexible spending account.

Vice Chair Ramos asks if the Commission has any questions regarding the proposed technical amendments to the Human Resources and Benefits Section. There were none.

Mr. Tuerpe introduces a proposed amendment to the Disadvantaged Unincorporated Community Annexation policy that currently requires data collection and mapping of disadvantaged unincorporated communities be performed annually. He states that the amendment would now require data collection and mapping to be conducted every five years. He further states that because the location of disadvantaged unincorporated communities can impact annexation and sphere of influence applications as well as service reviews, this change will provide clarity to potential applicants.

Vice Chair Ramos asks what the impact would be changing from an annual update to a five-year update of the disadvantaged unincorporated maps.

Executive Officer McDonald responds that a city annexation application typically takes between 12 to 18 months to finalize given the need for preparation of pre-zoning, plan for service, environmental review, property tax transfer and other processing requirements. She indicates that during this time, new mapping may be completed which changes the location of disadvantaged unincorporated communities and can significantly impact annexation applications. Ms. McDonald cites a proposed annexation to the City of Loma Linda as an example. She states the proposed change would provide a level of certainty to potential applicants.

Commissioner Bagley asks if cities are required to show disadvantaged communities within their General Plans.

Executive Officer McDonald responds affirmatively. She states that the definitions LAFCO and the State use to define disadvantaged unincorporated communities are not uniform.

Commissioner Bagley states that his primary concern is that everyone uses consistent data.

Executive Officer McDonald responds that the CALAFCO is discussing sponsorship of a statewide map using GIS data to be used as a statewide depository.

Project Manager Tuerpe states that at its May 18, 2016 hearing the Commission was provided a copy of the updated "Written Protest Instructions and Form" document. Mr. Tuerpe states that the new form, which was used at the Needles protest hearing, combines landowner protest and registered voter protest information in a single form to eliminate confusion. To formalize the update, he recommends that the Commission rescind both the current "Landowner Protest Petition" form and the "Registered Voter Protest Petition" form and add the "Written Protest Form" to the Manual.

Vice Chair Ramos asks if the Commission has any questions regarding the updated protest form. There are none.

Vice Chair Ramos asks if there are any comments from the public on Item 8. There are none.

Commissioner Williams moves approval of the staff recommended additions, amendments and recessions to the LAFCO Policy and Procedure Manual, second by Commissioner Warren. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Ramos, Rutherford, Warren and Williams. Noes: None. Abstain: None. Absent: Cox, Curatalo, Lovingood (Ms. Rutherford voting in his stead), McCallon (Ms. Warren voting in his stead)

**ITEM 9: REVIEW AND CONSIDERATION OF POLICY UPDATES RELATED TO APPROVAL OF SB 239 – CONTRACTS FOR THE PROVISION OF FIRE PROTECTION – APPROVED** *(Continued from the June 15, 2016 Hearing)*

Executive Officer Rollings-McDonald provides introductory comments to this item and states that the proposed policy establishes a new process for LAFCO review of fire protection contracts.

Assistant Executive Officer Samuel Martinez presents the staff report, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here. Mr. Martinez provides an overview of Senate Bill 239, authored by Senator Robert Hertzberg, which addresses new requirements for fire contracts between two or more public agencies – both local and state agencies – for the delivery of fire protection and emergency medical response. He states that prior to this bill being enacted, a contract between two or more public agencies would have been processed as an exemption from LAFCO review pursuant to Government Code Section 56133(e)(1). Mr. Martinez further states that in order to implement SB 239, the bill's author encouraged each LAFCO to create local policies to best implement the law based on local conditions and/or other local policies.



Assistant Executive Officer Martinez describes terms and procedures within Section 56134 that are not defined by statute and indicates that such terms need to be clearly defined. He indicates the terms that require further clarification include, "affected public agency(ies)," "employment status," and "jurisdictional boundaries," and provides proposed clarifying language. Mr. Martinez also summarizes proposed changes to clarify the application and review process of fire contracts which include, but not limited to, new application, mapping, and plan of service requirements, and LAFCO review procedures all of which are detailed in Draft Resolution No. 3233 and discussed in the staff report. Mr. Martinez also responds to a comment letter from CALFIRE which is included as an attachment to the staff report. Finally, he recommends that the Commission approve the proposed policies and procedures for fire protection contracts as a new chapter of the Application Processing section of its Policy and Procedure Manual and approve the New Application Form for Fire Protection Contracts.

Vice Chair Ramos asks if the Commission has any questions regarding Item 9. There are none.

Vice Chair Ramos asks if there are any comments from the public on Item 9. There are none.

Commissioner Warren moves approval of the staff recommended additions, amendments and recessions to the LAFCO Policy and Procedure Manual, second by Commissioner Rutherford. There being no opposition, the motion passes unanimously with the following roll call vote: Ayes: Bagley, Ramos, Rutherford, Warren and Williams. Noes: None. Abstain: None. Absent: Cox, Curatalo, Lovingood (Ms. Rutherford voting in his stead), McCallon (Ms. Warren voting in his stead)

**ITEM 10: STATUS REPORT ON LAFCO 3189 – SPECIAL STUDY FOR MORONGO VALLEY COMMUNITY SERVICES DISTRICT**

Project Manager Michael Tuerpe presents the staff report, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here. He reminds the Commission that a special study of the Morongo Valley Community Services District was completed by staff in July 2015 at the request of a CSD director. At that time, the Commission requested biannual updates thereafter with the first update provided to the Commission in February 2016. Mr. Tuerpe states that at the time of the February update, a special election was scheduled for June 2016 to consider converting the District's current fire assessment to a special parcel tax. He reports that the proposal was unsuccessful, and that funding for fire services by the Morongo Valley Community Services District remains challenging.

Mr. Tuerpe provides a recap of recent audits, stating that the District ended FY 2012-13 with a \$48,000 deficit and FY 2013-14 with an \$112,000 deficit. He further states that the District initiated painful cuts in staffing and salaries and received additional State reimbursement revenue to barely break-even for FY 2014-15.

MINUTES OF AUGUST 17, 2016 HEARING

Referencing unaudited year end data for FY 2015-16, Mr. Tuerpe states that the District ended the year generally in a break-even scenario with an increase of \$8,700 to the fund balance. He further notes that the District incurred a large expense of \$30,000 related to repairs of its fire truck but was able to absorb this expense due to revenue gained from strike team work via its contract with the State Office of Emergency Services. Mr. Tuerpe states that the District recently sold property that was no longer used, and the first sale payment of \$27,012 was placed in a Contingency Reserve. He notes that the second payment of \$38,871 was received after the close of the fiscal year and will be added to the Contingency Reserve in FY 2016-17.

Mr. Tuerpe states that the District has an MOU with CalFire to send strike teams when requested by CalFire. He further states that CalFire provides a brush truck, back-up when requested which reduces the District's overtime, and reimbursement when teams are sent to respond to fire areas. Mr. Tuerpe also notes that as of July 2016, the District can now backfill the Yucca Valley CalFire station when its teams are deployed and be eligible for reimbursement.

In conclusion, Mr. Tuerpe states that given the failure of the special election, the District is assembling an Ad-Hoc Committee to develop a 5-year sustainable staffing and budget plan for the District. He notes that the District's hard work to reduce expenses should be recognized, and while the District has adopted a sustainable budget for the last two years, he cautions that any unanticipated catastrophic event could severely impact District operations given its razor-thin budget surplus. Mr. Tuerpe recommends that the Commission direct staff to return with the next status report in February 2017 at which time staff will present the FY 2015-16 audit and mid-year report for FY 2016-17. Mr. Tuerpe states that the staff's recommendation is that the Commission receive the report and file.

Vice Chair Ramos asks if the Commission has any questions regarding Item 10. There are none.

Vice Chair Ramos asks if there are any comments from the public on Item 10.

Donna Munoz, General Manager of the Morongo Valley Community Services District, states that she appreciates working with LAFCO. She states that two months after she became General Manager she reduced her salary and made other District-wide adjustments to enable the District to end up in the black, including a \$65,000 addition to the reserves. She states that securing a fire truck replacement is the District's highest priority and that the District is committed to maintaining a balanced budget.

Vice Chair Ramos asks if there are any comments from the commission on Item 10.

Commissioner Bagley commends General Manager Munoz for taking a pay cut and points out two issues for the District board members to consider – an increase of \$50,000 in employee compensation that impacts the budget and an over reliance on reimbursement funds from the emergency strike team to balance the budget which he characterizes as non-sustainable.

Commissioner Warren questions whether the District is in communication with its constituents regarding the budget and other issues of concern.

Executive Officer Kathleen Rollings-McDonald responds that the District has conducted a number of community meetings, and Morongo Valley residents are aware of the ongoing issues.

Vice Chair Ramos asks, if conditions change, whether this item can be brought back before the Commissioner prior to February 2016.

Executive Officer Kathleen Rollings-McDonald responds affirmatively.

**ITEM 11: STATUS REPORT ON RIM OF THE WORLD PARK AND RECREATION DISTRICT**

Project Manager Michael Tuerpe presents the staff report, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here. He states that the District was the subject of a service review which identified serious budget issues, and the Commission required biannual updates. Mr. Tuerpe states that the District has improved significantly since the service review, adopting sustainable budgets and filling staff vacancies. He further states that unaudited numbers for FY 2015-16 show a net gain of \$36,000 for the year. He notes that a \$50,000 expenditure for the election of new board members budgeted in FY 2015-16 did not occur due to a lack of candidates which would have changed the positive to a negative balance.

Mr. Tuerpe notes that the District provides childcare services and that budgeting for this service has been strained due to changing demographics and decreasing demand. He further states that to address this issue, the District has reduced the number of childcare centers from three to two, and this will help the long-term sustainability of this service.

In reviewing the General Operating reserve, Mr. Tuerpe notes that the reserve level does not meet the minimum recommended level of 10% of expenditures. However, he states that the District's \$327,712 in unassigned fund balance can be used to satisfy the 10% general reserve level. He notes that the District has a \$22.00 parcel tax with no inflationary factor, and that this limits the District's purchasing power in future years.

In summary, Mr. Tuerpe indicates that the District has come a long way since the service review and has been responsive to all of LAFCO's requests for data and meetings. He cautions the Board of Directors to carefully evaluate the acquisition of new facilities that lack a sustainable revenue source for operations and maintenance as this would further stress the flat parcel tax. Mr. Tuerpe notes that this is the final status report scheduled for the District and indicates that next review would be included in the countywide park and recreation service review scheduled for FY 2018-19.

Vice Chair Ramos asks if there are any comments from the public on Item 11. There were none.

Vice Chair Ramos asks if there are any comments from the commission on Item 11.

Commissioner Bagley questions the \$50,000 cost for an election of Board members and asks for an estimate of registered voters within the District. Executive Officer Kathleen Rollings-McDonald responds that she believes the number of registered voters within the District is in the \$35,000 range, and that the election cost seems in line with previous election efforts

Commissioner Rutherford acknowledges the District's financial difficulties and offers County assistance to develop long-term budget solutions and to connect the District with outside assistance and support.

### **INFORMATION ITEMS**

#### **ITEM 12 LEGISLATIVE UPDATE ORAL REPORT**

Executive Officer Kathleen Rollings-McDonald presents the oral legislative report. She states that Senate Bill 1318 – Wolk, which addresses revisions to existing law regarding water issues within and near disadvantaged unincorporated communities, has died. Ms. Rollings-McDonald notes that SB 1266 – McGuire, which addresses joint powers agreements, AB 2910 – the Assembly Local Government Committee's omnibus bill proposing technical, non-substantive changes to LAFCO law, and AB 2032 – Linder, which proposes minor changes to disincorporation law have all been sent to the Governor for signature. She further notes that bills to correct the transfer of motor vehicle in lieu fees for inhabited annexations and four recently incorporated cities in Riverside County have died.

#### **ITEMS 13 EXECUTIVE OFFICER'S ORAL REPORT**

Executive Officer Kathleen Rollings-McDonald presents the Executive Officer's oral report and states that a request for determination of exemption for a contract between the Chino Basin Water Conservation District and the Inland Empire Resource Conservation District, which had no development impacts, was approved administratively. She also advises the Commission that Pamela Miller, Executive Officer of CALAFCO, will appear before the Little Hoover Commission on August 25, 2016 to discuss special districts. Ms. Rollings-McDonald further states that the September hearing will largely be limited to the continued items from today's hearing and possibly an item concerning the Apple Valley Heights Water District. Finally, Ms. Rollings-McDonald informs the Commission that staff will be attending a community meeting in Wrightwood to respond to questions regarding the proposed community services district, and she requests that commissioners advise staff as soon as possible if there is interest in attending the annual CALAFCO conference scheduled for late October in Santa Barbara.

#### **ITEM 14 COMMISSIONER'S COMMENTS**

Commissioner Warren states that any interested person can donate to victims of the Blue Cut Fire through the local Red Cross.

Commissioner Ramos notes that an air show will be held on September 10, 2016 at San Bernardino International Airport.

**ITEM 15 COMMENTS FROM THE PUBLIC**

Priscilla Williams from the Arrowhead Villas Mutual Service Company requests consideration for additional funding from LAFCO to pay for a portion of their major water projects planned over the next few years.

Vivian Castro from the Chino Basin Water Conservation District updates the Commission on several joint projects the District is undertaking with other agencies throughout the County.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE HEARING IS ADJOURNED AT 10:38 A.M.**

**ATTEST:**

\_\_\_\_\_  
**KATHLEEN ROLLINGS-McDONALD**  
Executive Officer

**LOCAL AGENCY FORMATION COMMISSION**

\_\_\_\_\_  
**KIMBERLY COX, Chair**

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE: SEPTEMBER 14, 2016**

**FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer**

**TO: LOCAL AGENCY FORMATION COMMISSION**

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**SUBJECT: AGENDA ITEM #2 – APPROVAL OF EXECUTIVE OFFICER’S  
EXPENSE REPORT**

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## **RECOMMENDATION:**

Approve the Executive Officer’s Expense Report for Procurement Card Purchases for the months of July and August 2016 as presented.

## **BACKGROUND INFORMATION:**

The Commission participates in the County of San Bernardino’s Procurement Card Program to supply the Executive Officer a credit card to provide for payment of routine official costs of Commission activities as authorized by LAFCO Policy and Procedure Manual Section II – Accounting and Financial Policy #3(H). Staff has prepared an itemized report of purchases that covers the billing periods of June 23, 2016 through July 22, 2016 and July 23, 2016 through August 22, 2016.

Staff recommends that the Commission approve the Executive Officer’s expense report as shown on the attachment.

KRM/mt

Attachment



COUNTY OF SAN BERNARDINO  
PROCUREMENT CARD PROGRAM

Page 1 of 1

MONTHLY PROCUREMENT CARD PURCHASE REPORT

Card Number		Cardholder			Billing Period		
787 0000000000		Kathleen Rollings-McDonald			6/23/16 to 7/22/16		
Date	Vendor Name	Receipt/ Invoice No.	Item Description	Purpose	\$ Amount	Reconciled (R) Disputed (D)	Sales Tax Included on invoice (Yes or No)
6-23	Chevron	1	Gas Purchase	Gas to Needles	34.41	R	Y
6-23	Lola Kitchen	2	Lunch – Rollings-McDonald, Martinez, Aldrich	Needles Protest Hearing	43.02	R	Y
6-24	76 Gas	3	Gas Purchase	Gas from Needles	62.83	R	Y
6-24	Enterprise Rent-a-Car	4	Payment	Car Rental - Needles	72.60	R	Y
6-24	Denny's	5	Dinner - Rollings-McDonald, Martinez, Aldrich	Needles Protest Hearing	58.38	R	Y
6-29	Thomson West	6	Payment	Law Library Updates	190.91	R	Y
6-29	Frontier	7	Payment	Phone Line for Alarm & Fax	48.62	R	N
6-29	Century Link	8	Payment	Conference Call Service	61.47	R	Y
6-30	Frontier	9	Payment	Phone line for Internet	1750.66	R	Y
7-01	Store retrieve	10	Payment	Records Storage and Maintenance	49.03	R	N
7-1	Daisy IT	11	Payment	Office Supplies	141.22	R	Y
7-1	Daisy IT	12	Payment	Office Supplies	449.24	R	Y
7-1	Daisy IT	13	Payment	Office Supplies	70.00	R	Y

The undersigned, under penalty of perjury, slates the above information to be true and correct. If an unauthorized purchase has been made, the undersigned authorizes the County Auditor/Controller-Recorder to withhold the appropriate amount from their payroll check after 15 days from the receipt of the cardholder's Statement of Account.

<b>Cardholder (Print &amp; Sign)</b> Kathleen Rollings-McDonald 	<b>Date</b> 8-29-16
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<b>Approving Official (Print &amp; Sign)</b> Kimberley Cox, Chair	<b>Date</b> 9-21-16
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# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE :** SEPTEMBER 14, 2016

**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer 

**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #3 - RATIFY PAYMENTS AS RECONCILED FOR MONTHS OF JULY AND AUGUST 2016 AND NOTE REVENUE RECEIPTS**

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## **RECOMMENDATION:**

Ratify payments as reconciled for the months of July and August 2016 and note revenue receipts for the same period.

## **BACKGROUND INFORMATION:**

Staff has prepared a reconciliation of warrants issued for payments to various vendors, internal transfers for payments to County Departments, cash receipts and internal transfers for payments of deposits or other charges that cover the period of July 1, 2016 through August 31, 2016.

The process for obtaining the reconciliation data has been altered for the months of July and August. The monthly reports issued by the County Auditor-Controller/Treasurer/Tax Collector (ATC) will not be available until late September. Instead of waiting for these reports and then presenting the Commission with three months of reconciliations, staff has manually extracted the data from the County's Financial Accounting System for July and August.

Staff is recommending that the Commission ratify the payments for July and August outlined on the attached listings and note the revenues received.

KRM/MT

Attachment

# MONTHLY RECONCILIATION OF PAYMENTS

MONTH OF JULY 2016 PAYMENTS PROCESSED					
VOUCHER ID		ACCOUNT	NAME	WARRANT DATE	AMOUNT
PV890	8585	2445	City of San Bernardino	7/13/16	\$ 300.00
PV890	8586	2085	CNSB - LEGAL ADS	7/14/16	\$ 1,509.20
PV890	8587	2400	Best, Best, & Krieger	7/13/16	\$ 4,188.23
PV890	8588	2445	Aldrich and Associates	7/13/16	\$ 3,600.00
PV890	8589	2424	Tom Dodson & Associates	7/13/16	\$ 765.00
PV890	8590	2445/2940	Jim Bagley	7/13/16	\$ 297.10
PV890	8591	2445/2940	Kimberly Cox	7/13/16	\$ 258.32
PV890	8592	2445/2940	James Curatalo	7/13/16	\$ 227.00
PV890	8593	2445/2940	Steven Farrell	7/13/16	\$ 217.82
PV890	8594 01-02	2445	Ramos, Lovingood	7/13/16	\$ 400.00
PV890	8595	2445/2940	Thurston Smith	7/19/16	\$ 248.06
PV890	8596	2445/2940	Acquanetta Warren	7/19/16	\$ 217.28
PV890	8597	2445/2940	Diane Williams	7/19/16	\$ 228.08
<b>TOTAL</b>					<b>\$ 12,456.09</b>
MONTH OF JULY 2016 INTERNAL TRANSFERS PROCESSED					
JVATXRT19530		2308	CAL-CARD JUNE 2016	7/13/16	\$ 7,146.97
JV PUR RT00387		2310	MAIL SERVICES - CENTRAL MAIL	7/15/16	\$ 71.27
JV PUR RT00389		2310	MAIL SERVICES - CENTRAL MAIL	7/15/16	\$ 24.61
JV PUR RT00390		2310	MAIL SERVICES - CENTRAL MAIL	7/15/16	\$ 2.66
JV PUR RT00392		2310	MAIL SERVICES - CENTRAL MAIL	7/15/16	\$ 336.00
JV PUR RT00394		2310	MAIL SERVICES - CENTRAL MAIL	7/15/16	\$ 2,626.21
JV IB 12012421D		2421	JULY 2016 ISD DIRECT	7/14/16	\$ 218.16
JV 890 RT000077		2424	FILE NOD WITH CLERK OF BOARD	7/5/16	\$ 50.00
JV 890 RT000062		2445	ROV - LAFCO 3206 & 3202	7/5/16	\$ 358.76
JV PR R15XFRN0172		2940	REIMBURSEMENT CLAIM - STAFF MILEAGE, YEAR END	7/20/16	\$ 19.98
JV PR R14XFRN0167		2940	REIMBURSEMENT CLAIM - STAFF MILEAGE, YEAR END	7/6/16	\$ 160.89
JV PR R14XFRN0167		2943	REIMBURSEMENT CLAIM - STAFF MEALS, YEAR END	7/6/16	\$ 214.63
JV PR R14XFRN0168		2946	REIMBURSEMENT CLAIM - STAFF OTHER, YEAR END	7/6/16	\$ 100.35
<b>TOTAL</b>					<b>\$ 11,330.49</b>



# MONTHLY RECONCILIATION OF PAYMENTS

## MONTH OF JULY 2016 CASH RECEIPTS

DOCUMENT ID	ACCOUNT	DESCRIPTION	DEPOSIT DATE	AMOUNT
JV TZ RT160713048	8500	Interest	7/26/16	\$ 2,116.30
CR ATX A00614	8842	Lake Arrowhead Community Services	7/13/16	\$ 9,885.54
CR ATX A00614	8842	Chino Hills	7/18/16	\$ 14,136.28
CR ATX A00614	8842	Ontario	7/18/16	\$ 55,636.35
CR ATX A00614	8842	Yucaipa	7/18/16	\$ 4,243.00
CR ATX A00425	8842	Apple Valley Fire Protection	7/18/16	\$ 9,885.54
CR ATX A00614	8842	Crestline Lake Arrowhead Water Agency	7/18/16	\$ 9,885.54
CR ATX A00614	8842	Running Springs Water	7/18/16	\$ 9,885.54
CR ATX A00677	8842	Highland	7/19/16	\$ 4,201.27
CR ATX A00677	8842	San Bernardino	7/19/16	\$ 35,406.60
CR ATX A00677	8842	Yucaipa Valley Water	7/19/16	\$ 20,000.00
CR ATX A00897	8842	Grand Terrace	7/21/16	\$ 1,249.71
CR ATX A00897	8842	Rancho Cucamonga	7/21/16	\$ 22,840.21
CR ATX A00897	8842	Yucca Valley	7/21/16	\$ 2,062.83
CR ATX A00897	8842	Inland Empire Utilities Agency	7/21/16	\$ 30,000.00
CR ATX A00897	8842	Mojave Water Agency	7/21/16	\$ 30,000.00
CR ATX A00972	8842	Barstow	7/25/16	\$ 5,815.29
CR ATX A00971	8842	Twentynine Palms	7/25/16	\$ 1,439.81
CR ATX A00972	8842	Big Bear City Community Services	7/25/16	\$ 9,885.54
CR ATX A00972	8842	East Valley Water	7/25/16	\$ 20,000.00
CR ATX A00971	8842	Hi-Desert Water District	7/25/16	\$ 9,885.54
CR ATX A00971	8842	San Bernardino Valley Municipal Water	7/25/16	\$ 30,000.00
CR ATX A01276	8842	West Valley Water District	7/25/16	\$ 20,000.00
CR ATX A01036	8842	Needles	7/26/16	\$ 760.02
CR ATX A01036	8842	Victorville	7/26/16	\$ 19,024.17
CR ATX A01036	8842	Joshua Basin Water	7/26/16	\$ 9,885.54
CR ATX A01094	8842	Montclair	7/27/16	\$ 4,776.97
CR ATX A01212	8842	Redlands	7/29/16	\$ 18,334.99
CR ATX A01212	8842	Chino Valley Independent Fire	7/29/16	\$ 20,000.00
CR ATX A01212	8842	Monte Vista Water	7/29/16	\$ 9,885.60
<b>TOTAL</b>				<b>\$ 441,128.18</b>

# MONTHLY RECONCILIATION OF PAYMENTS

## MONTH OF JULY 2016 INTERNAL TRANSFERS RECEIVED

TRANSFER DOCUMENT ID	ACCOUNT	NAME	TRANSFER DATE	AMOUNT
		NONE		\$ -
<b>TOTAL</b>				\$ -



Michael Tuerpe, Project Manager

9/12/2016

DATE

RECONCILIATION APPROVED BY:



KATHLEEN ROLLINGS-McDONALD, Executive Officer

9/12/2016

DATE



# MONTHLY RECONCILIATION OF PAYMENTS

MONTH OF AUGUST 2016 PAYMENTS PROCESSED					
VOUCHER ID		ACCOUNT	NAME	WARRANT DATE	AMOUNT
PV890	8598	2305	Crown Printers	8/18/16	\$ 98.51
PV890	8599	2075	CALAFCO - DUES	8/18/16	\$ 8,107.00
PV890	8600	1235	SDRMA - Workers' Comp	8/23/16	\$ 1,966.40
PV890	8601	2245	SDRMA - Property/Liability Insurance	8/18/16	\$ 9,050.47
PV890	8602	2445	Aldrich and Associates	8/18/16	\$ 3,600.00
PV890	8603	2085	CNSB - Legal Ads	8/18/16	\$ 2,023.10
PV890	8604	2445	Aldrich and Associates	8/24/16	\$ 3,600.00
PV890	8605	2905	City of San Bernardino - Chambers Rental	8/26/16	\$ 550.00
PV890	8606	2445/2940	Best, Best, & Krieger	8/24/16	\$ 5,660.28
PV890	8607	2445/2940	Jim Bagley	8/24/16	\$ 297.10
PV890	8608	2445/2940	Kimberly Cox	8/24/16	\$ 258.32
PV890	8609	2445/2940	James Curatalo	8/24/16	\$ 27.00
PV890	8610	2445/2940	Steven Farrell	8/24/16	\$ 217.82
PV890	8611 01-03	2445	Ramos, Lovingood, McCallon	8/24/16	\$ 600.00
PV890	8612	2445/2940	Acquanetta Warren	8/24/16	\$ 217.28
PV890	8613	2445/2940	Diane Williams	8/24/16	\$ 28.08
PV890	8614	2090	SANBAG - Depot Renovation Deposit	8/11/16	\$ 100,000.00
PV890	8615-8623		NOT YET PROCESSED		
PV890	8624	2445	City of San Bernardino	8/31/16	\$ 600.00
<b>TOTAL</b>					<b>\$ 136,901.36</b>
MONTH OF AUGUST 2016 INTERNAL TRANSFERS PROCESSED					
JVIB 02062037D		2037	JULY 2016 PHONE	8/9/16	\$ 225.96
JV PUR RT01694		2310	MAIL SERVICES - CENTRAL MAIL	8/16/16	\$ 4.86
JV PUR RT01699		2310	MAIL SERVICES - CENTRAL MAIL	8/16/16	\$ 110.03
JV PUR RT01703		2310	MAIL SERVICES - CENTRAL MAIL	8/16/16	\$ 188.00
JV PUR RT01708		2310	MAIL SERVICES - CENTRAL MAIL	8/16/16	\$ 9.86
JV PUR RT01733		2310	MAIL SERVICES - CENTRAL MAIL	8/16/16	\$ 285.76
JV PUR RT01696		2310	MAIL SERVICES - CENTRAL MAIL	8/15/16	\$ 103.58
JV PUR RT01712		2310	MAIL SERVICES - CENTRAL MAIL	8/15/16	\$ 9,883.77



# MONTHLY RECONCILIATION OF PAYMENTS

JV IB 01082410AB	2410	JULY 2016 DATA PROC	8/8/16	\$	120.80
JV IB 01082410AG	2410	JULY 2016 DATA PROC	8/8/16	\$	150.93
JV IB 01082410C	2410	JULY 2016 DATA PROC	8/8/16	\$	55.12
JV IB 01082410H	2410	JULY 2016 DATA PROC	8/8/16	\$	123.46
JV IB 01082410M	2410	JULY 2016 DATA PROC	8/8/16	\$	38.29
JV IB 01082410R	2410	JULY 2016 DATA PROC	8/8/16	\$	146.30
JV IB 01082410W	2410	JULY 2016 DATA PROC	8/8/16	\$	17.35
JV IB 01082420J	2420	JULY 2016 ISD OTHER IT SERVICES	8/9/16	\$	17.47
JV IB 01082421D	2421	AUGUST 2016 ISD DIRECT	8/8/16	\$	743.94
JV 890 RT01158	2424	FILE NOD WITH CLERK OF BOARD	8/8/16	\$	50.00
JV 890 RT02197	2445	ROV - LAFCO 3210	8/23/16	\$	100.60
JV PR R18XFRN0166	2940	REIMBURSEMENT CLAIM - STAFF MILEAGE, ESRI CONF.	8/31/16	\$	166.86
JV PR R18XFRN0166	2942	REIMBURSEMENT CLAIM - STAFF HOTEL, ESRI CONF.	8/31/16	\$	852.21
JV PR R18XFRN0167	2943	REIMBURSEMENT CLAIM - STAFF MEALS, ESRI CONF.	8/31/16	\$	297.78
JV PR R17XFRN0168	2943	REIMBURSEMENT CLAIM - STAFF MEALS, ESRI CONF.	8/17/16	\$	55.00
<b>TOTAL</b>				<b>\$</b>	<b>13,747.93</b>

## MONTH OF AUGUST 2016 CASH RECEIPTS

DEPOSIT DOCUMENT ID	ACCOUNT	DESCRIPTION	DEPOSIT DATE	AMOUNT
CR ATX A01336	8842	Adelanto	8/2/16	\$ 1,803.32
CR ATX A01336	8842	Big Bear Lake	8/2/16	\$ 5,670.06
CR ATX A01336	8842	Fontana	8/2/16	\$ 25,258.41
CR ATX A01401	8842	Apple Valley	8/3/16	\$ 7,156.74
CR ATX A01401	8842	Hesperia Recreation and Park	8/3/16	\$ 9,885.54
CR ATX A01662	8842	Colton	8/9/16	\$ 17,917.37
CR ATX A01662	8842	Hesperia	8/10/16	\$ 11,309.85
CR ATX A01768	8842	Rialto	8/10/16	\$ 16,188.54
JV CAO RT01896	8842	County of San Bernardino	8/15/16	\$ 308,741.00
CR ATX A01903	8842	Chino	8/15/16	\$ 17,408.70
CR ATX A02131	8842	Loma Linda	8/18/16	\$ 4,218.58
CR ATX A02226	8842	Twentynine Palms Water District	8/22/16	\$ 9,885.54

# MONTHLY RECONCILIATION OF PAYMENTS

CR ATX A02286	8842	Cucamonga Valley Water District	8/23/16	\$	30,000.00
CR 890 A02624	9545	Individual Notice	8/30/16	\$	700.00
CR 890 A02133	9545	Individual Notice	8/18/16	\$	1,000.00
CR 890 A02624	9555	Legal Deposit	8/30/16	\$	1,200.00
CR 890 A02133	9555	Legal Deposit	8/18/16	\$	1,200.00
CR 890 A02624	9660	Environmental Deposit	8/30/16	\$	750.00
CR 890 A02133	9660	Environmental Deposit	8/18/16	\$	750.00
CR 890 A02624	9800	LAFCO Fees	8/30/16	\$	5,500.00
CR 890 A02133	9800	LAFCO Fees	8/18/16	\$	15,500.00
CR 890 A02133	9930	Miscellaneous	8/18/16	\$	10.00
<b>TOTAL</b>				\$	<b>492,053.65</b>

## MONTH OF AUGUST 2016 INTERNAL TRANSFERS RECEIVED

TRANSFER DOCUMENT ID	ACCOUNT	NAME	TRANSFER DATE	AMOUNT
		NONE		\$ -
<b>TOTAL</b>				\$ -



Michael Tuerpe, Project Manager

9/12/2016

DATE

RECONCILIATION APPROVED BY:



KATHLEEN ROLLINGS-McDONALD, Executive Officer

9/12/2016

DATE



# **LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY**

215 North D Street, Suite 204, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 885-8170  
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[www.sbclafco.org](http://www.sbclafco.org)

---

**DATE:** SEPTEMBER 14, 2016

**FROM:** BUDGET AND PERSONNEL AD HOC COMMITTEE  
Chair Cox, Vice-Chair Ramos and Commissioner Curatalo

**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #4: Review and Approval of Merit Acknowledgement  
Payment for Executive Officer

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## **RECOMMENDATION:**

The Committee recommends that the Commission authorize a merit acknowledgement payment of \$15,000 to the Executive Officer for extraordinary service in completing the three fire reorganizations – LAFCO 3198, 3200 and 3206.

## **BACKGROUND:**

Beginning in January 2016, the Ad Hoc committee, as well as the Commission, has evaluated the performance of the Executive Officer during the Fiscal Year. As a part of that discussion a methodology for providing a merit acknowledgement award for performance due to extraordinary circumstance was developed. As a part of the Committee's review, finalized by conference call on August 2, it is recommending that the Commission approve a merit acknowledgment payment to the Executive Officer in the amount of \$15,000 due to the extraordinary work performed on the three fire reorganizations. These proposals were submitted in the fall of 2015, and were required to be completed by July 1, 2016 to allow for the smooth transition to County Fire operations as well as to secure the placement of the special tax financing necessary to fund the service on the tax roll for Fiscal Year 2016-17.

These three extraordinarily complex fire reorganizations which transferred fire and emergency medical response services responsibility from two cities (San Bernardino and Needles) and one special district (Twentynine Palms Water District) to the San Bernardino County Fire Protection District (County Fire) were completed in the month of June 2016. Through the completion of these actions, these communities now have adequate fire and emergency medical response services that are fiscally sustainable over the long-term.



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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---

**DATE:** SEPTEMBER 12, 2016

**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
SAMUEL MARTINEZ, Assistant Executive Officer

**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #5: LAFCO 3210 – Annexation to the Apple Valley Heights  
County Water District (APN 0438-132-21)

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**INITIATED BY:**

Resolution of the Board of Directors of the Apple Valley Heights County Water  
District

**RECOMMENDATION:**

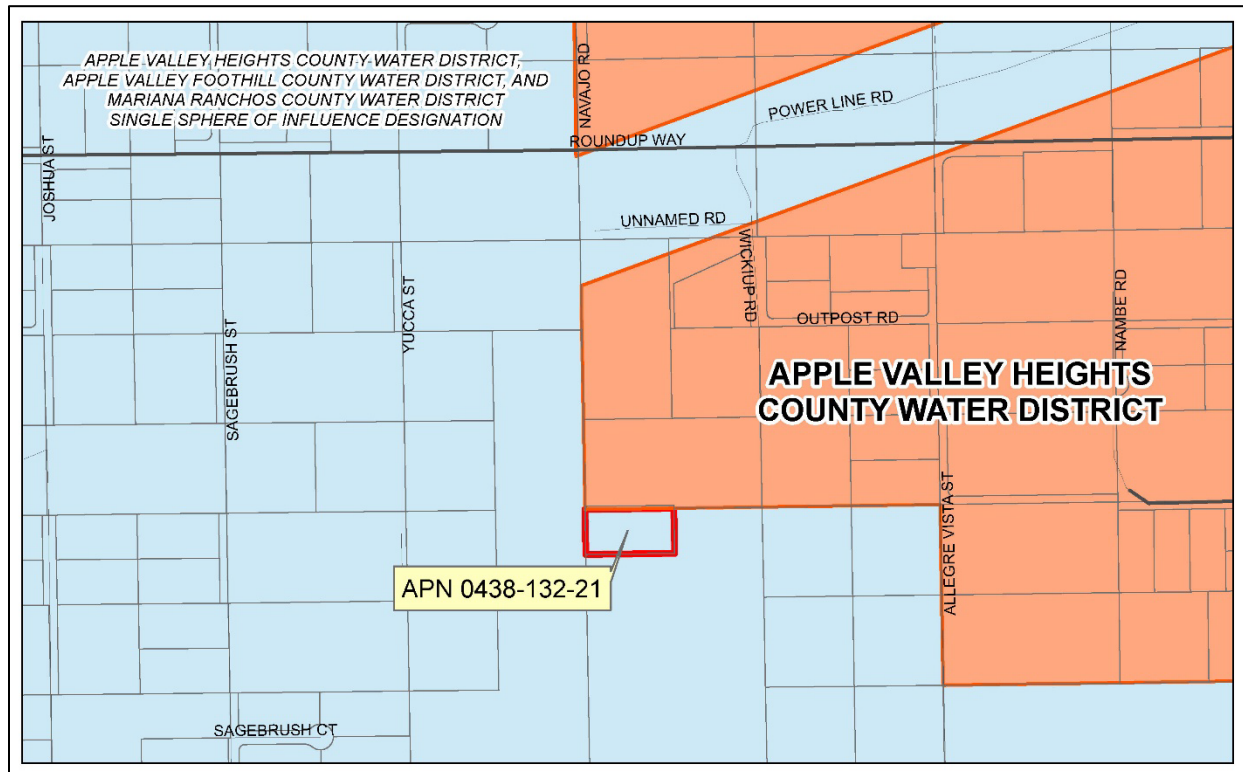
The staff recommends that the Commission approve LAFCO 3210 by taking the  
following actions:

1. For environmental review, certify that LAFCO 3210 is statutorily exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3210, with the condition for the “hold harmless” clause for potential litigation costs, continuation of fees, charges, assessments, etc.;
3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the annexation; and,
4. Adopt LAFCO Resolution #3234, setting forth the Commission’s determinations and conditions of approval concerning LAFCO 3210.

**BACKGROUND:**

In June 2016, the Apple Valley Heights County Water District (hereinafter the “District”) initiated an annexation application—with 100% landowner consent—to annex approximately 1.25 acres into the District. The annexation area includes a portion of a

parcel, Assessor Parcel Number (APN) 0438-132-21, which is adjacent to the District's boundary and has a physical address of 9125 Cholla Road generally located at the southwestern edge of the District within the District's sphere of influence (note: the District, along with the Apple Valley Foothill County Water District and the Mariana Ranchos County Water District, have a single sphere of influence designation assigned to all three districts). Location and vicinity maps are included as Attachment #1 to this report. The map below provides a general location of the area to be annexed into the District.



The primary reason for the annexation request is to provide water service to 9125 Cholla Road as required per the settlement agreement between the property owner and the District. Only a small portion of the parcel associated with 9125 Cholla Road is currently within the District; therefore, the District has initiated the annexation of the rest of the parcel into the District in order to legitimize the provision of water service to the parcel.

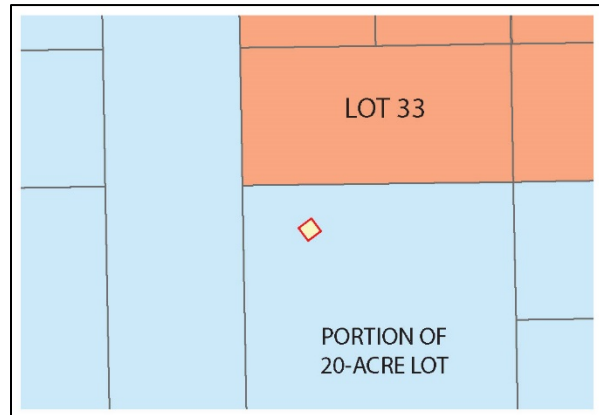
This report will provide the Commission with the information related to the four major areas of consideration required for a jurisdictional change – boundaries, land uses, service issues and the effects on other local governments, and environmental considerations.

## **BOUNDARIES:**

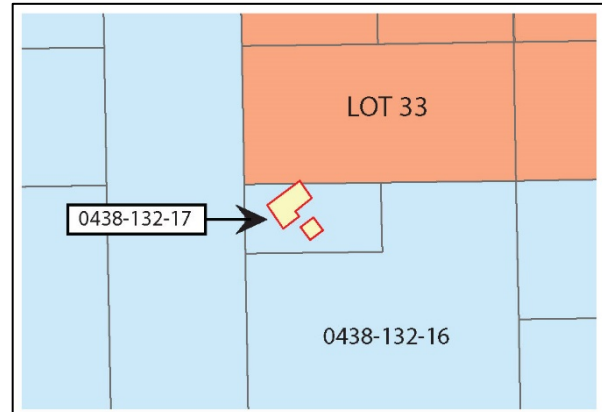
As outlined above, the annexation consists of a portion of APN 0438-132-21 that has a street address of 9125 Cholla Road, comprising approximately 1.25 acres. The parcel is generally located on the east side of Cholla Road, southerly of Roundup Way.

### *History of Parcel Configuration and the Delivery of Water Service to 9125 Cholla Road:*

In the late 1950s, the property owner of Lot 33 built a cabin that was placed on the government lot located southerly of the Lot 33, approximately 100 feet south of the parcel. Soon after, the property owner acquired the 20-acre government lot south of Lot 33. The District provided a water service meter for the cabin even though it was located outside of the District. The meter was placed at the northeast corner of Lot 33 and the water line ran diagonally across the parcel to the cabin.



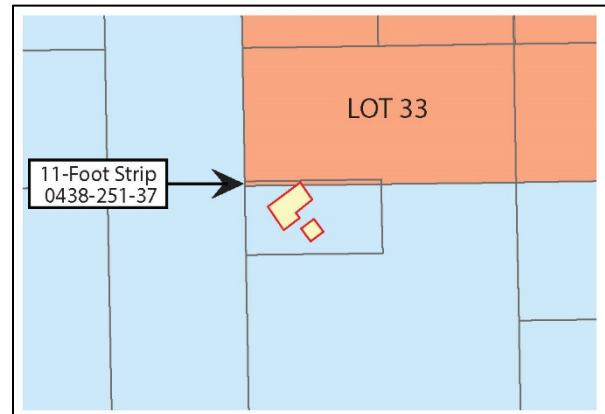
In the early 1960s, the owner of the parcel then built a second cabin that had a garage that encroached onto Lot 33. The owner also subdivided the 20-acre parcel into two lots: APN 0438-132-17 (which includes the cabins), and a remainder lot, APN 0438-132-16, that remains vacant to this day. Years later, Lot 33 and APN 0438-132-17 were sold; however, the buyer eventually defaulted on the loan in 1999 and APN 0438-132-17 was transferred to the US Department of Housing & Urban Development (HUD).



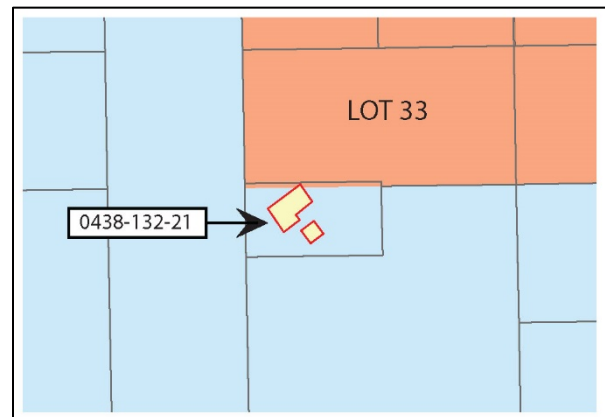
HUD then sold the property to the Schmidts, the current owners. However, a neighbor had claimed he should have been permitted to purchase the property from HUD, which prompted HUD to rescind the purchase agreement with the Schmidts. The Schmidts then brought a legal action against HUD for breach of contract.

At the same time, the District told the Schmidts that it would no longer provide water service to the cabins because they were outside the District's boundaries. The District was also named in their lawsuit requiring restoration of water service to the cabins that are on APN 0438-132-17.

In 2000, a settlement was reached. HUD completed the sale of the property to the Schmidts and as part of the foreclosure of Lot 33, an 11-foot strip was granted to the Schmidts located at southern edge of Lot 33 where a portion of the garage extended into the property. The Schmidts were also granted an exclusive easement for a large portion of Lot 33 for the water meter, the area where the water lines and septic system are located, as well as an easement for where an access road could be built in the future.

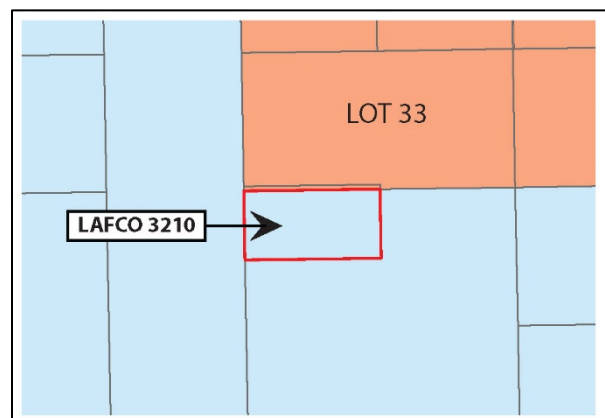


Soon after, a lot merger was filed with the County to combine the 11-foot parcel (APN 0438-251-37) and parcel with the two cabins (APN 0438-132-17). Although the merger of the parcels should not have been allowed—since both parcels are in two different Tax Rate Areas (TRA): one parcel is in a TRA which has the District and the other is in a TRA that does not include the District—the County went ahead and merged the parcels into a single parcel, now known as APN 0438-132-21.



It was also during this time that the Schmidts opted not to use the parcel as their personal residence and instead moved out to Indio, California. A caretaker occupied the cabins for the Schmidts. However, when the caretaker vacated the property in 2010, the District removed the water service to the property.

In December 2015, the Schmidts requested restoration of its water service per its settlement agreement. Through an action of the District's Board of Directors on March 9, 2016, the District restored water service to 9125 Cholla Road. The Schmidts have been required to pay the "out-of-district" service cost until the annexation of the parcel is completed. LAFCO 3210 has been submitted by the District in order to annex the portion of APN 0438-132-21 that is outside of its boundaries.





It is LAFCO staff's position that LAFCO 3210 is a logical extension of the District's boundary since it is including the entirety of the parcel associated with 9125 Cholla Road, which is an easily identifiable boundary for service delivery. In addition, annexation will also clear-up the issue of having two Tax Rate Areas within a single parcel. Therefore, LAFCO 3210 has no boundary concern.

### **LAND USE:**

The County's current land use designation for the parcel is AV/RS-1 (Apple Valley (community)/Single Residential, 1 acre minimum lot size), which provides for areas for single-family homes on individual lots. Below is an aerial view of the parcel that shows the existing single-family residences (a.k.a. the cabins) on it.



No change in land use is anticipated as a result of the annexation proposal. In addition, approval of this proposal will have no direct impact on the current land use designation assigned for the parcel.

### **SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:**

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area. Current County service providers within the annexation area include County Service Area 60 (Apple Valley Airport) and County Service Area 70 (multi-function entity). In addition, the following entities overlay the annexation area: Mojave Desert Resource Conservation District,

Apple Valley Fire Protection District, and the Mojave Water Agency (State Water Contractor).

The application includes a plan for the extension of water service to the parcel as required by law and Commission policy (included as part of Attachment #2 to this report). The Plan for Service, including the settlement agreement (included as Attachment #3) indicates that water service will be provided to the parcel, and was reactivated in March 2016.

Currently, the landowner is paying the monthly water rates and fees in accordance with the District's fee schedule, including a \$17.00 monthly out-of-district service cost. Upon completion of the annexation, the out-of-district service cost will cease; however, the property owner will be required to pay the annual standby availability assessment and all fees and charges related to its water service.

As required by Commission policy and State law, the Plan for Service shows that the extension of its services will maintain, and/or exceed, current service levels provided to the parcel.

#### **ENVIRONMENTAL CONSIDERATIONS:**

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has indicated that the review of LAFCO 3210 is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the fact that the annexation will not result in any physical impacts on the environment. Therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). It is recommended that the Commission adopt the General Rule Statutory Exemption for this proposal. A copy of Mr. Dodson's analysis is included as Attachment #5 to this report.

#### **Waiver of Protest Proceedings:**

The annexation area is legally uninhabited and the County Assessor's Office has verified that the study area possesses 100% landowner consent to the annexation. Therefore, if the Commission approves LAFCO 3210 and none of the affected agencies have submitted written opposition to a waiver of protest proceedings, staff is recommending pursuant to Government Code Section 56662(d) that protest proceedings be waived and that the Executive Officer be directed to complete the action following completion of the mandatory reconsideration period of 30-days.

#### **CONCLUSION:**

LAFCO 3210 was submitted by the Apple Valley Heights County Water District to complete the requirements of the settlement agreement it entered into with Mr. and Mrs. Schmidt related to their acquisition of APN 0438-132-21 (9125 Cholla Road). Since the

1950's, this parcel has intermittently received water service from the District and this annexation will clear up the jurisdictional issues for continuing service to the parcel.

The proposal represents a reasonable annexation to the Apple Valley Heights County Water District for the following reasons:

- Water service is to be provided to 9125 Cholla Road per the settlement agreement between the property owner and the District; and,
- The annexation area is a logical boundary since it is including the entirety of the parcel associated with 9125 Cholla Road, which is an easily identifiable boundary for service delivery. In addition, annexation will also clear-up the issue of having two Tax Rate Areas for a single parcel.

For these reasons, and those outlined throughout the staff report, the staff supports the approval of LAFCO 3210.

### **DETERMINATIONS:**

The following determinations are required to be provided by Commission policy and Government Code Section 56668 for any change of organization/annexation proposal:

1. The annexation area is legally uninhabited containing 0 registered voter as determined by the Registrar of Voters as of September 8, 2016.
2. The County Assessor's Office has determined that the total assessed valuation of land and improvements within the annexation area is \$38,950 (land - \$12,985 -- improvements - \$25,965) as of August 9, 2016.
3. The annexation area is within the consolidated sphere of influence assigned for the Apple Valley Heights County Water District.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication in *The Daily Press*, a newspaper of general circulation within the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
5. LAFCO staff has provided individual notice to the landowners (9) and registered voters (156) surrounding the reorganization area (totaling 165 notices) in accordance with State law and adopted Commission policies. Comments from landowners and any affected local agency in support or opposition will be reviewed and considered by the Commission in making its determination.

6. The County's land use designation for the annexation area AV/RS-1 (Apple Valley/Single Residential, 1 acre minimum lot size). No change in land use is anticipated as a result of the annexation.
7. The Southern California Associated Governments (SCAG) adopted its 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3210 has no direct impact on SCAG's Regional Transportation Plan. The Sustainable Community Strategy includes as a goal the need to promote and improve public health, which LAFCO 3210 accomplishes.
8. The Commission's Environmental Consultant, Tom Dodson and Associates, has recommended that this proposal is statutorily exempt from environmental review based on the finding that the Commission's approval of the annexation has no potential to cause any adverse effect on the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). Mr. Dodson recommends that the Commission adopt the Statutory Exemption and direct its Executive Officer to file a Notice of Exemption within five (5) days. A copy of Mr. Dodson's response letter is included as Attachment #5 to this report.
9. The annexation area is served by the following local agencies:
  - County of San Bernardino
  - Mojave Desert Resource Conservation District
  - Mojave Water Agency
  - Apple Valley Fire Protection District
  - County Service Area 60 (Apple Valley Airport)
  - County Service Area 70 (unincorporated County-wide multi-function agency)

None of these agencies are affected by this proposal.

10. A plan was prepared for the extension of water service to the annexation area, as required by law. The Plan for Service, as well as the settlement agreement, indicates that the District can provide water service to the parcel and can maintain and/or improve the level of service currently available. A copy of this plan is included as a part of Attachment #2 to this report and a copy of the General Mutual Release and Settlement Agreement is included as Attachment #3 to this report.

The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that the Plan for Service conform to those adopted standards and requirements.



11. The annexation can benefit from the availability and extension of water service from the District and has benefited from water service previously provided by the District.
12. With respect to environmental justice, the annexation proposal—which simply provides water service to a single parcel —will not result in the unfair treatment of any person based on race, culture or income.
13. The County of San Bernardino adopted a resolution determining there will be no transfer of property tax revenues. This resolution fulfills the requirement of Section 99 of the Revenue and Taxation Code.
14. The map and legal description prepared by the County Surveyor are in substantial compliance with LAFCO and State standards.

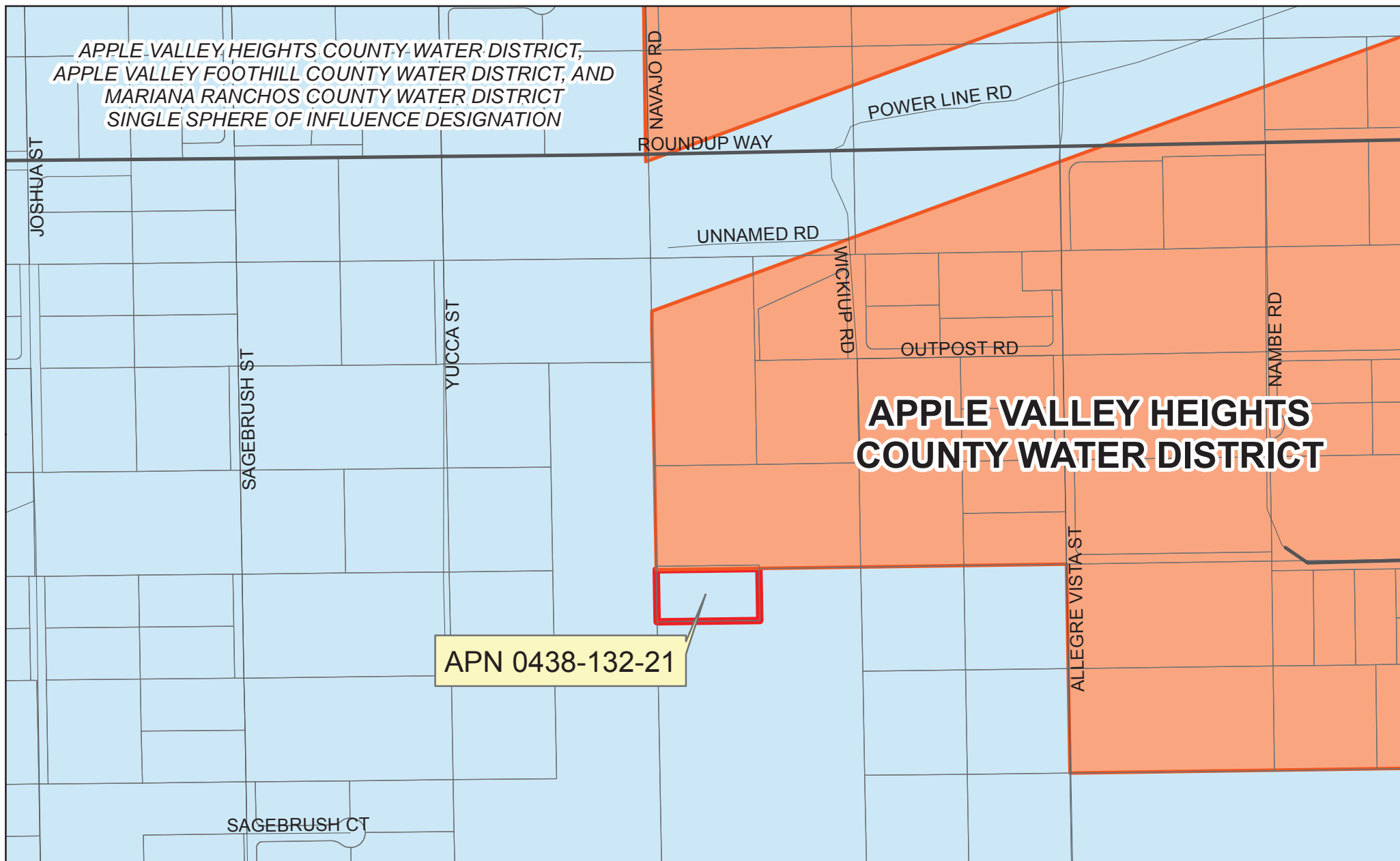
KRM/sm

Attachments:

1. Vicinity Maps for the Annexation Proposal
2. Apple Valley Heights County Water District Application and Plan for Service
3. General Mutual Release and Settlement Agreement
4. Landowner Consent Form
5. Tom Dodson's Environmental Response for LAFCO 3210
6. Draft Resolution No. 3234

# **Vicinity Maps for the Annexation Proposal**

**Attachment 1**






**LAFCO 3210 – Annexation to the  
Apple Valley Heights County Water District  
(APN 0438-132-21)**

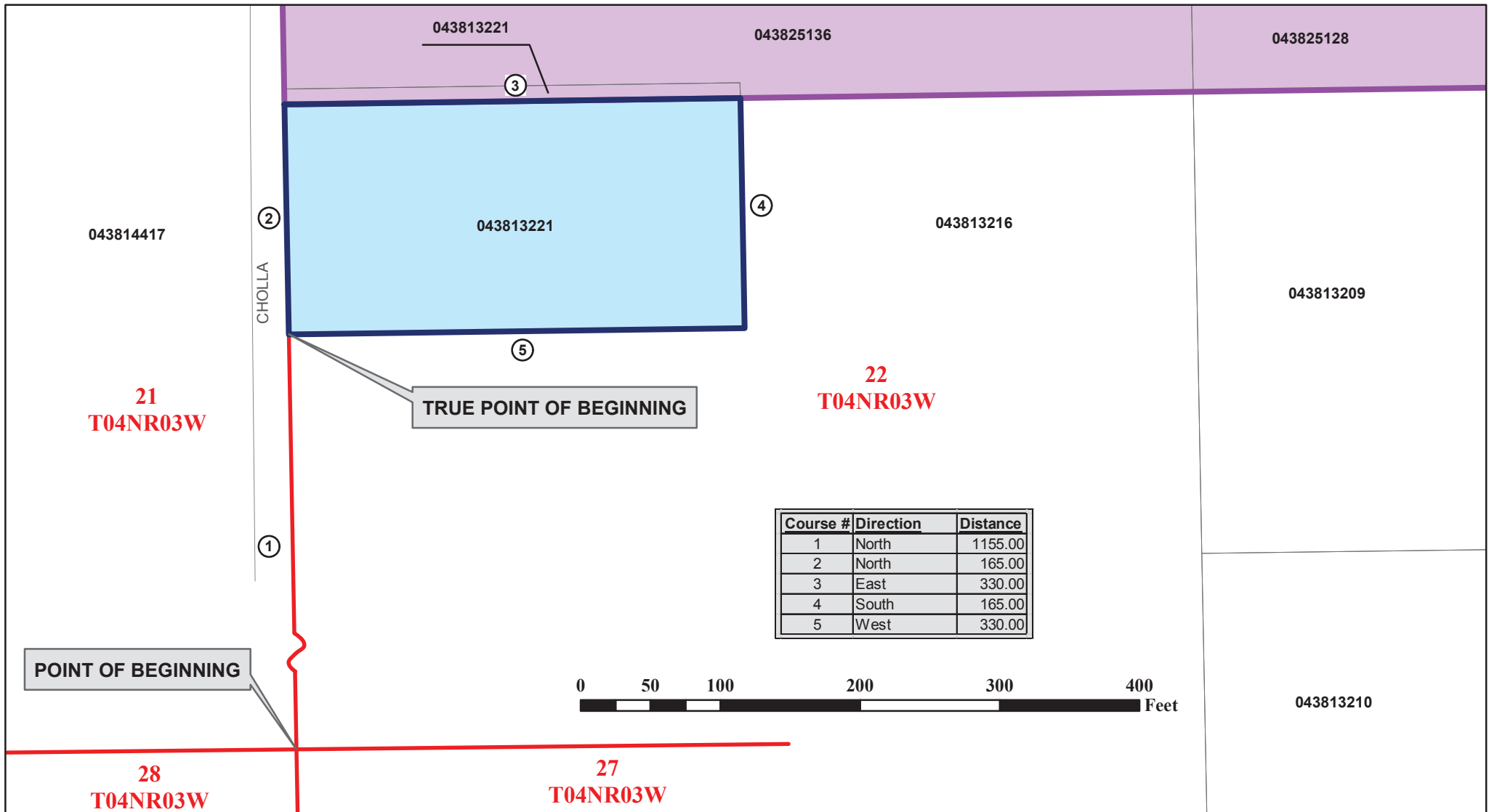
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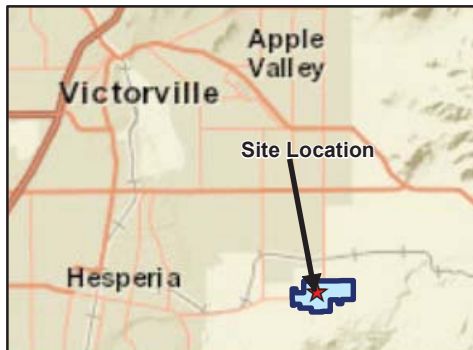
**Legend**

-  LAFCO 3210 (Annexation Area)
-  Apple Valley Heights County Water District
-  Single Sphere of Influence Designation



## LAFCO 3210: Annexation to Apple Valley Heights County Water District (APN 0438-132-21)

Those Portions of: Sections 22 & 23, Township 4 North, Range 3 West, S.B.M., San Bernardino County, State of California.



- AVHCWD Annexation Area  
Containing 1.25 Acres,  
More or Less
- Existing AVHCWD Area  
Containing 862.32 Net Acres,  
More or Less
- APN Assessors Parcel Number
- Parcels
- Section Lines
- Course Number
- Course Endpoint

N

1 inch = 100 feet

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION



*James I. Stone*

05/26/2016

James I. Stone  
Deputy County Surveyor  
PLS 9075

Date

Exp. 3/31/2018

Job Number 00145CP0 - Revised May 26, 2016

**Apple Valley Heights  
County Water District  
Application and  
Plan for Service**

**Attachment 2**

## SAN BERNARDINO LAFCO APPLICATION AND PRELIMINARY ENVIRONMENTAL DESCRIPTION FORM

**INTRODUCTION:** The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

### GENERAL INFORMATION

1. NAME OF PROPOSAL: \_\_\_\_\_  
     Annexation - Schmidt  
     APN 0438-132-21-0000
  
2. NAME OF APPLICANT: \_\_\_\_\_ Apple Valley Heights County Water District  
     APPLICANT TYPE:   ☐ Landowner           ☒ Local Agency  
                           ☐ Registered Voter   ☐ Other \_\_\_\_\_  
     MAILING ADDRESS:  
         9429 Cerra Vista Street  
         Apple Valley, CA 92308  
     PHONE:       ( 760-247-7330  
     FAX:         ( 760-247-7721  
     E-MAIL ADDRESS:     avhcwd@yahoo.com
  
3. GENERAL LOCATION OF PROPOSAL: \_\_\_\_\_  
     Southwest boundary of the District  
     \_\_\_\_\_  
     \_\_\_\_\_
  
4. Does the application possess 100% written consent of each landowner in the subject territory?  
     YES ☒ NO ☐ If YES, provide written authorization for change.
  
5. Indicate the reason(s) that the proposed action has been requested. \_\_\_\_\_  
     To continue to service water as per agreement dated 3/9/2000.  
     \_\_\_\_\_  
     \_\_\_\_\_  
     \_\_\_\_\_  
     \_\_\_\_\_  
     \_\_\_\_\_

## LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area of subject territory (defined in acres): **1.30**
2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments) **Single Family**
3. Approximate current population within area: **2**
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):  
  
San Bernardino County General Plan designation(s) and uses permitted by this designation(s):  
  
5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory:  
  
6. Indicate the existing use of the subject territory. **Residential**  
  
What is the proposed land use? **Residential**  
  
7. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES ☒ NO ☐ If YES, please explain. **Water service**

(FOR LAFCO USE ONLY)

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

- |  |  |
|--|--|
| <input type="checkbox"/> Agricultural Land Uses  | <input type="checkbox"/> Agricultural Preserve Designation       |
| <input type="checkbox"/> Williamson Act Contract   | <input type="checkbox"/> Area where Special Permits are Required |
| <input type="checkbox"/> Any other unusual features of the area or permits required: _____ |  |

9. Provide a narrative response to the following factor of consideration as identified in §56668(p):  
*The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services:*

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#### **ENVIRONMENTAL INFORMATION**

1. Provide general description of topography. House located on hill.

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2. Describe any existing improvements on the subject territory as % of total area.

Residential	<u>100</u> %	Agricultural	<u>          </u> %
Commercial	<u>          </u> %	Vacant	<u>          </u> %
Industrial	<u>          </u> %	Other	<u>          </u> %

3. Describe the surrounding land uses:

NORTH	<u>Residential</u>
EAST	<u>BLM</u>
SOUTH	<u>BLM</u>
WEST	<u>Residential</u>

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

Reconnect water to residence.

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(FOR LAFCO USE ONLY)

5. Will service extensions accomplished by this proposal induce growth on this site? YES ☐  
NO ☒ Adjacent sites? YES ☐ NO ☐ Unincorporated ☐ Incorporated ☐
6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☒  
NO ☐ If YES, please identify.
- General Mutual Release and Settlement Agreement dated 3/9/2000.
7. Is this proposal a part of a larger project or series of projects? YES ☐ NO ☒ If YES, please explain.

## NOTICES

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME Daniel B. Smith TELEPHONE NO. 760-247-7330

ADDRESS: 9429 Cerra Vista Street, Apple Valley, CA 92308

NAME Gail Hunter TELEPHONE NO. 760-247-7330

ADDRESS: 9429 Cerra Vista Street, Apple Valley, CA 92308

NAME Daniel & Phyllis Schmidt TELEPHONE NO. 760-953-5321

ADDRESS: 47550 Madison Street, Indio, CA 92201

## CERTIFICATION

As a part of this application, the City/Town of \_\_\_\_\_, or the Apple Valley Heights County Water District/Agency, \_\_\_\_\_ (the applicant) and/or the \_\_\_\_\_ (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees,

(FOR LAFCO USE ONLY)

and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

I hereby certify that the statements furnished above and in the attached supplements and exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE 5/9/2016



SIGNATURE

Daniel Smith

Printed Name of Applicant or Real Property in Interest  
(Landowner/Registered Voter of the Application Subject Property)

Apple Valley Heights County Water District - General Manager

Title and Affiliation (if applicable)

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:

- ☒ ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT
- ☐ SPHERE OF INFLUENCE CHANGE SUPPLEMENT
- ☐ CITY INCORPORATION SUPPLEMENT
- ☐ FORMATION OF A SPECIAL DISTRICT SUPPLEMENT
- ☐ ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT

## SUPPLEMENT ANNEXATION, DETACHMENT, REORGANIZATION PROPOSALS

**INTRODUCTION:** The questions on this form are designed to obtain data about the specific annexation, detachment and/or reorganization proposal to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please identify the agencies involved in the proposal by proposed action:

ANNEXED TO

Apple Valley Heights CWD

9429 Cerra Vista Street

Apple Valley, CA 92308

DETACHED FROM

2. For a city annexation, State law requires pre-zoning of the territory proposed for annexation. Provide a response to the following:

a. Has pre-zoning been completed? YES ☐ NO ☒

b. If the response to "a" is NO, is the area in the process of pre-zoning? YES ☐ NO ☒

Identify below the pre-zoning classification, title, and densities permitted. If the pre-zoning process is underway, identify the timing for completion of the process.

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3. For a city annexation, would the proposal create a totally or substantially surrounded island of unincorporated territory?

YES ☐ NO ☐ If YES, please provide a written justification for the proposed boundary configuration.

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4. Will the territory proposed for change be subject to any new or additional special taxes, any new assessment districts, or fees?

Out of District Service Cost until official annexation is complete.

All costs and fees involved with the LAFCO annexation of Assessors Parcel #0438-132-21-0000.

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5. Will the territory be relieved of any existing special taxes, assessments, district charges or fees required by the agencies to be detached?

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6. If a Williamson Act Contract(s) exists within the area proposed for annexation to a City, please provide a copy of the original contract, the notice of non-renewal (if appropriate) and any protest to the contract filed with the County by the City. Please provide an outline of the City's anticipated actions with regard to this contract.

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7. Provide a description of how the proposed change will assist the annexing agency in achieving its fair share of regional housing needs as determined by SCAG.

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8. **PLAN FOR SERVICES:**

For each item identified for a change in service provider, a narrative "Plan for Service" (required by Government Code Section 56653) must be submitted. This plan shall, at a minimum, respond to each of the following questions and be signed and certified by an official of the annexing agency or agencies.

- A. A description of the level and range of each service to be provided to the affected territory.  
Water Service.
- B. An indication of when the service can be feasibly extended to the affected territory.  
Immediate connection - waterlines already installed.
- C. An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.  
None.
- D. The Plan shall include a Fiscal Impact Analysis which shows the estimated cost of extending the service and a description of how the service or required improvements will be financed. The Fiscal Impact Analysis shall provide, at a minimum, a five (5)-year projection of revenues and expenditures. A narrative discussion of the sufficiency of revenues for anticipated service extensions and operations is required.

No impact - Facilities already installed.

- E. An indication of whether the annexing territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.  
Not at this time.
- F. If retail water service is to be provided through this change, provide a description of the timely availability of water for projected needs within the area based upon factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).  
Existing Service - no impact.

### **CERTIFICATION**

As a part of this application, the City/Town of \_\_\_\_\_, or the Apple Valley Heights CWD District/Agency, \_\_\_\_\_ (the applicant) and/or the \_\_\_\_\_ (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

As the proponent, I acknowledge that annexation to the City/Town of \_\_\_\_\_ or the Apple Valley Heights CWD District/Agency may result in the imposition of taxes, fees, and assessments existing within the (city or district) on the effective date of the change of organization. I hereby waive any rights I may have under Articles XIIIC and XIIID of the State Constitution (Proposition 218) to a hearing, assessment ballot processing or an election on those existing taxes, fees and assessments.

I hereby certify that the statements furnished above and the documents attached to this form present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE 5/9/2016



SIGNATURE

Daniel smith

Printed Name of Applicant or Real Property in Interest  
(Landowner/Registered Voter of the Application Subject Property)

General Manager

Title and Affiliation (if applicable)

**General Mutual Release  
And Settlement Agreement**

**Attachment 3**

## **GENERAL MUTUAL RELEASE AND SETTLEMENT AGREEMENT**

THIS MUTUAL RELEASE AND SETTLEMENT AGREEMENT (HEREINAFTER THE "AGREEMENT") IS ENTERED INTO BY AND BETWEEN THE APPLE VALLEY HEIGHTS COUNTY WATER DISTRICT ("DISTRICT") ON THE ONE HAND, AND DANIEL J. SCHMIDT AND PHYLLIS SCHMIDT ("THE SCHMIDTS") ON THE OTHER HAND.

### **RECITALS**

WHEREAS, on or about September 15, 1999, an action was filed in the Superior Court of the County of San Bernardino entitled Schmidt v. Apple Valley Heights County Water District, et. al., Case No. VCWS 018947, naming the District and others as defendants therein. On or about October 15, 1999, another named defendant, the Secretary of the United States Department of Housing and Urban Development, removed the action to the United States District Court for the Central District of California, Case No. SACV 99-1273 AHS (ANx). The action, as filed in the Superior Court and as removed to the Federal Court, shall herein be referred to as the "Subject Action."

WHEREAS, the parties hereto now wish to settle and forever resolve all differences existing between them with respect to the Subject Action;

NOW THEREFORE, the parties hereto mutually agree as follows:

#### **I.**

### **ACTION BY DISTRICT; CONDITIONS**

1.1 In consideration for the mutual covenants and promises set forth herein, and upon delivery to the DISTRICT of an executed copy of this Agreement by the SCHMIDTS, and performance by the SCHMIDTS of the conditions set forth below, the DISTRICT agrees to provide water service to the property commonly known as 9125 Cholla Road. Said conditions are as follows:

- a. The SCHMIDTS shall deliver to the DISTRICT a certified copy from the County Recorder's office of the grant deed conveying title to 9125 Cholla Road to the SCHMIDTS.
- b. The SCHMIDTS shall deliver to the DISTRICT a certified copy from the County Recorder's office of the grant deed <sup>or court order</sup> conveying title to the South <sup>11 feet</sup> 11 feet of Lot 33 to the SCHMIDTS, said strip being adjacent to 9125 Cholla Road and within the boundaries of the DISTRICT.
- c. The SCHMIDTS shall provide the DISTRICT with a <sup>court order or a</sup> certified copy from the County Recorder's office of the grant of exclusive easement to the SCHMIDTS of that portion of Lot 33 which includes the point where a water meter connection was previously located and the water lines from that point to 9125 Cholla Road, as well as the right to maintain those lines.
- d. As soon as the completed documentation is available, the SCHMIDTS shall file with the DISTRICT certified copies from the County Recorder's office of the lot-line adjustment and revised legal description with respect to the 9125 Cholla Road property. Although it is not anticipated that any approval by the Local Agency Formation Commission of San Bernardino County ("LAFCO") will be necessary, any LAFCO action which may be required shall be the sole responsibility of the SCHMIDTS.
- e. The SCHMIDTS shall complete and submit to the DISTRICT a standard application for water service and shall be subject to the DISTRICT Rules and Regulations which apply to all DISTRICT customers.



- f. The SCHMIDTS shall pay to the DISTRICT all fees and costs for the re-installation of the subject water meter and any applicable standby fees. It is agreed that the SCHMIDTS will not pay a capital connection fee for the water meter serving 9125 Cholla Road. It is understood that if there is any further development of Lot 33, a new water meter will be required, subject to all applicable fees, including a connection fee.

1.2 The parties hereto acknowledge and agree that this Agreement is contingent upon and subject to the approval of the DISTRICT's Board of Directors.

## II.

### **DISMISSAL OF SUBJECT ACTION**

2.1 In consideration for the mutual covenants and promises set forth herein, the SCHMIDTS shall cause a dismissal, with prejudice, to be filed as to the Subject Action with regard to the DISTRICT, with such dismissal to be effective pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

## III.

### **MUTUAL RELEASES**

3.1 In consideration of the execution of this Agreement by the DISTRICT, the SCHMIDTS do hereby release, acquit, and forever discharge the DISTRICT, and each and all of its agents, officers, employees, representatives, successors, assigns, affiliates, subsidiaries, and principals, both past and present, of and from any and all claims, causes of action, costs, or demands of whatever nature, character, or description, whether known or unknown, which the SCHMIDTS may have had or may now have against the DISTRICT by reason of the acts or omissions on the part of the DISTRICT, which acts or omissions occurred prior to the date of execution of this Agreement, and which acts or omissions are referenced in, or in any way related to or connected with, those matters which are the subjects of this Agreement.

3.2 In executing this Agreement, the parties hereto agree to and do hereby waive and relinquish all rights and benefits afforded under the provisions of Section 1542 of the Civil Code of the State of California, which provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

3.3 The parties hereto warrant and represent that the effect and import of the provisions of Section 1542 have been fully explained to them by their attorneys and/or other counsel and further warrant and represent that they are the only entities or persons which have any interest in any of the matters herein released, and that none of such claims, causes of action, costs or demands, nor any part thereof, have been assigned, granted or transferred in any way to a person, persons, entity, or entities other than the parties hereto.

#### IV.

#### **MISCELLANEOUS PROVISIONS**

4.1 Each party hereto agrees to pay its own attorney's fees and costs incurred with regard to the negotiation and preparation of this Agreement.

4.2 If any provision of this Agreement as applied to any party or to any circumstance, shall be adjudged by a court to be void and unenforceable, the same shall in no way affect:

- a. Any other provision of this Agreement;
- b. The application of such provision in any other circumstances; or
- c. The validity or enforceability of the Agreement as a whole.

4.3 This Agreement shall not be modified by any party or representation made before or after the execution of this Agreement. All modifications must be in writing and signed by the parties.

4.4 Time is of the essence for performance of each and every covenant contained in this Agreement.

4.5 The parties shall execute and deliver all documents and perform all further acts as may reasonably be necessary to effectuate the provisions of this Agreement.

4.6 This Agreement shall not be construed against the party preparing it, but shall be construed as if all parties prepared this Agreement. This Agreement is entered into and is to be performed in the County of San Bernardino, California, in accordance with the laws of the State of California.

4.7 To the extent that this Agreement inures to the benefit of persons or entities not signatories hereto, this Agreement is hereby declared to be made in and for their respective benefits and uses.

4.8 This Agreement contains the entire agreement between the parties hereto with respect to the matters referred to herein. No other prior contemporaneous agreements, oral or written, respecting such matters, which are not specifically incorporated herein shall be deemed in any way to exist or bind any of the parties hereto.

4.9 This Agreement shall bind and inure to the benefit of the respective successors, assigns, legatees, heirs and personal representatives of the parties hereto.

4.10 This Agreement, including all signature pages, may be executed in several counterparts and all so executed shall constitute one Agreement which shall be binding on all parties hereto, notwithstanding that all the parties are not signatories to the original nor same counterpart. Further, the effective date of this Agreement shall be the date of the last signature hereto.

Date: 2/9/00

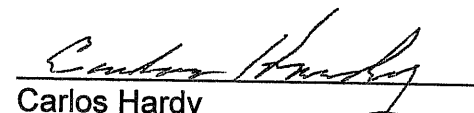
  
DANIEL J. SCHMIDT

Date: 03-09-00

  
PHYLLIS SCHMIDT

Date: 3-9-00

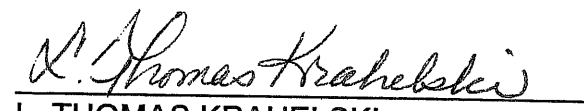
APPLE VALLEY HEIGHTS COUNTY WATER DISTRICT

By:   
Carlos Hardy  
President, Board of Directors

APPROVED AS TO FORM AND CONTENT

By: \_\_\_\_\_  
Attorney for Plaintiff

ALAN K. MARKS  
County Counsel

By:   
L. THOMAS KRAHELSKI  
Deputy County Counsel  
Attorneys for DISTRICT

# **Landowner Consent Form**

**Attachment 4**

## LANDOWNER CONSENT FORM

### Local Agency Formation Commission For San Bernardino County

I (We), Daniel & Phyllis Schmidt, consent to the  
annexation/ reorganization of my (our) property located at:

9125 Cholla Road, Apple Valley, CA 92308

which is identified as Assessor's Parcel Number(s) 0438-132-21-0000

to the Apple Valley Heights County Water District  
(name of agency)

Signature(s):

Address:

City, State, Zip

Date Signed:

Phyllis Y Schmidt Daniel Schmidt  
47550 MADISON ST.  
INDIO, CA 92201  
5/16/16

*If a corporation or company owns the property, please provide with  
this form authorization from the entity for the signer to sign on its  
behalf.*

**Tom Dodson's  
Environmental Response  
for LAFCO 3210**

**Attachment 5**



**TOM DODSON & ASSOCIATES**

2150 N. ARROWHEAD AVENUE  
SAN BERNARDINO, CA 92405  
TEL (909) 882-3612 • FAX (909) 882-7015  
E-MAIL tda@tdaenv.com



September 8, 2016

Ms. Kathleen Rollings-McDonald  
Local Agency Formation Commission  
215 North "D" Street, Suite 204  
San Bernardino, CA 92415-0490

RECEIVED  
SEP 12 2016

LAFCO  
San Bernardino County

Dear Kathy:

LAFCO 3210 consists of a request for an Annexation of a single parcel to the Apple Valley Heights County Water District (District). The parcel being proposed for annexation encompasses about 1.25 acres and is located on the east side of Cholla Road, south of Roundup Way. If LAFCO 3210 is approved by the Commission the identified property would be annexed to the District and the District will supply water from its existing production and distribution system as it has in the past. Based on the above proposal, the proposed Annexation would allow the District to permanently extend potable water supply services within the area to be annexed. The approval of LAFCO 3210 does not appear to have any potential to significantly alter the existing physical environment in a significant manner relative to the existing environmental circumstance.

Therefore, I recommend that the Commission find that a Statutory Exemption (General Rule), as defined in CEQA under Section 15061 (b) (3) of the State CEQA Guidelines, applies to LAFCO 3210. This Section states: "*A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*" It is my opinion and recommendation to the Commission that this circumstance applies to LAFCO 3210 due to the limited water demand from one residential parcel, which in fact has been provided water service previously.

Based on this review of LAFCO 3210 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that the proposed LAFCO action does not constitute a project under CEQA and adoption of the Statutory Exemption and filing of a Notice of Exemption is the most appropriate environmental determination to comply with CEQA for this action. The Commission can approve the review and findings for this action and I recommend that you notice LAFCO 3210 as statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline sections cited above. The Commission needs to file a Notice of Exemption with the County Clerk to the Board for this action once the hearing is completed and assuming LAFCO 3210 is approved.

A copy of this exemption recommendation should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record. If you have any questions, please feel free to give me a call.

Sincerely,

Tom Dodson

# **Draft Resolution No. 3234**

**Attachment 6**

PROPOSAL NO.: LAFCO 3210

HEARING DATE: SEPTEMBER 21, 2016

**RESOLUTION NO. 3234**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3210 AND APPROVING THE ANNEXATION TO THE APPLE VALLEY HEIGHTS COUNTY WATER DISTRICT (APN 0438-132-21). The annexation area consists of a portion of Assessor Parcel Number 0438-132-21, comprising approximately 1.25 acres, generally located on the east side of Cholla Road, southerly of Roundup Way.**

**On motion of Commissioner \_\_\_\_\_, duly seconded by Commissioner \_\_\_\_\_, and carried, the Local Agency Formation Commission adopts the following resolution:**

**WHEREAS**, an application for the proposed annexation in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and the Executive Officer has examined the application and executed her certificate in accordance with law, determining and certifying that the filings are sufficient; and,

**WHEREAS**, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

**WHEREAS**, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

**WHEREAS**, the public hearing by this Commission was called for September 21, 2016 at the time and place specified in the notice of public hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written support and/or opposition; the Commission considered all plans and proposed changes of organization, and all evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing;

**NOW, THEREFORE, BE IT RESOLVED**, be the Local Agency Formation Commission for San Bernardino County, State of California, that the Commission does hereby determine, find, resolve, and order as follows:

## RESOLUTION NO. 3234

### **DETERMINATIONS:**

**SECTION 1.** The proposal is approved subject to the terms and conditions hereinafter specified:

#### **CONDITIONS:**

**Condition No. 1.** The boundaries are approved as set forth in Exhibits "A" and "A-1" attached.

**Condition No. 2.** The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3210.

**Condition No. 3.** All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Apple Valley Heights County Water District (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

**Condition No. 4.** The Apple Valley Heights County Water District shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

**Condition No. 5.** Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts.

**Condition No. 6.** The date of issuance of the Certificate of Completion shall be the effective date of this annexation.

**SECTION 2.** The Commission determines that:

- a) this proposal is certified to be legally uninhabited;
- b) it has 100 % landowner consent; and,
- c) no written opposition to a waiver of protest proceedings has been submitted by any subject agency.

Therefore, the Commission does hereby waive the protest proceedings for this action as permitted by Government Code Section 56662(d).

**SECTION 3. DETERMINATIONS.** The following determinations are noted in conformance with Commission policy:

- 1. The annexation area is legally uninhabited containing 0 registered voter as determined by the Registrar of Voters as of September 8, 2016.
- 2. The County Assessor's Office has determined that the total assessed valuation of land and

## RESOLUTION NO. 3234

improvements within the annexation area is \$38,950 (land - \$12,985 -- improvements - \$25,965) as of August 9, 2016

3. The annexation area is within the consolidated sphere of influence assigned for the Apple Valley Heights County Water District.
4. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to surrounding landowners and registered voters within approximately 700 feet of the exterior boundaries of the annexation area (totaling 165 notices). Comments from landowners, registered voters and any affected local agency have been reviewed and considered by the Commission in making its determination. No expression of opposition to this annexation has been received by the Commission.
5. Notice of this hearing has been advertised as required by law through publication in *The Daily Press*, a newspaper of general circulation within the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice. Comments from any affected local agency have been reviewed by the Commission.
6. The County's land use designation for the annexation area AV/RS-1 (Apple Valley (community)/Single Residential, 1 acre minimum lot size). No change in land use is anticipated as a result of the annexation.
7. The Southern California Associated Governments (SCAG) adopted its 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3210 has no direct impact on SCAG's Regional Transportation Plan. The Sustainable Community Strategy includes as a goal the need to promote and improve public health, which LAFCO 3210 accomplishes.
8. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from environmental review. The basis for this determination is that the Commission's approval of the annexation has no potential to cause any adverse effect on the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). The Commission adopted the Statutory Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
9. The local agencies currently serving the area are: County of San Bernardino, Mojave Desert Resource Conservation District, Mojave Water Agency (the State Water Contractor), Apple Valley Fire Protection District, County Service Area 60 (Apple Valley Airport), and County Service Area 70 (multi-function unincorporated area Countywide).

None of these agencies are affected by this proposal.

10. The Apple Valley Heights County Water District submitted a plan for the provision of water service as required by Government Code Section 56653, which indicates that the District can, at a minimum, maintain the existing level of service delivery. The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such

## RESOLUTION NO. 3234

Plan conforms to those adopted standards and requirements.

11. The annexation area can benefit from the availability and extension of water service from the Apple Valley Heights County Water District and has benefited from water service previously provided by the District.
12. With respect to environmental justice, the annexation proposal—which simply provides water service to a single parcel—will not result in unfair treatment of any person based on race, culture or income.
13. The County of San Bernardino, acting on behalf of the Apple Valley Heights County Water District, adopted a resolution indicating no transfer of property tax revenues would be required. This negotiated agreement fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. The map and legal description prepared by the County Surveyor are in substantial conformance with LAFCO and State standards.

**SECTION 4.** The primary reason for this annexation is to provide water services to 9125 Cholla Road as required per the settlement agreement between the property owner and the Apple Valley Heights County Water District. Only a small portion of the parcel associated with 9125 Cholla Road is currently within the District; therefore, the entirety of the parcel is being annexed into the District for the receipt of water service.

**SECTION 5.** The affected territory shall not be taxed for existing bonded indebtedness or contractual obligations of the Apple Valley Heights County Water District through the annexation. The regular County assessment rolls are utilized by the Apple Valley Heights County Water District.

**SECTION 6.** Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

**SECTION 7.** The Commission hereby orders the territory described in Exhibits “A” and “A-1” reorganized. The Commission hereby directs, that following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a Certificate of Completion, as required by Government Code Section 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

**SECTION 8.** The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

**THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

RESOLUTION NO. 3234

ABSENT: COMMISSIONERS:

\*\*\*\*\*

STATE OF CALIFORNIA                     )  
  ) ss.  
COUNTY OF SAN BERNARDINO         )

I, KATHLEEN ROLLINGS-MCDONALD, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of September 21, 2016.

DATED:


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KATHLEEN ROLLINGS-MCDONALD  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North D Street, Suite 204, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 885-8170  
E-MAIL: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

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**DATE:** SEPTEMBER 6, 2016   
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
SAMUEL MARTINEZ, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #7 – LAFCO 3208 – Sphere of Influence Amendment for the West Valley Mosquito and Vector Control District

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## **RECOMMENDATION:**

LAFCO staff recommends that the Commission approve LAFCO 3208 by taking the following actions:

1. Determine that the proposed sphere of influence amendment, submitted under the provisions of Government Code Section 56428, does not require a service review; however, staff recommends that the Commission move up the Countywide service review for mosquito and vector control for its consideration during Fiscal Year 2016-17;
2. Certify that LAFCO 3208 is statutorily exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days;
3. Approve the sphere of influence expansion for the West Valley Mosquito and Vector Control District to include the City of Upland and its unincorporated sphere of influence area commonly known as "San Antonio Heights";
4. Affirm the description of the functions and services for the West Valley Mosquito and Vector Control District as identified in the *LAFCO Policy and Procedure Manual*; and,
5. Adopt LAFCO Resolution No. 3230 reflecting the Commission's determinations for LAFCO 3208.

## **BACKGROUND:**

At the August 17, 2016 hearing, the Commission continued consideration of LAFCO 3208 due to the lack of a quorum of the Commission to vote on the matter, two of the five Commissioners present at the hearing recused themselves from the vote on the item.



There are no changes in the staff report or recommendations related to the sphere amendment (expansion) proposal for the West Valley Mosquito and Vector Control District; therefore, staff is simply attaching the original staff report with all its attachments including a copy of the vicinity/sphere expansion maps, the West Valley Mosquito and Vector Control District's application for sphere of influence expansion, letter response from the Commission's Environmental Consultant, and the Draft LAFCO Resolution No. 3230 reflecting the Commission's determinations for LAFCO 3208.

KRM/sm

Attachment: Staff Report Dated August 8, 2016


**Staff Report Dated  
August 8, 2016**

**Attachment**

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North D Street, Suite 204, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 885-8170  
E-MAIL: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

---

**DATE:** AUGUST 8, 2016   
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
SAMUEL MARTINEZ, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** AGENDA ITEM #6 – LAFCO 3208 – Sphere of Influence Amendment for the West Valley Mosquito and Vector Control District

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**INITIATED BY:**

Resolution of the Board of Trustees of the West Valley Mosquito and Vector Control District

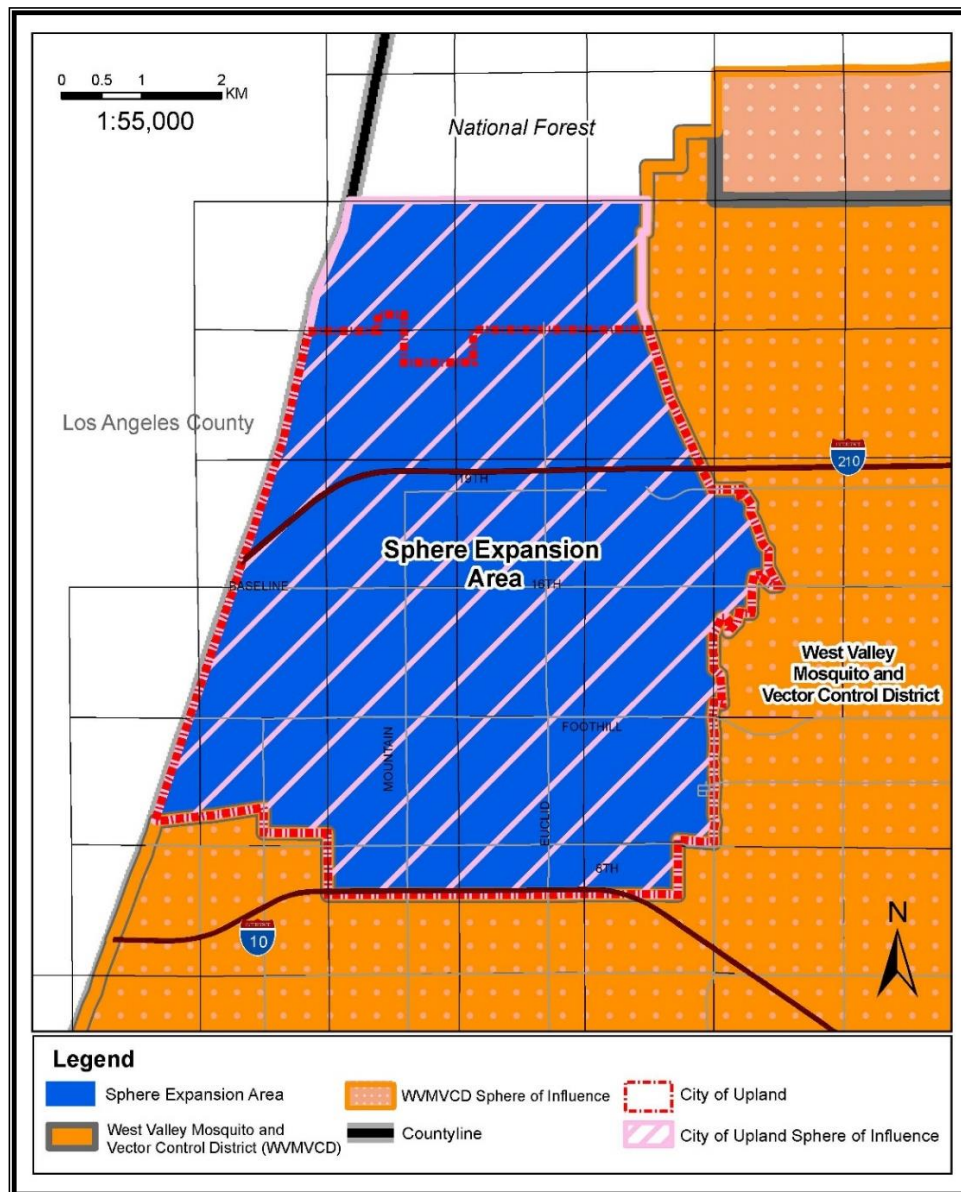
**RECOMMENDATION:**

LAFCO staff recommends that the Commission approve LAFCO 3208 by taking the following actions:

1. Determine that the proposed sphere of influence amendment, submitted under the provisions of Government Code Section 56428, does not require a service review; however, staff recommends that the Commission move up the Countywide service review for mosquito and vector control for its consideration during Fiscal Year 2016-17;
2. Certify that LAFCO 3208 is statutorily exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days;
3. Approve the sphere of influence expansion for the West Valley Mosquito and Vector Control District to include the City of Upland and its unincorporated sphere of influence area commonly known as “San Antonio Heights”;
4. Affirm the description of the functions and services for the West Valley Mosquito and Vector Control District as identified in the *LAFCO Policy and Procedure Manual*; and,
5. Adopt LAFCO Resolution No. 3230 reflecting the Commission’s determinations for LAFCO 3208.

## **BACKGROUND:**

On January 27, 2016, the Board of Trustees of the West Valley Mosquito and Vector Control District (hereafter shown as the “District”) adopted Resolution No. 2016-1 initiating an application to expand the District’s sphere of influence for the purpose of including the City of Upland’s sphere of influence—the City’s corporate boundaries and its unincorporated sphere of influence area commonly known as “San Antonio Heights”—into the District’s sphere of influence. A “sphere of influence” is defined as a planning boundary that designates an agency’s probable future boundary and service area. A map illustrating the proposed sphere of influence expansion is included as Attachment #1 to this report and is shown below:



Changing a sphere of influence does not change the actual jurisdictional boundary of an agency. However, the expansion of the sphere of influence is a prerequisite to allow for the annexation of the area into the District, which is proposed as a part of the reorganization proposal initiated by the District as a separate action (LAFCO 3209). The reorganization proposal, which will be heard following consideration of the proposed sphere of influence expansion, not only includes the annexation of the District's sphere expansion that encompasses the City of Upland and its unincorporated sphere but also the rest of the District's existing sphere of influence boundary that encompasses the City of Rancho Cucamonga's unincorporated sphere area. This set of proposals is intended to consolidate the District's mosquito and vector control services within the west valley region of San Bernardino County, as well as eliminate the isolated service provided by the County's Mosquito and Vector Control Program through its Division of Environmental Health Services.

## **BOUNDARIES:**

The sphere of influence expansion area, encompassing approximately 18.3 square miles, includes the City of Upland's corporate boundaries and its unincorporated sphere of influence area of San Antonio Heights. The subject area is generally bounded by the Los Angeles/San Bernardino Countyline on the west, the Cities of Montclair and Ontario on the south, the City of Rancho Cucamonga on the east, and the National Forest boundary on the north.

## **SERVICE REVIEW DETERMINATION:**

It is the staff's position that a sphere of influence "amendment" does not require that a service review be conducted pursuant to Government Code Section 56430 as this section reads in part, "In order to prepare and to update spheres of influence in accordance with 56425, the commission shall conduct a service review..." LAFCO 3208 is a sphere of influence amendment pursuant to Government Code Section 56428. Therefore, staff is recommending that the Commission determine that LAFCO 3208 does not require a service review.

However, since mosquito and vector control is a service that has not been reviewed for over 10 years and because of the threat of new vector-borne diseases—such as the Zika virus—staff is recommending that the service review for mosquito and vector control be moved to the Fiscal Year 2016-17 cycle for consideration.

## **SPHERE OF INFLUENCE FACTORS OF CONSIDERATION:**

The balance of this report provides staff's responses to the "factors of consideration" required by State law for sphere of influence amendment proposals as outlined in Government Code Section 56425.

## **1. The Present and Planned Land Uses in the area**

The District currently serves the Cities of Chino, Chino Hills, Montclair, Ontario, and Rancho Cucamonga, including portions of unincorporated County areas. The area within the District's sphere of influence boundaries include the cities of Chino, Chino Hills, Montclair, Ontario, and Rancho Cucamonga and the unincorporated spheres of influence for the Cities of Chino, Montclair, and Rancho Cucamonga. The District's sphere of influence includes the full range of land uses including residential, commercial, industrial, institutional/public facilities, agricultural, and open space.

The area proposed to be included within the sphere of influence for the District consists of the City of Upland and its unincorporated sphere area. The City, which is approximately 15.7 square miles (10,027+/- acres) in area, also includes a full range of land uses including residential (single-family and multi-family residential uses), commercial, industrial, special/institutional (public facilities, park and open space, schools, and institutional uses) as well as mixed-use designations. The City's unincorporated sphere of influence area encompasses approximately 2.6 square miles (1,669+/- acres), commonly known as the community of San Antonio Heights. This area is predominantly designated by the County's General Plan as RS-14M (Single Residential, 14,000 square feet minimum) with clusters of areas designated as RS-10M (Single Residential, 10,000 square feet minimum), RL-5 (Rural Living, 5 acre minimum), SD-RES (Special Development – Residential), Resource Conservation, and a few Commercial land uses.

No change in land use will occur as a result of the District's sphere of influence expansion proposal.

## **2. The present and probable need for public facilities and services in the area**

The District provides mosquito and vector control services within its boundaries. The District was formed in 1983 in response to the needs of the residents of the west valley region of San Bernardino County in order to reduce mosquitoes plaguing the community, particularly the eastern Chino and southern Ontario areas, and the County's inability to provide the requisite funding to address the problems associated with the then existing Chino-Ontario Agricultural Preserve. In 1985, the District expanded its surveillance and control activities to include flies, rodents, stinging insects, and various other medically important vectors capable of transmitting disease or causing human discomfort. The District currently serves over 500,000 residents in the west valley region of San Bernardino County.

The District is currently staffed by a District Manager/Entomologist, a part-time finance director, the District clerk, an administrative assistant, a scientific director, an assistant vector ecologist, a vector biologist, a laboratory associate, a

community outreach coordinator, an operations director, a field supervisor, and eight full time/part time vector control technicians.

The District's vector control technicians provide the following services:

- Inspection for mosquitoes;
- Inspection for bedbugs;
- Rodent inspections around residence;
- Swimming pool inspection;
- Pre-construction vector survey;
- Larvicide and pupacide applications;
- Habitat modification for vector reduction; and,
- Honey bee removal in vegetation and non-structural areas only.

The sphere of influence expansion area is currently served by the San Bernardino County Mosquito and Vector Control Program, under the County's Department of Public Health – Division of Environmental Health Services. Because of the threat of existing and new vector-borne diseases and of nuisance vectors, an enhanced mosquito and vector control program is needed to protect the health and safety of the residents within the sphere expansion area.

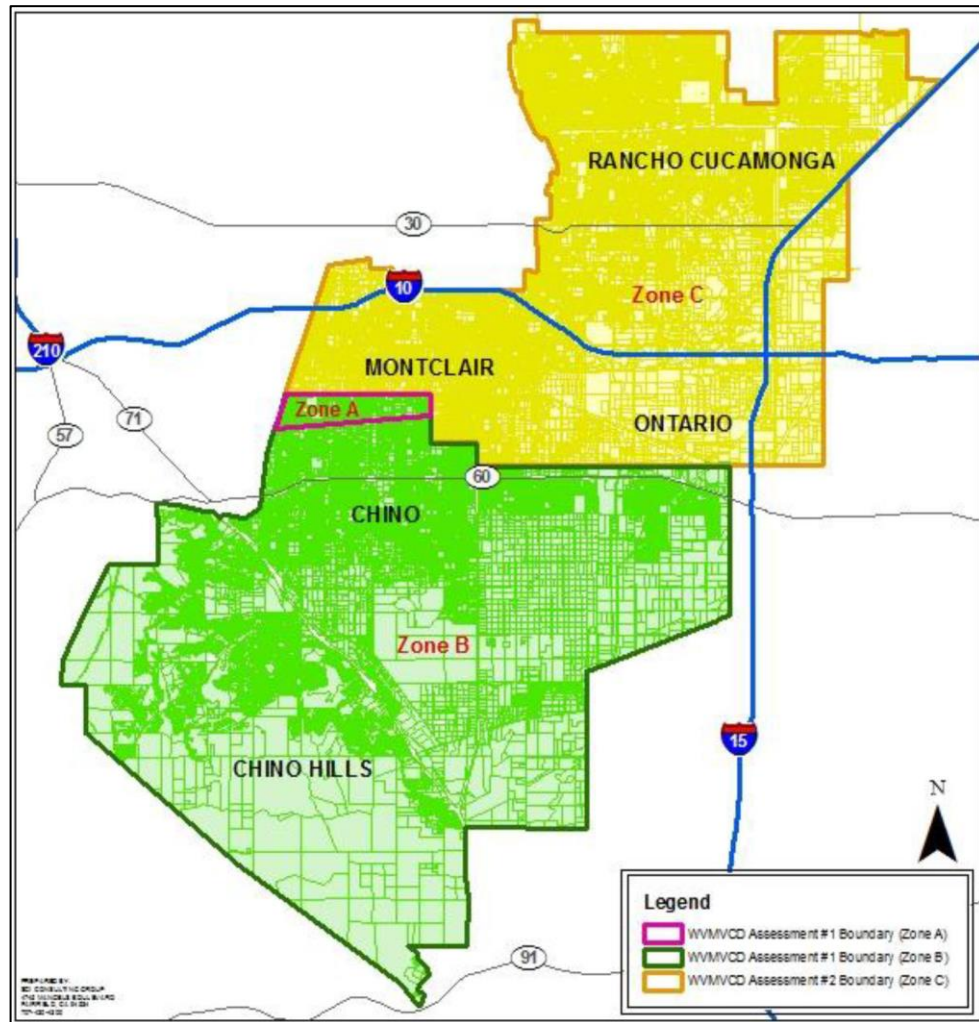
### **3. The present capacity of public facilities and adequacy of public services that the agency provides**

The District currently provides a higher level of service for mosquito and vector control within its service area than does the County and its primary goal is to manage insects and animals that can spread disease. The District's emphasis includes the following:

- respond to service requests from the public in a timely manner;
- carry out routine inspections and elimination or treatment of vector breeding sources;
- conduct vector population and vector-borne disease surveillance activities; and,
- educate the public about vectors and their medical importance and the need for prevention.

The District evaluates the data from field vector collections to help determine risk and courses of action to protect the public against harmful illnesses. It also monitors vector populations in the field. In addition, the District also attends various City events, provides presentations, and field trips in an effort to inform residents about mosquito-borne disease and how they can protect themselves and their community.

Assessment Districts and Zones of Benefit



The Vector Control Assessment District (Assessment District No. 1) was formed in 1996. The purpose of Assessment District No. 1 is to provide surveillance and control of vectors and mosquitoes within the original boundaries of the District, which included the cities of Chino and Chino Hills, a small portion of the City of Montclair, and the southern portions of the City of Ontario. Assessment District No. 1 has two zones, which was divided up based on agricultural areas vs. urban/suburban areas:

- Zone A includes all the parcels in the area bounded by Mission Boulevard on the north, Palmetto Avenue on the east, Phillips Boulevard on the south, and the Countyline on the west.



- Zone B includes the remainder of the original boundaries of the District generally south of Phillips Boulevard.

The Mosquito, Vector and Disease Control Assessment (Assessment District No. 2 or Zone C) was established in 2004 after the District's annexation of the City of Rancho Cucamonga and the northern portions of the cities of Montclair and Ontario. This benefit assessment was established to provide mosquito, vector and disease control to the area that was part of the annexation. The cost of providing the services are reflected in the special benefit received, and the assessment rate charged, to the properties in each of the zones.

The following table summarizes the historical assessment rates for Assessment District No. 1 (Zones A & B) and Assessment District No. 2 (Zone C):

<b>FY</b>	<b>Zone A</b>	<b>Zone B</b>	<b>Zone C</b>
2003-04	\$10.25	\$18.00	
2004-05	\$10.25	\$20.70	\$10.00
2005-06	\$10.25	\$20.70	\$10.30
2006-07	\$10.25	\$20.70	\$10.60
2007-08	\$10.25	\$20.70	\$10.92
2008-09	\$10.25	\$20.70	\$11.02
2009-10	\$10.56	\$20.70	\$11.14
2010-11	\$10.98	\$20.70	\$11.25
2011-12	\$11.25	\$20.70	\$11.25
2012-13	\$11.25	\$20.70	\$11.25
2013-14	\$11.59	\$20.70	\$11.59
2014-15	\$12.17	\$20.70	\$12.17
2015-16	\$12.86	\$20.70	\$12.86
<b>2016-17</b>	<b>\$13.12</b>	<b>\$20.70</b>	<b>\$13.12</b>

Zone B traditionally had more agricultural areas and higher population levels of mosquitoes and other vectors, which is why it has a higher assessment rate to fund the higher amount of service it requires and receives. The District uses more time, manpower and more chemicals, to keep the elevated number of mosquitoes and other vectors in Zone B at acceptable levels, comparable to the levels in Zones A or C. All zones receive the services necessary to keep the level of mosquitoes and other vectors at a similar, acceptable level throughout the entire District.

The County Mosquito and Vector Control Program currently serves the area within the sphere of influence expansion area. This sphere of influence amendment application will allow for the subsequent annexation of this area to the District.

Following the sphere expansion and the subsequent reorganization (LAFCO 3209), additional staff will be recruited and equipment acquired to provide the current level of service offered by the District, which is enhanced from that provided by the County.

#### **4. The existence of any social or economic communities of interest**

The District currently serves most of the west valley region for San Bernardino County. It serves the City of Chino and its unincorporated sphere area, the City of Chino Hills, the City of Montclair and its unincorporated sphere area, the City of Ontario, and the City of Rancho Cucamonga. The only portion that it does not serve is the City of Upland and its unincorporated sphere area as well as the area within the City of Rancho Cucamonga's unincorporated sphere area, which is currently a part of the District's sphere of influence.

If the proposed sphere of influence expansion is approved and the subsequent reorganization proposal (LAFCO 3209) is successful, the entire west valley region of San Bernardino County will be within the District's service area.

#### **Functions and Services for the West Valley Mosquito and Vector Control District:**

Government Code Section 56425(i) requires that during a sphere of influence amendment or update for a Special District, the Commission is required to review and identify the range of services to be provided, as well as the nature and location of these services. At present the Commission's Policy and Procedure Manual identifies the authorized functions and services to be provided by the special districts under its purview. That listing identifies the following functions and services for the District:

<b><u>FUNCTION</u></b>	<b><u>SERVICES</u></b>
Vector Extermination	Conduct surveillance and other appropriate studies of vectors and vector-borne diseases; prevention of the occurrence of vectors and vector-borne diseases; abate or control vector and vector-borne diseases.

LAFCO staff recommends that the Commission affirm the service description for the West Valley Mosquito and Vector Control District as identified in the *LAFCO Policy and Procedure Manual, Section VI, Chapter 3: Listing of Special Districts within San Bernardino LAFCO Purview - Authorized Functions and Services*.

#### **ENVIRONMENTAL CONSIDERATIONS:**

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Tom Dodson and Associates, has indicated that the review of LAFCO 3208 is statutorily exempt from the California Environmental Quality Act (CEQA). This

recommendation is based on the finding that the Commission's approval of the sphere of influence amendment does not have any potential to alter the existing physical environment in any manner different from the existing environmental circumstance; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). A copy of Mr. Dodson's analysis is included as Attachment #3 to this report.

### **ADDITIONAL DETERMINATIONS:**

1. Legal notice of the Commission's consideration of this proposal has been provided through publication of a 1/8<sup>th</sup> page advertisement in the *Inland Valley Daily Bulletin*, a newspaper of general circulation in the area. In addition, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies requesting special mailed notice.
2. The map and legal description of this sphere of influence amendment, was certified by the County Surveyor's office.

### **CONCLUSION:**

LAFCO 3208 represents a reasonable expansion of the sphere of influence for the West Valley Mosquito and Vector Control District to solidify a uniform system for the delivery of its services that is cohesive and comprehensive. This proposal has been submitted in order to move forward with the reorganization proposal that the District has submitted to annex the City of Upland and its unincorporated sphere along with the North Etiwanda portion of the City of Rancho Cucamonga's sphere of influence (currently within the District's sphere) and transfer the responsibility for mosquito and vector control services from the County to the District. Should this reorganization be successful, it would consolidate the range and level of service within the west valley region for San Bernardino County. For all these reasons, and those identified within this report, staff recommends approval of LAFCO 3208. The actions recommended for the Commission are outlined on page one of this report.

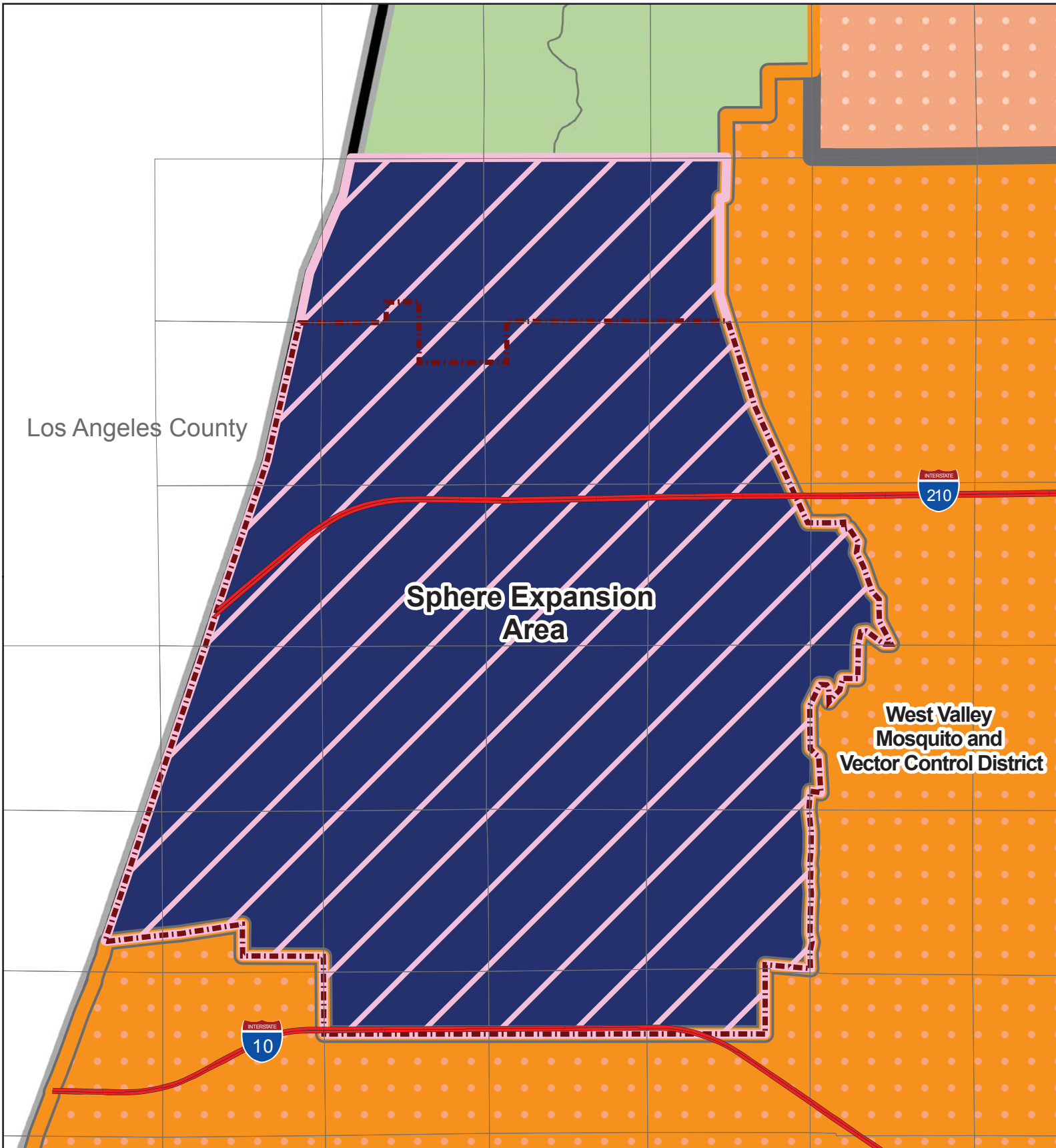
KRM/sm

### **Attachments:**



1. Vicinity Map and Map of Proposed Sphere Expansion
2. West Valley Mosquito and Vector Control District Application for Sphere of Influence Expansion
3. Letter Response from the Commission's Environmental Consultant Tom Dodson of Tom Dodson and Associates
4. Draft LAFCO Resolution No. 3230

# **Vicinity Map and Map of Proposed Sphere Expansion**

**Attachment 1**



## Legend

- |   |  |
|---|--|
|  Sphere Expansion Area  |  City of Upland                     |
|  West Valley Mosquito and Vector Control District                     |  City of Upland Sphere of Influence |
|  West Valley Mosquito and Vector Control District Sphere of Influence |  San Bernardino County Boundary     |
|   |  Forest                             |

**LAFCO 3208 - Sphere of Influence Amendment (Expansion) for West Valley Mosquito and Vector Control District**



1:50,000

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**West Valley Mosquito and  
Vector Control District  
Application for Sphere of Influence  
Expansion**

**Attachment 2**

RECEIVED  
MAY 04 2016

LAFCO  
San Bernardino County

(FOR LAFCO USE ONLY)

**SAN BERNARDINO LAFCO  
APPLICATION AND PRELIMINARY  
ENVIRONMENTAL DESCRIPTION FORM**

**INTRODUCTION:** The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

**GENERAL INFORMATION**

1. NAME OF PROPOSAL: West Valley Mosquito and Vector Control District sphere expansion and annexation in the west end of San Bernardino County.

2. NAME OF APPLICANT: West Valley Mosquito and Vector Control District

APPLICANT TYPE: ☐ Landowner ☒ Local Agency  
☐ Registered Voter ☐ Other \_\_\_\_\_

MAILING ADDRESS:  
1295 E. Locust St.

Ontario, CA 91761

PHONE: (909\_\_) 635-0307

FAX: (909\_\_) 635-0405

E-MAIL ADDRESS: mcheng@wvmvcd.org or emason@wvmvcd.org

3. GENERAL LOCATION OF PROPOSAL: In the sphere expansion application, it includes the City of Upland and its sphere of influence. In the annexation application, it includes the City of Upland and its sphere of influence, and the sphere of Rancho Cucamonga being in the unincorporated territory of the County of San Bernardino bordering on the National Forest.

4. Does the application possess 100% written consent of each landowner in the subject territory?  
YES ☐ NO ☒ If YES, provide written authorization for change.

5. Indicate the reason(s) that the proposed action has been requested. To consolidate the mosquito and vector control services into one District in order to provide enhanced levels of service and to better protect the health and safety of the public in the west end of San Bernardino County.

**LAND USE AND DEVELOPMENT POTENTIAL**

1. Total land area of subject territory (defined in acres):  
Approximately 17,640 acres
2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments)

Single Family Residence	15,544
Multi-Family Residence	2,740
Apartments	6,873
Mobile Homes (in MH Parks)	631
3. Approximate current population within area:  
Approximately 79,477
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):  
Included in the general plan designations of the cities are a mixture of residential, commercial, industrial, institutional, agricultural and open space uses. No change of the current designation of use is anticipated as a result of annexation in these cities.  
  
San Bernardino County General Plan designation(s) and uses permitted by this designation(s):  
The annexation will not impact the current County General Plan use descriptions.
5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory:  
Not applicable. No land use change as a result of these applications.
6. Indicate the existing use of the subject territory.  
The current land use includes a mixture of residential, commercial, industrial, institutional, agricultural and open spaces.  
  
What is the proposed land use?  
There will be no change in land use in the annexed areas.
7. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES ☐ NO ☒ If YES, please explain.



8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Agricultural Land Uses                                 | <input type="checkbox"/> Agricultural Preserve Designation       |
| <input type="checkbox"/> Williamson Act Contract   | <input type="checkbox"/> Area where Special Permits are Required |
| <input type="checkbox"/> Any other unusual features of the area or permits required: _____ |  |

9. Provide a narrative response to the following factor of consideration as identified in §56668(p):  
*The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services:*

The vector control services will be provided uniformly throughout the area.

### **ENVIRONMENTAL INFORMATION**

1. Provide general description of topography. The northern boundary of the proposed sphere expansion and annexation area is the San Bernardino National Forest. It slopes gradually southward toward the existing District boundary. The remaining area is generally flat. Several creeks/channels, generally running in a north to south direction, exist in this area: Etiwanda Creek, Day Creek Channel, Deer Creek, Cucamonga Canyon Channel/Creek, Cucamonga Channel and Demens Creek Channel.

2. Describe any existing improvements on the subject territory as % of total area.

Residential	<u>36.1</u> %	Agricultural	<u>0.8</u> %
Commercial	<u>6.2</u> %	Vacant	<u>26.5</u> %
Industrial	<u>3.9</u> %	Other	<u>26.5</u> %

3. Describe the surrounding land uses:

NORTH	<u>The land use is the San Bernardino National Forest including open spaces.</u>
EAST	<u>The land use varies, including residential, commercial, industrial, institutional, agricultural and open spaces.</u>
SOUTH	<u>The land use varies, including residential, commercial, industrial, institutional, agricultural and open spaces.</u>
WEST	<u>The land use varies, including residential, commercial, industrial, institutional, agricultural and open spaces.</u>

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

*The proposed annexation will not result in additional development or alteration of the area.*

5. Will service extensions accomplished by this proposal induce growth on this site? YES ☐  
NO ☒ Adjacent sites? YES ☐ NO ☒ Unincorporated ☐ Incorporated ☐

6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐  
NO ☒ If YES, please identify.

7. Is this proposal a part of a larger project or series of projects? YES ☐ NO ☒ If YES, please explain.

### **NOTICES**

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME Min-Lee Cheng TELEPHONE NO. 909-635-0307

ADDRESS:  
1295 E. Locust St., Ontario, CA 91761

NAME Maria Garcia-Adarve, SCI Consulting Group TELEPHONE NO. 707-430-4300

ADDRESS:  
4745 Mangels Blvd., Fairfield, CA 94534

NAME \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

ADDRESS:  
\_\_\_\_\_

## CERTIFICATION

As a part of this application, the City/Town of \_\_\_\_\_, or the West Valley Mosquito and Vector Control District District/Agency, Min-Lee Cheng (the applicant) and/or the \_\_\_\_\_ (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fee and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

I hereby certify that the statements furnished above and in the attached supplements and exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE February 3, 2016  
(Revised May 3, 2016)



SIGNATURE

Min-Lee Cheng, Ph.D.

Printed Name of Applicant or Real Property in Interest  
(Landowner/Registered Voter of the Application Subject Property)

District Manager

Title and Affiliation (if applicable)

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:

- ☒ ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT
- ☒ SPHERE OF INFLUENCE CHANGE SUPPLEMENT
- ☐ CITY INCORPORATION SUPPLEMENT
- ☐ FORMATION OF A SPECIAL DISTRICT SUPPLEMENT
- ☐ ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT

## SUPPLEMENT SPHERE OF INFLUENCE AMENDMENT

**INTRODUCTION:** The questions on this form are designed to obtain data about the specific sphere of influence amendment application to allow the Commission, staff and others to adequately assess the application. You may also include any additional information that you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please provide an identification of the agencies involved in the proposed sphere of influence change(s):

**SPHERE EXPANSION**

*West Valley Mosquito and  
 Vector Control District*

**SPHERE REDUCTION**

2. Provide a narrative description of the following factors of consideration as outlined in Government Code Section 56425. (If additional room for response is necessary, please attach additional sheets to this form.)

The present and planned land uses in the area, including agricultural and open-space lands.

*There will be no changes to planned land uses in the area, including agricultural and open-space lands.*

The present and probable need for public facilities and services in the area.

*Currently, in the proposed sphere expansion area, services are provided by County Vector Control. With the rapid urbanization and continuous increase in human population, and the threat of existing and new vector-borne diseases and of nuisance vectors, an enhanced mosquito and vector control program is needed to protect the health and safety of the residents in this area. Because this area is contiguous to the existing area of West Valley Mosquito and Vector Control District, the residents would receive the enhanced level of service the District will provide.*

The present capacity of public facilities and adequacy of public services that the agency to be expanded provides or is authorized to provide.

*The District provides high levels of mosquito and vector control services to the public within the existing District boundaries. Following sphere expansion and annexation, additional staff will be recruited and equipment acquired to provide similar enhanced mosquito and vector control services to the area.*

The existence of any social or economic communities of interest in the area.

*The sphere expansion area includes the City of Upland and its sphere of influence to the north, and the unincorporated area north of Rancho Cucamonga bordering on the National Forest, all of which are known social and economic communities of interest.*

---

The present and probable need for public facilities or services related to sewers, municipal and industrial water, or structural fire protection for any disadvantaged unincorporated community, as defined by Govt. Code Section 56033.5, within the existing sphere of influence.

*Not applicable.*

---

3. If the sphere of influence amendment includes a city sphere of influence change, provide a written statement of whether or not agreement on the sphere change between the city and county was achieved as required by Government Code Section 56425. In addition, provide a written statement of the elements of agreement (such as, development standards, boundaries, zoning agreements, etc.) (See Government Code Section 56425)

*There will be no city sphere of influence change associated with the sphere expansion.*

---

4. If the sphere of influence amendment includes a special district sphere of influence change, provide a written statement: (a) specifying the function or classes of service provided by the district(s) and (b) specifying the nature, location and extent of the functions or classes of service provided by the district(s). (See Government Code Section 56425(i))

a) *Vector extermination*

b) *Conduct surveillance and other appropriate studies of vectors and vector-borne diseases; prevention of the occurrence of vectors and vector-borne diseases; abate or control vector and vector-borne diseases.*

---

5. For any sphere of influence amendment either initiated by an agency or individual, or updated as mandated by Government Code Section 56425, the following service review information is required to be addressed in a narrative discussion, and attached to this supplemental form (See Government Code Section 56430):

a. Growth and population projections for the affected area.

*Growth and population projections are not relevant to the sphere or sphere expansion process.*

*The services provided by the District will benefit the existing population and any future population in the affected area.*

- b. Location and characteristics of disadvantaged unincorporated communities within or contiguous to the sphere of influence.

*The City of Montclair sphere of influence has the only disadvantaged unincorporated communities in the District.*

- c. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies, including those associated with a disadvantaged unincorporated community.

*Current facilities are capable of serving all communities within the District at the same level of services.*

- d. Financial ability of agencies to provide services.

*Services are provided through the collection of assessments, which are adequate to fund the District's services.*

- e. Status of, and opportunities for, shared facilities.  
*None.*

- f. Accountability for community service needs, including governmental structure and operational efficiencies.

*Currently, the District is staffed by four administrative personnel (including the District Manager/Entomologist, a part-time Finance Director, the District Clerk, and an Administrative Assistant), surveillance/laboratory personnel (a Scientific Director, an Assistant Vector Ecologist, a Vector Biologist, a Laboratory Associate), a Community Outreach Coordinator, an Operations Director and a Field Supervisor, and eight full time and part time Vector Control Technicians. The emphasis of the District is to respond to service requests from the public in a timely manner, carry out routine inspection and elimination or treatment of vector breeding sources, conduct vector population and vector-borne disease surveillance activities, and educate the public about vectors and their medical importance and prevention. The function of the office staff, including the District Manager, is report to the Board of Trustees, to handle the District's administrative and financial duties, conduct on-going training on vectors, vector-borne diseases and the latest technology relevant to vector biology and control, and vector-borne disease detection and prevention, provide supportive function for the field staff, provide specimen identification service to the public and strengthen inter-governmental relations.*

*Governing power of the District is vested in a six-member Board of Trustees. One member each is appointed by the City Councils of Chino, Chino Hills, Ontario, Montclair, and Rancho Cucamonga with the remaining board member being appointed by the San Bernardino County Board of Supervisors. The budget, benefit assessment rates, level of service and long term plan of the District are reviewed and approved by the Board before execution. The budget and proposed services will also be reviewed with the public at an annual public meeting. As a result, there will be several layers of accountability and oversight to ensure that services are provided to the City in the most cost effective and responsive manner.*

If additional sheet are submitted or a separate document provided to fulfill Item #5, the narrative description shall be signed and certified by an official of the agency(s) involved with the sphere of influence review as to the accuracy of the information provided. If necessary, attach copies of documents supporting statements.

## **CERTIFICATION**

As a part of this application, the City/Town of \_\_\_\_\_, or the West Valley Mosquito and Vector Control District District/Agency, Min-Lee Cheng (the applicant) and/or the \_\_\_\_\_ (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs, imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

I hereby certify that the statements furnished above present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE February 3, 2016

  
SIGNATURE

Min-Lee Cheng, Ph.D.  
Printed Name of Applicant or Real Property in Interest  
(Landowner/Registered Voter of the Application Subject Property)

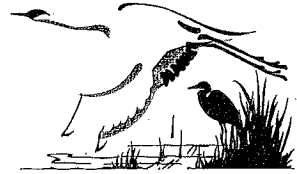
District Manager  
Title and Affiliation (if applicable)

**Letter Response from the  
Commission's Environmental  
Consultant Tom Dodson of  
Tom Dodson and Associates**

**Attachment 3**



**TOM DODSON & ASSOCIATES**  
2150 N. ARROWHEAD AVENUE  
SAN BERNARDINO, CA 92405  
TEL (909) 882-3612 • FAX (909) 882-7015  
E-MAIL tda@tdaenv.com



July 30, 2016

Ms. Kathleen Rollings-McDonald  
Local Agency Formation Commission  
215 North "D" Street, Suite 204  
San Bernardino, CA 92415-0490

**RECEIVED**  
AUG 04 2016

**LAFCO**  
San Bernardino County

Dear Kathy:

LAFCO 3208 consists of an amendment to the West Valley Mosquito and Vector Control District (District). The District currently provides mosquito and vector control services for a portion of the west San Bernardino Valley. In areas where the District does not provide such service, the San Bernardino County Department of Environmental Health Vector Control Division provides comparable services. LAFCO 3208 proposes a Sphere of Influence expansion in the west San Bernardino Valley that encompasses about 18.3 square miles, which includes the entirety of the City of Upland's existing corporate boundaries and its northern unincorporated Sphere known as San Antonio Heights. In this instance the proposed expansion of the District's Sphere of Influence is accompanied by a Reorganization to include annexations to the District and its Assessment District No. 1 and Zone A, which includes the areas encompassed by this Sphere Expansion.

However, in this instance the proposed Sphere expansion does not involve any physical changes in the environment. This is because even with the follow-on approval of LAFCO 3209 (referenced Reorganization), the services provided by the District will simply replace that currently provided by the County, i.e., the Sphere expansion will not result in any physical changes to the environment.

Therefore, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) applies to LAFCO 3208 under Section 15061 (b) (3) of the State CEQA Guidelines. This General Rule exemption states: "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." It is my opinion, and recommendation to the Commission, that this circumstance applies to LAFCO 3208.

In this case, adopting the proposed Sphere expansion, in conjunction with the Reorganization (LAFCO 3209) will simply replace the existing mosquito and vector control activities carried out by the County with the same services, but conducted by a new agency. Thus, no physical changes in the environmental will

be adversely impacted by approving LAFCO 3208. Based on this review of LAFCO 3208 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3208 does not constitute a project under CEQA and adoption of the Statutory Exemption and filing of a Notice of Exemption is the most appropriate determination to comply with CEQA for this action. The Commission can approve this review and finding for this action and I recommend that you notice LAFCO 3208 as statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline section cited above. The Commission needs to file a Notice of Exemption (NOE) with the County Clerk of the Board for this action once it is completed.

A copy of this memorandum and the NOE should be retained in the LAFCO project file to serve as verification of this evaluation and as the CEQA environmental determination record for LAFCO 3208. If you have any questions, please feel free to give me a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Dodson".

Tom Dodson

# **Draft Resolution No. 3230**

**Attachment 4**

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North D Street, Suite 204, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 885-8170  
E-MAIL: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

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PROPOSAL NO.: LAFCO 3208

HEARING DATE: SEPTEMBER 21, 2016

## RESOLUTION NO. 3230

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3208 AND APPROVING THE SPHERE OF INFLUENCE AMENDMENT (EXPANSION) FOR THE WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT (The sphere amendment includes the City of Upland's corporate boundaries and its unincorporated sphere of influence area, encompassing approximately 18.3 square miles, which is generally bounded by the Los Angeles/San Bernardino Countyline on the west, the Cities of Montclair and Ontario on the south, the City of Rancho Cucamonga on the east, and the National Forest boundary on the north).**

On motion of Commissioner \_\_\_\_\_, duly seconded by Commissioner \_\_\_\_\_, and carried, the Local Agency Formation Commission adopts the following resolution:

**WHEREAS**, an application for the proposed sphere of influence expansion in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

**WHEREAS**, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

**WHEREAS**, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

**WHEREAS**, the public hearing by this Commission was called for August 17, 2016 and continued to the September 21, 2016 hearing at the time and place specified in the notice of public hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written support and opposition; the Commission considered all objections and evidence which were made, presented, or filed; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing; and,

**WHEREAS**, a statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that this sphere of influence expansion is

## RESOLUTION NO. 3230

statutory exempt from CEQA and such exemption was adopted by this Commission on September 21, 2016. The Commission directed its Executive Officer to file a Notice of Exemption within five working days with the San Bernardino County Clerk of the Board of Supervisors; and,

**WHEREAS**, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it is determined that the sphere of influence for the West Valley Mosquito and Vector Control District should be expanded, as more specifically described on the attached Exhibits "A" and "A-1" to this resolution;

**WHEREAS**, the Commission determined that the proposed sphere of influence amendment, submitted under the provisions of Government Code Section 56428, does not require a service review; and,

**WHEREAS**, the following determinations are made in conformance with Government Code Section 56425 and local Commission policy:

### 1. **Present and Planned Uses:**

The West Valley Mosquito and Vector Control District (District) currently serves the Cities of Chino, Chino Hills, Montclair, Ontario, and Rancho Cucamonga, including portions of unincorporated County areas. The area within the District's sphere of influence boundaries include the cities of Chino, Chino Hills, Montclair, Ontario, and Rancho Cucamonga and the unincorporated spheres of influence for the Cities of Chino, Montclair, and Rancho Cucamonga. The District's sphere of influence includes the full range of land uses including residential, commercial, industrial, institutional/public facilities, agricultural, and open space.

The area proposed to be included within the sphere of influence for the District consists of the City of Upland and its unincorporated sphere area. The City, which is approximately 15.7 square miles (10,027+/- acres) in area, also includes a full range of land uses including residential (single-family and multi-family residential uses), commercial, industrial, special/institutional (public facilities, park and open space, schools, and institutional uses) as well as mixed-use designations. The City's unincorporated sphere of influence area encompasses approximately 2.6 square miles (1,669+/- acres), commonly known as the community of San Antonio Heights. This area is predominantly designated by the County's General Plan as RS-14M (Single Residential, 14,000 square feet minimum) with clusters of areas designated as RS-10M (Single Residential, 10,000 square feet minimum), RL-5 (Rural Living, 5 acre minimum), SD-RES (Special Development – Residential), Resource Conservation, and a few Commercial land uses.

No change in land use will occur as a result of the District's sphere of influence expansion proposal.

### 2. **The present and probable need for public facilities and services in the area**

The District provides mosquito and vector control services within its boundaries. The District was formed in 1983 in response to the needs of the residents of the west valley region of San Bernardino County in order to reduce mosquitoes plaguing the community, particularly the eastern Chino and southern Ontario areas, and the County's inability to provide the requisite funding to address the problems associated with the then existing

## RESOLUTION NO. 3230

Chino-Ontario Agricultural Preserve. In 1985, the District expanded its surveillance and control activities to include flies, rodents, stinging insects, and various other medically important vectors capable of transmitting disease or causing human discomfort. The District currently serves over 500,000 residents in the west valley region of San Bernardino County.

The District is currently staffed by a District Manager/Entomologist, a part-time finance director, the District clerk, an administrative assistant, a scientific director, an assistant vector ecologist, a vector biologist, a laboratory associate, a community outreach coordinator, an operations director, a field supervisor, and eight full time/part time vector control technicians.

The District's vector control technicians provide the following services:

- Inspection for mosquitoes;
- Inspection for bedbugs;
- Rodent inspections around residence;
- Swimming pool inspection;
- Pre-construction vector survey;
- Larvicide and pupacide applications;
- Habitat modification for vector reduction; and,
- Honey bee removal in vegetation and non-structural areas only.

The sphere of influence expansion area is currently served by the San Bernardino County Mosquito and Vector Control Program, under the County's Department of Public Health – Division of Environmental Health Services. Because of the threat of existing and new vector-borne diseases and of nuisance vectors, an enhanced mosquito and vector control program is needed to protect the health and safety of the residents within the sphere expansion area.

### **3. The present capacity of public facilities and adequacy of public services that the agency provides**

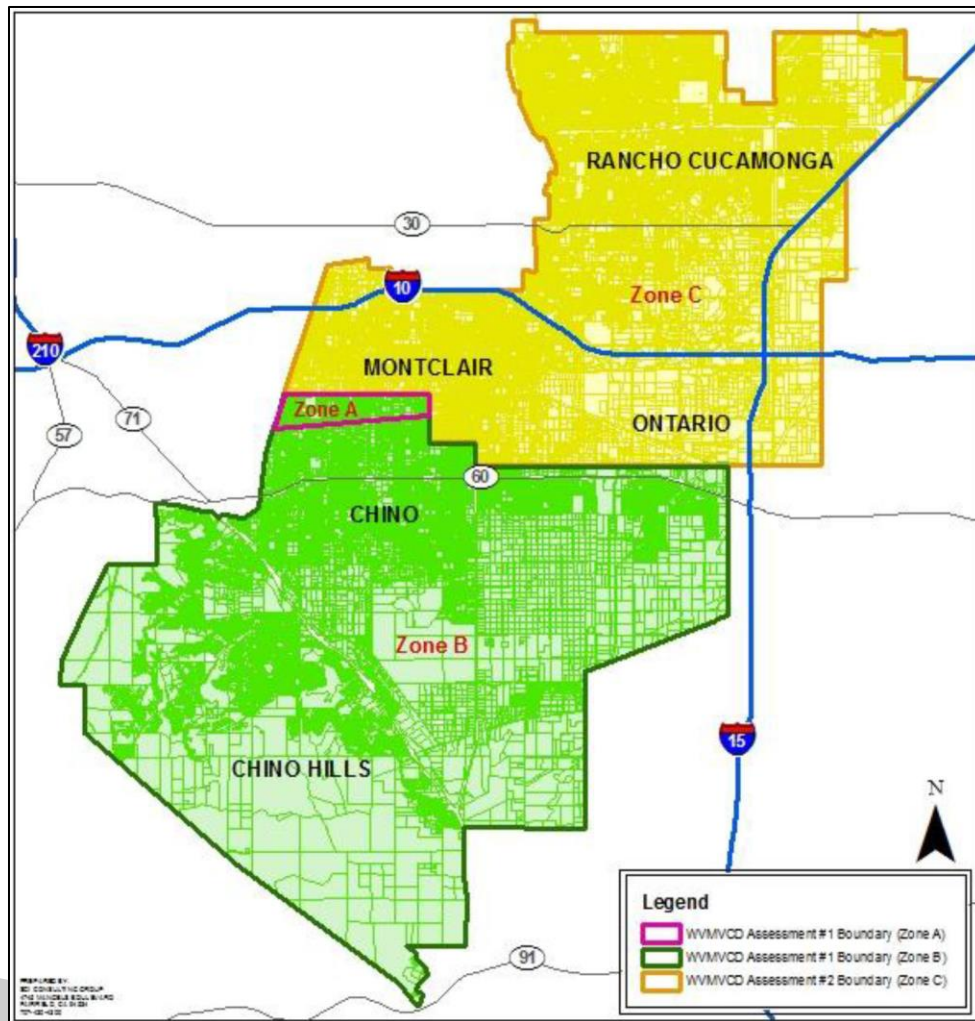
The District currently provides a higher level of service for mosquito and vector control within its service area than does the County and its primary goal is to manage insects and animals that can spread disease. The District's emphasis includes the following:

- respond to service requests from the public in a timely manner;
- carry out routine inspections and elimination or treatment of vector breeding sources;
- conduct vector population and vector-borne disease surveillance activities; and,
- educate the public about vectors and their medical importance and the need for prevention.

The District evaluates the data from field vector collections to help determine risk and courses of action to protect the public against harmful illnesses. It also monitors vector populations in the field. In addition, the District also attends various City events, provides presentations, and field trips in an effort to inform residents about mosquito-borne disease and how they can protect themselves and their community.

## RESOLUTION NO. 3230

### Assessment Districts and Zones of Benefit



The Vector Control Assessment District (Assessment District No. 1) was formed in 1996. The purpose of Assessment District No. 1 is to provide surveillance and control of vectors and mosquitoes within the original boundaries of the District, which included the cities of Chino and Chino Hills, a small portion of the City of Montclair, and the southern portions of the City of Ontario. Assessment District No. 1 has two zones, which was divided up based on agricultural areas vs. urban/suburban areas:

- Zone A includes all the parcels in the area bounded by Mission Boulevard on the north, Palmetto Avenue on the east, Phillips Boulevard on the south, and the Countyline on the west.
- Zone B includes the remainder of the original boundaries of the District generally south of Phillips Boulevard.

## RESOLUTION NO. 3230

The Mosquito, Vector and Disease Control Assessment (Assessment District No. 2 or Zone C) was established in 2004 after the District's annexation of the City of Rancho Cucamonga and the northern portions of the cities of Montclair and Ontario. This benefit assessment was established to provide mosquito, vector and disease control to the area that was part of the annexation. The cost of providing the services are reflected in the special benefit received, and the assessment rate charged, to the properties in each of the zones.

The following table summarizes the historical assessment rates for Assessment District No. 1 (Zones A & B) and Assessment District No. 2 (Zone C):

<b>FY</b>	<b>Zone A</b>	<b>Zone B</b>	<b>Zone C</b>
2003-04	\$10.25	\$18.00	
2004-05	\$10.25	\$20.70	\$10.00
2005-06	\$10.25	\$20.70	\$10.30
2006-07	\$10.25	\$20.70	\$10.60
2007-08	\$10.25	\$20.70	\$10.92
2008-09	\$10.25	\$20.70	\$11.02
2009-10	\$10.56	\$20.70	\$11.14
2010-11	\$10.98	\$20.70	\$11.25
2011-12	\$11.25	\$20.70	\$11.25
2012-13	\$11.25	\$20.70	\$11.25
2013-14	\$11.59	\$20.70	\$11.59
2014-15	\$12.17	\$20.70	\$12.17
2015-16	\$12.86	\$20.70	\$12.86
<b>2016-17</b>	<b>\$13.12</b>	<b>\$20.70</b>	<b>\$13.12</b>

Zone B traditionally had more agricultural areas and higher population levels of mosquitoes and other vectors, which is why it has a higher assessment rate to fund the higher amount of service it requires and receives. The District uses more time, manpower and more chemicals, to keep the elevated number of mosquitoes and other vectors in Zone B at acceptable levels, comparable to the levels in Zones A or C. All zones receive the services necessary to keep the level of mosquitoes and other vectors at a similar, acceptable level throughout the entire District.

The County Mosquito and Vector Control Program currently serves the area within the sphere of influence expansion area. This sphere of influence amendment application will allow for the subsequent annexation of this area to the District. Following the sphere expansion and the subsequent reorganization (LAFCO 3209), additional staff will be recruited and equipment acquired to provide the current level of service offered by the District, which is enhanced from that provided by the County.



## RESOLUTION NO. 3230

### 4. The existence of any social or economic communities of interest

The District currently serves most of the west valley region for San Bernardino County. It serves the City of Chino and its unincorporated sphere area, the City of Chino Hills, the City of Montclair and its unincorporated sphere area, the City of Ontario, and the City of Rancho Cucamonga. The only portion that it does not serve is the City of Upland and its unincorporated sphere area as well as the area within the City of Rancho Cucamonga's unincorporated sphere area, which is currently a part of the District's sphere of influence.

If the proposed sphere of influence expansion is approved and the subsequent reorganization proposal (LAFCO 3209) is successful, the entire west valley region of San Bernardino County will be within the District's service area.

### 5. Additional Determinations

- Legal notice of the Commission's consideration of this proposal has been provided through publication of a 1/8<sup>th</sup> page advertisement in the *Inland Valley Daily Bulletin*, a newspaper of general circulation in the area. In addition, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies requesting special mailed notice.
- The map and legal description of this sphere of influence amendment was prepared and certified by the County Surveyor's office.

**WHEREAS**, pursuant to the provisions of Government Code Section 56425(i) the range of services provided by the West Valley Mosquito and Vector Control District shall be limited to the following:

#### **FUNCTION**

Vector Extermination

#### **SERVICES**

Conduct surveillance and other appropriate studies of vectors and vector-borne diseases; prevention of the occurrence of vectors and vector-borne diseases; abate or control vector and vector-borne diseases.

**WHEREAS**, having reviewed and considered the determinations as outlined above, the Commission determines to expand the sphere of influence for the West Valley Mosquito and Vector Control District, encompassing approximately 18.3 square miles.

**NOW, THEREFORE, BE IT RESOLVED** by the Local Agency Formation Commission for San Bernardino County, State of California, that this Commission shall consider the territory described in Exhibits "A" and "A-1" as being within the sphere of influence of the West Valley Mosquito and Vector Control District, it being fully understood that the amendment of such sphere of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants.

**RESOLUTION NO. 3230**

**BE IT FURTHER RESOLVED** that the Local Agency Formation Commission of the County of San Bernardino, State of California, does hereby determine that the West Valley Mosquito and Vector Control District shall indemnify, defend, and hold harmless the Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

**THIS ACTION APPROVED AND ADOPTED** by the Local Agency Formation Commission for San Bernardino County by the following vote:

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

\*\*\*\*\*

STATE OF CALIFORNIA                    )  
  ) ss.  
COUNTY OF SAN BERNARDINO )

I, KATHLEEN ROLLINGS-MCDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of September 21, 2016.

**DATED:**


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**KATHLEEN ROLLINGS-MCDONALD**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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[www.sbclafco.org](http://www.sbclafco.org)

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**DATE:** SEPTEMBER 8, 2016   
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
SAMUEL MARTINEZ, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #8: LAFCO 3209 – Reorganization to include Annexations to the West Valley Mosquito and Vector Control District and its Assessment District No. 2 (Zone C), As Modified

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**INITIATED BY:**

Resolution of the Board of Trustees of the West Valley Mosquito and Vector Control District

**RECOMMENDATION:**

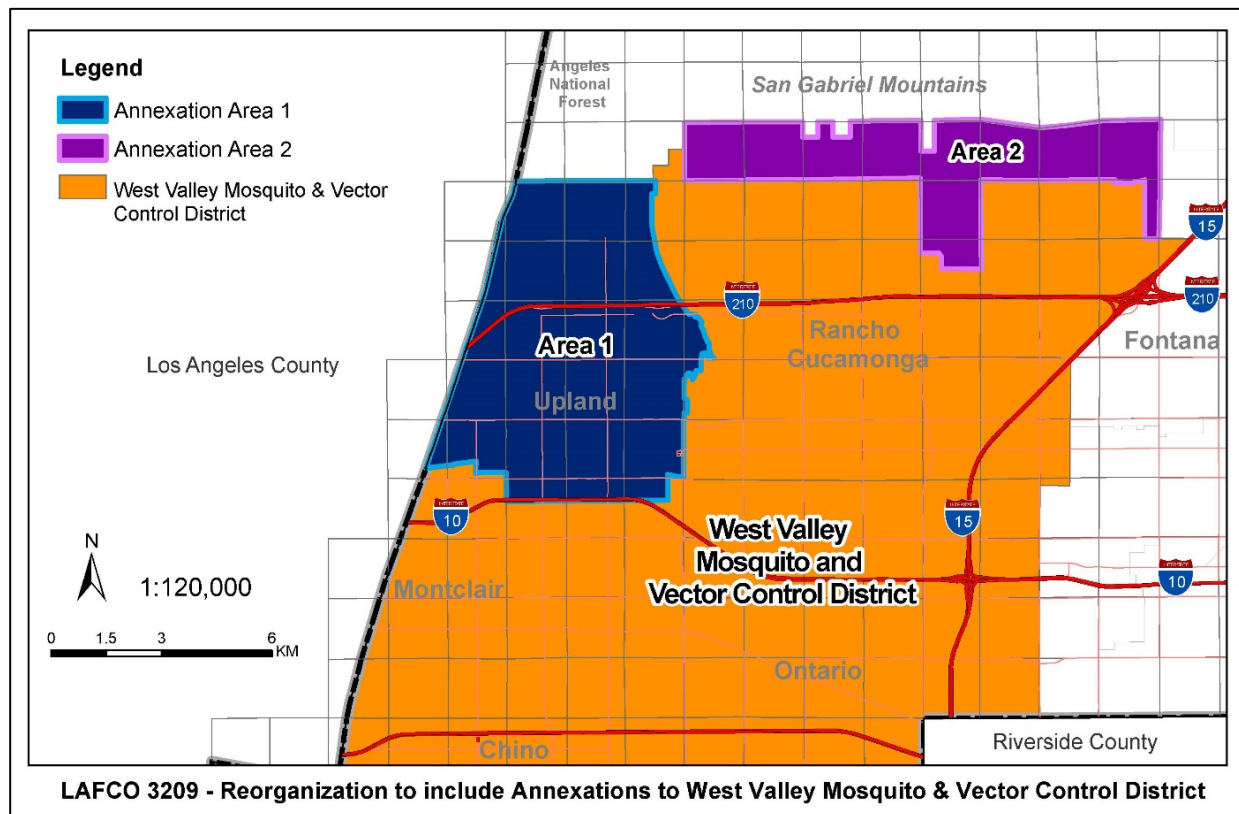
The staff recommends that the Commission approve LAFCO 3209 by taking the following actions:

1. Modify LAFCO 3209, to be a reorganization to include the annexation to the West Valley Mosquito and Vector Control District and its Assessment District No. 2 (Zone C);
2. Certify that LAFCO 3209, as modified, is statutorily exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file the Notice of Exemption within five (5) days;
3. Approve LAFCO 3209, as modified, with the following conditions:
  - A. Prior to the issuance of the Certificate of Completion for the reorganization to include annexations, pursuant to the provisions outlined in Government Code Section 56886(i), the Commission requires that the Board of Trustees of the West Valley Mosquito and Vector Control District and the County Board of Supervisors provide to the Executive Officer of LAFCO a signed agreement transferring a prorated portion of the County's Vector Control benefit assessment for Fiscal Year 2016-17 to the West Valley Mosquito and Vector Control District said amount to be determined based upon the effective date of LAFCO 3209; and,

- B. The standard LAFCO terms and conditions that include the “hold harmless” clause for potential litigation costs by the applicant.
4. Adopt LAFCO Resolution No. 3231 setting forth the Commission’s determinations and conditions of approval concerning the reorganization proposal.

**BACKGROUND:**

In January 2016, the West Valley Mosquito and Vector Control District (hereafter shown as the “District”) initiated a reorganization application that proposes to annex the City of Upland and its unincorporated sphere area commonly known as “San Antonio Heights” (Area 1) and the rest of the District’s sphere of influence outside of its boundary, which includes the entirety of the City of Rancho Cucamonga’s unincorporated sphere area (Area 2). The map below provides a general location of the two areas that are proposed for annexation as part of this reorganization.



Originally, the reorganization also included the annexation of the two areas into the District’s Assessment District No. 1 and Zone A. However, LAFCO staff is recommending that the proposal be modified to be a reorganization to include the annexation into the District’s Assessment District No. 2, which is also recognized as the District’s benefit assessment Zone C. A discussion related to this modification is addressed within the Boundaries section of the report.

The primary reason for the proposal is to consolidate mosquito and vector control services in the west end of the valley region for San Bernardino County. The District provides a comprehensive mosquito and vector control services in four main areas, which include, but are not limited to: responding to service requests from the public for a variety of disease and poisonous vectors and nuisance vectors in a timely manner, routinely inspects and eliminates or treats vector breeding sources, surveillance of vector populations and vector-borne disease pathogens, and providing outreach to the public. Approval of the reorganization would allow for comprehensive service delivery system for the west end of the valley region for San Bernardino County.

In addition, the District's headquarters is located in the City of Ontario. Therefore, the response time to residents within the City of Upland and its unincorporated sphere area as well as to residents within the City of Rancho Cucamonga's unincorporated sphere area will be quicker than it is currently with the County due to the proximity of the District's facilities.

The District provides modern, high-tech laboratories and highly trained staff that are constantly testing for vector-borne diseases within its service area. The District's public outreach staff is available to attend various functions including concerts at the part where mosquito repellent wipes are handed out to residents free of charge. It also reaches out to schools to educate students on mosquitoes and other vectors and the diseases they carry.

Residents in the annexations areas will also be able to pick-up mosquito fish and mosquito dunks<sup>1</sup> for use in their ponds or other sources of standing water—free of charge by going to the District's office in Ontario rather than having to travel to the County offices.

As a result, the reorganization area will also receive enhanced mosquito and vector control services.

#### City of Upland Support:

The City of Upland took an action on January 25, 2016 to support the proposed annexation noting that the only area the District does not serve in the west end of the valley is the City of Upland. It indicated that annexation would result in a more efficient delivery of service. It also acknowledged that if the annexation is successful, the City Upland would be given a seat on the District Board, which would provide for a direct voice to implement programs and outreach efforts to the citizens of the City of Upland.

This report will provide the Commission with the information related to the four major areas of consideration required for a jurisdictional change – boundaries, land uses, service issues and the effects on other local governments, and environmental considerations.

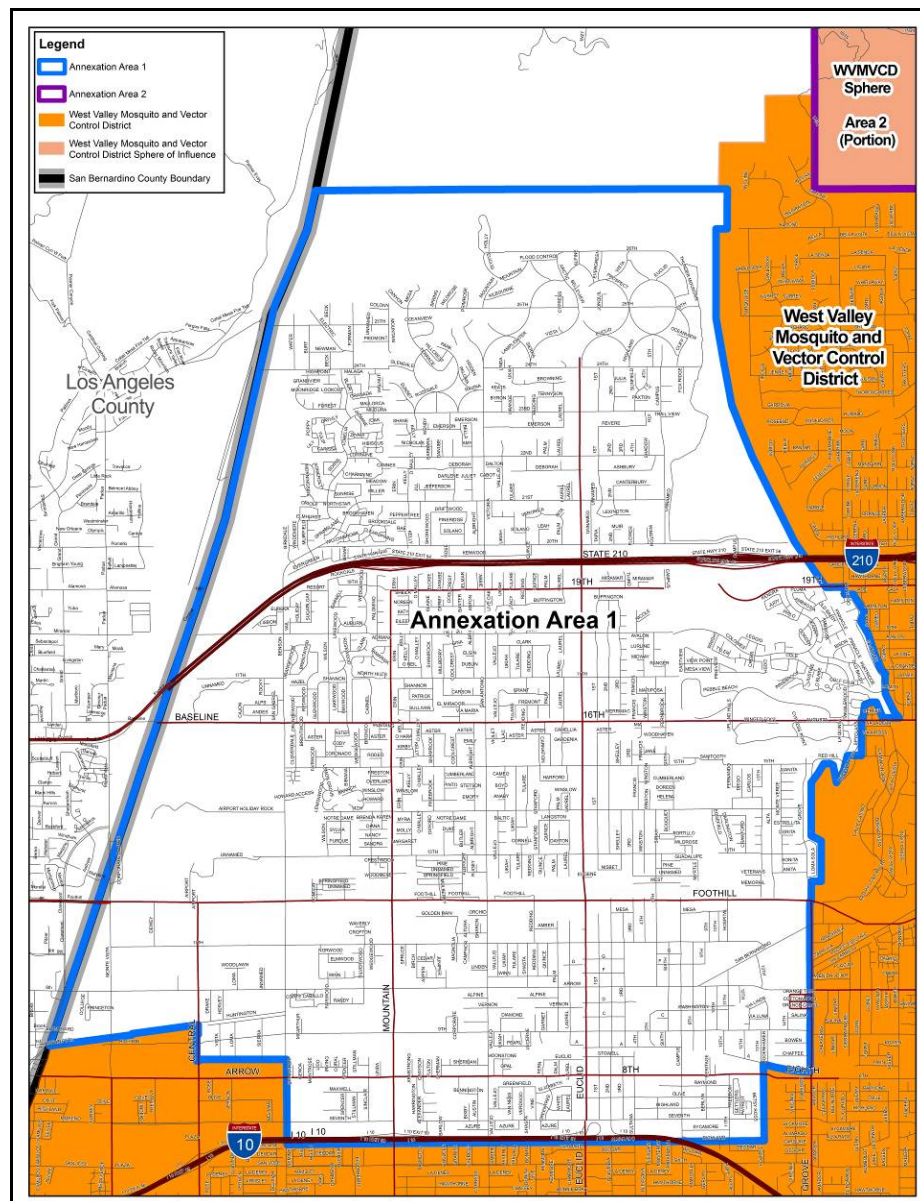
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<sup>1</sup> Mosquito Dunks is a registered trademark for a mosquito control product that has the active ingredient BTI (*Bacillus thuringiensis* subspecies *israelensis*), which is a bacterium that, when added to any standing water, pond, or water garden, is deadly to mosquito larvae but harmless to humans or other wildlife such as pets, fish, etc.

## **BOUNDARIES:**

The territory proposed for annexation to the District includes two separate areas encompassing a total of approximately 17,644 acres (27.6 square miles), generally described as follows:

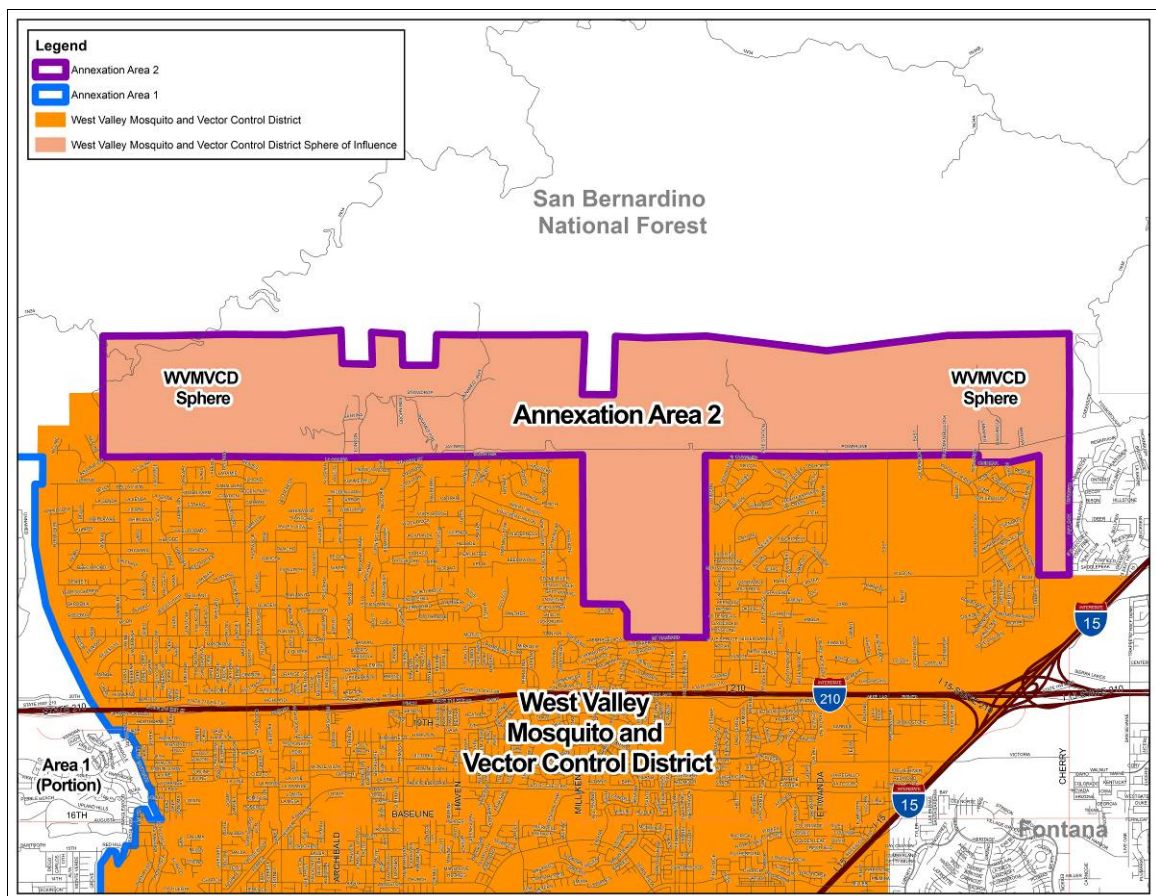
- Area 1 includes the entirety of the City of Upland's boundaries and its unincorporated sphere of influence area commonly known as "San Antonio Heights" encompassing approximately 11,696 acres (18.3 square miles). The area is generally bounded by the Los Angeles/San Bernardino Countyline on the west, the Cities of Montclair and Ontario on the south, the City of Rancho Cucamonga on the east, and the National Forest boundary on the north.





Area 1 is also the area being considered for a sphere of influence amendment (expansion) for the District as a separate action (LAFCO 3208).

- Area 2 includes the District's existing sphere of influence, which covers the City of Rancho Cucamonga's unincorporated sphere of influence encompassing approximately 5,949 acres (9.3 square miles). The area is generally bounded by the National Forest and the City of Rancho Cucamonga on the west, the City of Rancho Cucamonga on the south, the City of Fontana on the east, and the National Forest boundary on the north.



#### *Annexation to the WVMVCD's Assessment District No. 2 (Zone C)*

In 1996, the District passed Resolution No. 96-3 approving the creation of its original assessment district, the Vector Control Assessment District—otherwise known as its Assessment District No. 1—along with two benefit assessment zones (Zones A and B) for the levying of annual differing assessments within the original boundaries of the District, which includes the Cities of Chino and Chino Hills, as well as the southern portions of the Cities of Montclair and Ontario. In 2004, the annexation to the District (LAFCO 2947) prompted the creation of a new assessment district—the Mosquito, Vector and Disease

Control Assessment—known as its Assessment District No. 2 (or the District's benefit assessment Zone C) that levies an annual assessment to the annexed area, which includes the City of Rancho Cucamonga and the northern portions of the Cities of Montclair and Ontario. These are the assessment districts that provide funding for the services of the District including projects and programs for the surveillance, prevention, abatement, and control of mosquitos and other vectors. The cost of these services also includes capital costs comprised of equipment, capital improvements and facilities necessary and incidental to vector control programs of the District.

Originally, the reorganization proposed the annexation of the two areas into the District's Assessment District No. 1 and Zone A. However, LAFCO staff is recommending that the proposal be modified to be a reorganization to include the annexation into a different assessment district, its Assessment District No. 2 (Zone C).

Staff's rationale for this modification is twofold:

1. The annexation areas are adjacent to the other areas within Assessment District No. 2 (Zone C); and,
2. Both Assessment District 1 (Zone A) and Assessment District No. 2 (Zone C) currently have the same assessment rates for all property types or land uses. The main difference between both assessment districts is the way the rates are levied year after year. For Assessment District No. 1 (Zones A and B), the rates are not to exceed the reasonable cost of providing vector surveillance and control activities, and cannot exceed fifty dollars (\$50) annually as determined by the District's Board of Trustees. For Assessment District No. 2 (Zone C), the rates are subject to annual increases tied to the Consumer Price Index (CPI) for the Los Angeles Area, with a maximum annual increase not to exceed 3%<sup>2</sup>. Inclusion within Assessment District No. 2 (Zone C) provides for a more gradual (and predictable) increase in assessment.

Therefore, LAFCO staff is recommending that the proposal be modified to include the two areas into the District's Assessment District No. 2 (Zone C) instead of the District's Assessment District No. 1 (Zone A) as a function of the reorganization.

The annexation of these two areas into the District will consolidate its service area within the west end of the valley region for San Bernardino County encompassing the City of Chino and its unincorporated sphere, the City of Chino Hills, the City of Montclair and its unincorporated sphere, the City of Ontario, the City of Rancho Cucamonga and its unincorporated sphere, and the City of Upland and its unincorporated sphere, which are easily identifiable boundaries for service delivery. In addition, the annexation to Assessment District No. 2 (Zone C) provides for a cohesive assessment boundary for the

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<sup>2</sup> Any change in the CPI in excess of 3% shall be cumulatively reserved as the "Unused CPI" and shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than 3%. The maximum authorized assessment rate is equal to the maximum assessment rate in the first fiscal year the assessment was levied, adjusted annually by the minimum of 1) 3% or 2) the change in the CPI plus any Unused CPI as described above.



District's financing entities/zones, which provide the funding for the comprehensive services of the District. Therefore, the proposal, as modified, presents no boundary concern.

### **LAND USE:**

Area 1 of the reorganization proposal includes the City of Upland and its unincorporated sphere area. The City includes a full range of land uses including residential (single-family and multi-family residential uses), commercial, industrial, special/institutional (public facilities, park and open space, schools, and institutional uses) as well as mixed-use designations. The City's unincorporated sphere area, which is commonly known as the community of San Antonio Heights, is mostly designated by the County as RS-14M (Single Residential, 14,000 square feet minimum) with clusters of areas designated as RS-10M (10,000 square feet minimum), RL-5 (Rural Living, 5 acre minimum), SD-RES (Special Development – Residential), Resource Conservation, and a few Commercial land uses.

Area 2 includes the City of Rancho Cucamonga's unincorporated sphere of influence area, which is designated by the County with the following land uses: RS-1 (1 acre minimum), RL, RL-5 (5 acre minimum), RL-10 (10 acre minimum), SD-RES, Resource Conservation, Institutional, Open Space, and Floodway. The area proposed for annexation includes a portion of the North Etiwanda Preserve, and major flood control facilities.

No change in land use is anticipated as a result of the reorganization proposal. In addition, approval of this proposal will have no direct impact on the current land use designations assigned for the reorganization area. Therefore, there are no land use concerns related to this proposal.

### **SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:**

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area. Current County service providers within the reorganization areas include: San Bernardino County Fire Protection District and its Valley Service Zone (San Antonio Heights area only), County Service Area 120 (Area #2 only), County Service Area SL-1 (San Antonio Heights area only) and County Service Area 70 (multi-function entity). In addition, the following entities overlay the reorganization area: Chino Basin Water Conservation District, Monte Vista Water District, Inland Empire Resource Conservation District, Rancho Cucamonga Fire Protection District (Area #2 only), City of Upland, Cucamonga Valley Water District, Metropolitan Water District of Southern California and Inland Empire Utilities Agency.

The only entity that is directly affected by this reorganization is the County's Mosquito and Vector Control Program, which is the entity that currently provides the service to the proposal areas. However, as identified in email correspondence from its Interim Program Manager (included as Attachment #4 to this report), the County fully supports the annexation and the financial aspects related to this proposal.

The application includes a plan for the extension of services for the reorganization area as required by law and Commission policy (included as part of Attachment #2 to this report).

As identified earlier, the District provides a comprehensive mosquito and vector control services in four main areas:

1. The District responds to service requests from the public for a variety of disease and poisonous vectors (e.g. mosquitoes, ticks, rats, honey bees, wasps, etc.) and nuisance vectors (e.g. flies, gnats, snakes, etc.) in a timely manner. In addition, the District mitigates the vector-related problem by removing the vector or issues abatement notices to the responsible individuals.
2. The District field staff routinely inspects and eliminates or treats all known vector breeding sources (e.g. dairy waste water ponds, drainage ditches, flood fields, bmp's, etc.), advises property owners to mitigate the sources whenever possible, and looks for new or potential vector breeding sources.
3. The District conducts regularly scheduled surveillance for West Nile virus, St. Louis encephalitis, and Western Equine encephalomyelitis, Hantavirus, Arenavirus, Lyme disease, Rickettsial diseases, and plague. The District also constantly monitors for other disease agents that are potentially dangerous to the area, such as malaria, dengue fever, Japanese encephalitis, Chikungunya fever, Zika virus, etc. and invasive vectors such as the Asian tiger mosquito and yellow fever mosquito and other diseases that pose a threat to the health and safety of the local residents and visitors.
4. The District provides outreach to the public. It currently uses a variety of media to spread information on vectors, vector-borne diseases, control and prevention to the public. Its staff attends various events, provides presentations, and field trips in an effort to inform residents about mosquito-borne disease and how they can protect themselves and their community.

*Annexation to Mosquito, Vector and Disease Control Assessment - WVMVCD Assessment District No. 2 (Zone C):*

The Plan for Service and the supplemental data submitted indicates that the reorganization area will be included in the District's existing Vector Control Assessment District (Assessment District No. 1) and its Zone A. However, as discussed earlier, LAFCO staff is recommending a modification to include the annexation of the two areas, Areas 1 and 2, into the District's Mosquito, Vector and Disease Control Assessment (Assessment District No. 2 – Zone C), which will replace the County's existing benefit assessment and, if successful, will take effect beginning Fiscal Year 2017-18.

The table below shows the breakdown of the anticipated assessment for the reorganization area based on number of units and the land use types:

West Valley Mosquito and Vector Control District Assessment Methodology			Preliminary Benefit Units and Assessment in Annex Area	
Property Type / Land Use	Benefit Units	2016-17 Rate	Benefit Units	Assessment
Single family residential/ Condo/ Mobile Home (secured)	1	\$13.12	18,709	\$245,462
Multi family, 2 units	2	\$26.24	530	\$6,954
Multi family, 3 units	3	\$39.36	351	\$4,605
Multi family, 4 units	4	\$52.48	1,256	\$16,479
Multi family, 5-14 units	5	\$65.60	717	\$9,407
Multi family, 15 units and up	6	\$78.72	462	\$6,061
Commercial / Industrial / Office / Vacant / Other types	1.667	\$21.87	3,374	\$44,265
Unassessable (Govt, HOA, Public Utilities)	0.00	\$0.00	0	\$0
			<b>25,399</b>	<b>\$333,233</b>

Based on the 2016-17 rate, the District's Assessment District No 2 (Zone C) would assess \$13.12 per unit for residential parcels and \$21.87 per parcel for all other types (e.g. commercial, industrial, vacant, etc.). Assessment District No. 2 (Zone C) is subject to annual increases tied to the Consumer Price Index (CPI) for the Los Angeles Area with a maximum annual increase not to exceed 3%. This special assessment will replace the County's existing special assessment for mosquito and vector control which is currently set at \$5.62 per unit for residential and \$10.26 for commercial/industrial. The proposed rate represents an increase of approximately \$7.50 per unit for residential parcels and \$11.60 for each commercial/industrial parcels.

Due to the timing of the proposal's consideration, the District will not be able to place its benefit assessment on this year's assessment rolls. Therefore, the County's existing assessment for Fiscal Year 2016-17 will continue to be charged. However, if the reorganization proposal is successful, staff proposes as a condition that a portion of the County's assessment be transferred to the District, prorated based on the date the Certificate of Completion for LAFCO 3209 is issued, to fund the District's delivery of its services to the reorganization area. To implement the transfer of the County's assessment revenue to the District, the condition will require both the District and the County enter into a contract prior to the issuance of the Certificate of Completion that outlines the process by which the County will transfer a portion of its assessment revenue received for Fiscal Year 2016-17, identified as follows:

- Prior to the issuance of the Certificate of Completion for the reorganization to include annexations, pursuant to the provisions outlined in Government Code Section 56886(i), the Commission requires that the Board of Trustees of the West Valley Mosquito and Vector Control District and the County Board of Supervisors provide to the Executive Officer of LAFCO a signed agreement transferring a prorated portion of the County's Vector Control benefit assessment for Fiscal Year 2016-17 to the West Valley Mosquito and Vector Control District said amount to be determined based upon the effective date of LAFCO 3209.

As shown on the District's five-year financial analysis below (which is also included as part of Attachment #2), the District is anticipating the receipt of the County's assessment for the

first year, which is much less than what the District estimates the cost would be to provide the service. In order to supplement this first year revenue, the District will be providing an internal loan from its reserve to general operations — to be repaid in future years — in order to have the necessary funding to provide the increased level of service anticipated for immediate delivery.

<b>Fiscal Impact Analysis</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
<b>Estimated Annual Revenue</b>					
WVMVCD loan from/to reserves	179,000	(30,090)	(31,728)	(35,422)	(37,214)
Benefit Assessment	139,000	342,990	353,280	363,878	374,794
<b>TOTAL ESTIMATED REVENUES</b>	<b>318,000</b>	<b>312,900</b>	<b>321,552</b>	<b>328,456</b>	<b>337,580</b>
<b>Estimated Annual Cost of Providing Vector Control Services</b>					
Salaries, Employee Benefits, Admin					
2 Vector Control Technicians	160,000	164,800	169,744	174,836	180,081
1 part-time (50%) Lab Assistant	50,000	51,500	53,045	54,636	56,275
1 part-time (20%) Office Assistant	35,000	36,050	37,132	38,245	39,393
1 part-time (30%) Public Outreach assistant	35,000	36,050	37,132	38,245	39,393
	280,000	288,400	297,052	305,964	315,142
Operation, Materials, Supplies					
Vector control supplies	10,000	10,000	10,000	10,000	10,000
Public outreach supplies	8,000	3,000	3,000	3,000	3,000
	18,000	13,000	13,000	13,000	13,000
Fixed Assets/Equipment					
Trucks	8,000	8,000	8,000	8,000	8,000
Vector control equipment	3,000	1,500	1,500	500	500
Communication equipment	6,000	1,000	1,000	500	500
Office equipment (e.g. computers, etc)	3,000	1,000	1,000	492	438
	20,000	11,500	11,500	9,492	9,438
<b>TOTAL ESTIMATED COSTS</b>	<b>318,000</b>	<b>312,900</b>	<b>321,552</b>	<b>328,456</b>	<b>337,580</b>

*Table: The cost of the trucks is amortized over 5 years.*

Staff's concerns regarding the revenue projection detailed above is that the District did not include any reserves in its calculation. In addition, the fact that the revenues for the first year will place the District's budget for the reorganization in a deficit, anticipated to be even higher depending on the prorated share it will receive from the County's benefit assessment for Fiscal Year 2016-17, is a concern. However, based on the District's Audits for the Fiscal Year ended June 30, 2015, it has an unassigned reserve balance of over \$2.5 million, which is about 100 percent contingency over its total expenditures. Therefore, the initial shortfall will not have a significant effect on the District's ability to fund its services. The District will simply loan itself the money from its reserves to cover the amount not received from the County and will repay its reserve account once the full assessment amounts are being received.

All of the proceeds derived from the special assessment will be utilized to fund the cost of providing a level of tangible "special benefits" in the form of mosquito and vector control and surveillance, source reduction, larvicide and adulticide applications, disease monitoring, public education, reporting, accountability, research and interagency cooperative activities,

and other services including costs incidental to providing the services and collecting the assessments.

As required by Commission policy and State law, the Plan for Service shows that the extension of its services will maintain, and/or exceed, current service levels provided through the County.

**Board of Trustees Reconstitution:**

Currently, the District has a six-member board of Trustees. One member is appointed by the City Councils of the Cities of Chino, Chino Hills, Montclair, Ontario, and Rancho Cucamonga with the remaining board member being appointed by the San Bernardino County Board of Supervisors representing the unincorporated areas of the District. Following the successful completion of LAFCO 3209, the City Council of the City of Upland will begin appointing the seventh Board of Trustee, who will represent the City of Upland and will have a voice in District decisions regarding the level of service and service priorities for the City.

**ENVIRONMENTAL CONSIDERATIONS:**

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has indicated that the review of LAFCO 3209 is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the fact that the reorganization will transfer the delivery of mosquito and vector control services from one entity to another which will not result in any physical impacts on the environment. Therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). It is recommended that the Commission adopt the General Rule Statutory Exemption for this proposal. A copy of Mr. Dodson's analysis is included as Attachment #4 to this report.

**CONCLUSION:**

The proposal was submitted by the West Valley Mosquito and Vector Control District to consolidate mosquito and vector control services in the west end of the valley region for San Bernardino County under a single service provider. In addition, the District's level of service will provide an enhanced delivery of mosquito and vector control services. Therefore, for these reasons, and those outlined throughout the staff report, the staff supports the approval of LAFCO 3209 as modified.

**DETERMINATIONS:**

The following determinations are required to be provided by Commission policy and Government Code Section 56668 for any change of organization/reorganization proposal:

1. The reorganization proposal is legally inhabited containing 35,911 registered voters within Areas 1 and 2 as certified by the Registrar of Voters as of March 9, 2016.

2. The County Assessor's Office has determined that the total assessed value of land and improvements within the reorganization area is \$8,704,938,158 (land--\$2,778,134,677; improvements--\$5,926,803,481) as of March 23, 2016. The breakdown of assessed value of land and improvements for both areas are as follows:  
  
Area 1 -- \$8,644,326,682 (land - \$2,733,274,654; improvements -- \$5,911,052,028)  
Area 2 -- \$60,611,476 (land - \$44,860,023; improvements -- \$15,751,453)
3. Through approval of the companion proposal, LAFCO 3208, the reorganization area will be within the sphere of influence assigned the West Valley Mosquito and Vector Control District.
4. In compliance with Commission policies and State law, legal notice of the Commission's consideration of the proposal has been provided through publication of a 1/8<sup>th</sup> page advertisement in the *Inland Valley Daily Bulletin*, a newspaper of general circulation within the reorganization area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.  
  
In compliance with the requirements of Government Code Section 56125, individual notice was mailed to landowners within the reorganization area (totaling 20,471) due to the benefit assessment being extended. Comments from landowners and any affected local agency in support or opposition will be reviewed and considered by the Commission in making its determination.
5. The City of Upland and the County's land use designation for the reorganization area includes a full range of land uses including residential, commercial, industrial, special/institutional, mixed-use, open space, and floodway. This reorganization proposal has no direct effect on the City's or the County's General Plan land use designations assigned for the area.
6. The Southern California Associated Governments (SCAG) adopted its 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3209 has no direct impact on SCAG's Regional Transportation Plan.  
  
The Sustainable Community Strategy includes as a goal the need to promote and improve public health which approval of LAFCO 3209 accomplishes.
7. The Commission's Environmental Consultant, Tom Dodson and Associates, has recommended that this proposal is statutorily exempt from environmental review based on the finding that the Commission's approval of the reorganization has no potential to cause any adverse effect on the environment since the reorganization will transfer the delivery of mosquito and vector control services from one entity to another which will not result in any physical impacts on the environment; and

therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). Mr. Dodson recommends that the Commission adopt the Statutory Exemption and direct its Executive Officer to file a Notice of Exemption within five (5) days. A copy of Mr. Dodson's response letter is included as Attachment #4 to this report.

8. The reorganization areas are served by the following local agencies:

County of San Bernardino  
City of Upland  
Monte Vista Water District  
Cucamonga Valley Water District  
Chino Basin Water Conservation District  
Inland Empire Resource Conservation District  
Inland Empire Utilities Agency  
Metropolitan Water District of Southern California  
Rancho Cucamonga Fire Protection District  
San Bernardino County Fire Protection District and its Valley Service Zone  
County Service Area 120  
County Service Area SL-1  
County Service Area 70 (unincorporated County-wide multi-function agency)

None of the agencies identified above are affected by this proposal. The only affected agencies are the County through its Mosquito and Vector Control Program under its Division of Environmental Health Services and the West Valley Mosquito and Vector Control District.

A plan was prepared for the extension of services to the reorganization area, as required by law. The Plan for Service indicates that the District can maintain and/or improve the level and range of services currently available within the reorganization area. A copy of this plan is included as a part of Attachment #2 to this report. The Plan for Service and Fiscal Impact Analysis have been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that the Plan for Service, its supplemental data and the Fiscal Impact Analysis, conform to those adopted standards and requirements.

9. The reorganization can benefit from the availability and extension of services, as evidenced by the Plan for Service.
10. This proposal will not affect the fair share allocation of the regional housing needs assigned to the City of Upland and/or the unincorporated County area through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) process.
11. With respect to environmental justice, the reorganization proposal—which provides for enhanced level of mosquito and vector control services in the area —will not result in the unfair treatment of any person based on race, culture or income.

12. The County of San Bernardino adopted a resolution determining there will be no transfer of property tax revenues. This resolution fulfills the requirement of Section 99 of the Revenue and Taxation Code.
13. The maps and legal descriptions as revised are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

KRM/sm

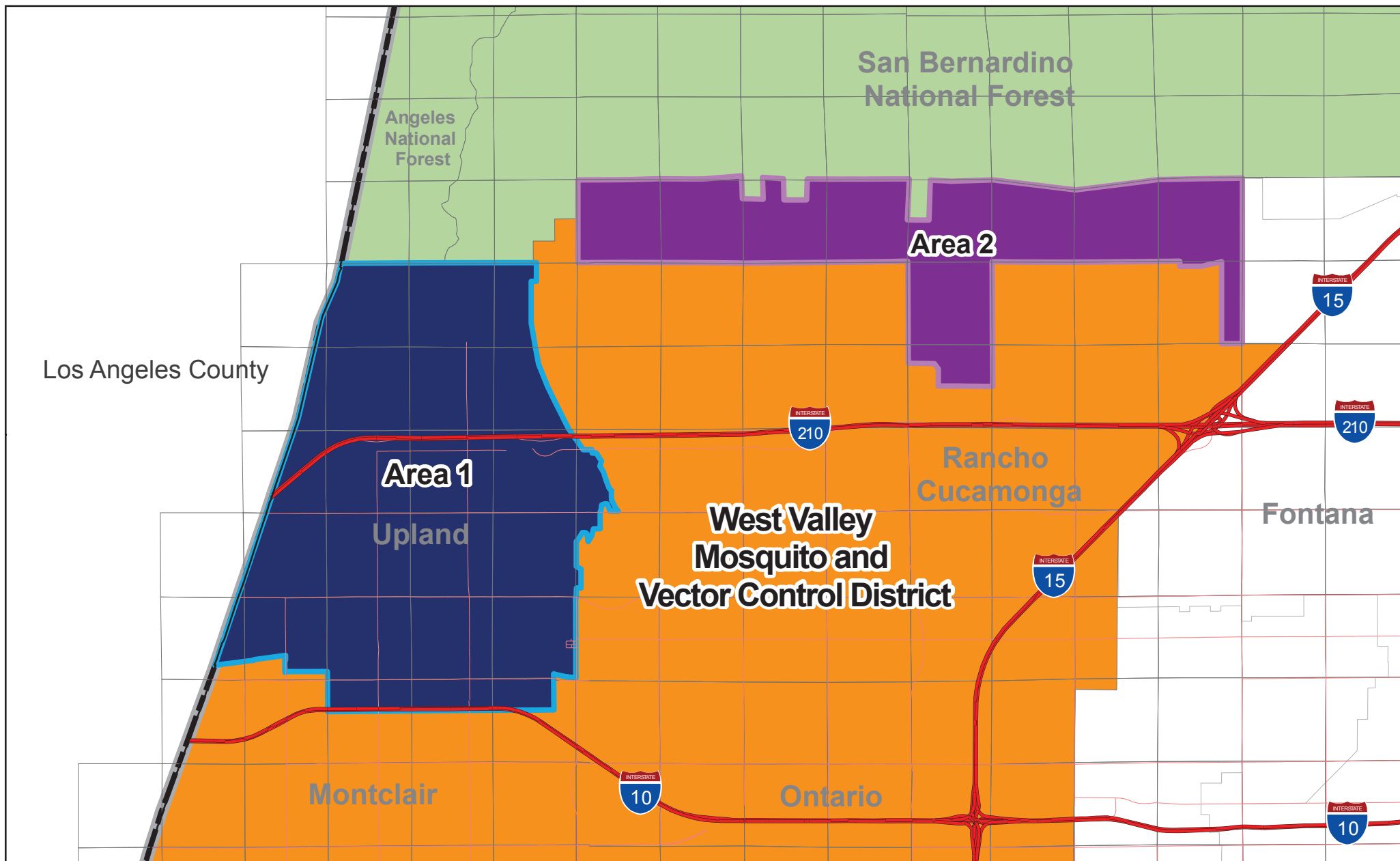
Attachments:

1. Vicinity Maps for the Reorganization Proposal
2. West Valley Mosquito and Vector Control District Application and Plan for Service
3. City of Upland Letter of Support Dated January 26, 2016
4. Email Correspondence from the County's Division of Environmental Health Services Dated March 30, 2016
5. Tom Dodson's Environmental Response for LAFCO 3209
6. Draft Resolution No. 3231



# **Vicinity Map for the Reorganization Proposal**

**Attachment 1**








**LAFCO 3209 - Reorganization to include  
Annexations to West Valley Mosquito and  
Vector Control District and its Assessment  
District No. 1 and Zone A**

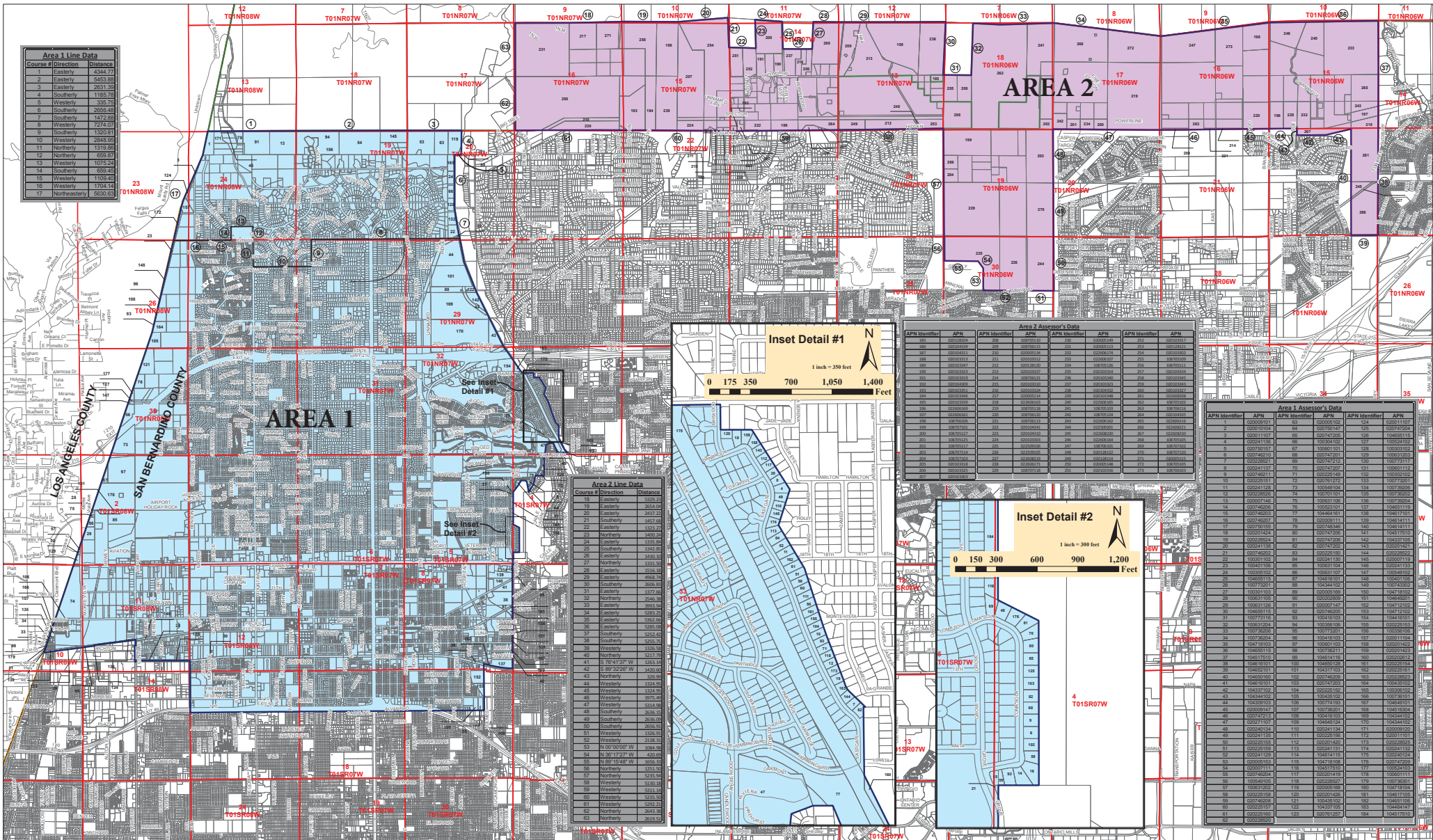


0 1.25 2.5 5 KM

1:100,000

**Legend**

- |   |  |
|---|--|
|  Annexation Area 1                                |  San Bernardino County Boundary |
|  Annexation Area 2                                |  Forest                         |
|  West Valley Mosquito and Vector Control District |  |



**West Valley Mosquito and  
Vector Control District  
Application and Plan for Service**

**Attachment 2**



# WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT

1295 E. LOCUST STREET, ONTARIO, CA 91761 TELEPHONE (909)-635-0307  
[WWW.WVMOSQUITO.ORG](http://WWW.WVMOSQUITO.ORG)

May 2, 2016

Mr. Sam Martinez  
Local Agency Formation Commission  
215 North "D" Street, Suite 204  
San Bernardino, California 92415-0490

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## BOARD OF TRUSTEES

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DISTRICT MANAGER  
Min-Lee Cheng, Ph.D.

Dear Sam:

After review of our applications and in discussions with both you and Maria Garcia-Adarve, from SCL, we have revised our number of parcels. The previous discrepancy on the parcel counts were based on the number of unsecured and possessory interest parcels, which are irrelevant for assessment purposes as they are not assessed. We have revised our Application and Preliminary Environmental Description Form and our Supplement Annexation, Detachment, Reorganization Proposals to reflect the revised parcel counts. Both revised forms are enclosed.

This is the current WVMVCD Zone A assessment methodology, to be used for the proposed annexation area. This table also shows the Annexation Area preliminary benefit units and assessment by land use types:

West Valley Mosquito and Vector Control District Assessment Methodology			Preliminary Benefit Units and Assessment in Annex Area	
Property Type / Land Use	Benefit Units	2016-17 Rate	Benefit Units	Assessment
Single family residential/ Condo/ Mobile Home (secured)	1	\$13.12	18,709	\$245,462
Multi family, 2 units	2	\$26.24	530	\$6,954
Multi family, 3 units	3	\$39.36	351	\$4,605
Multi family, 4 units	4	\$52.48	1,256	\$16,479
Multi family, 5-14 units	5	\$65.60	717	\$9,407
Multi family, 15 units and up	6	\$78.72	462	\$6,061
Commercial / Industrial / Office / Vacant / Other types	1.667	\$21.87	3,374	\$44,265
Unassessable (Govt, HOA, Public Utilities)	0.00	\$0.00	0	\$0
			<b>25,399</b>	<b>\$333,233</b>

We will be hiring a part-time (20%) office clerical assistant during the summer (our busiest season) because of the large number of unkempt swimming pools found in our district. Since we have not yet conducted aerial surveillance over the proposed annexation area, we anticipate that we will find a large number of unkempt swimming pools there also.

Thank you for your assistance. Please let me know if you have any additional questions.

Sincerely,

Min-Lee Cheng, Ph.D.  
District Manager



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**SAN BERNARDINO LAFCO  
APPLICATION AND PRELIMINARY  
ENVIRONMENTAL DESCRIPTION FORM**

**INTRODUCTION:** The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

**GENERAL INFORMATION**

1. NAME OF PROPOSAL: West Valley Mosquito and Vector Control District sphere expansion and annexation in the west end of San Bernardino County.

2. NAME OF APPLICANT: West Valley Mosquito and Vector Control District

APPLICANT TYPE: ☐ Landowner ☒ Local Agency  
☐ Registered Voter ☐ Other \_\_\_\_\_

MAILING ADDRESS:  
1295 E. Locust St.

Ontario, CA 91761

PHONE: (909\_\_) 635-0307

FAX: (909\_\_) 635-0405

E-MAIL ADDRESS: mcheng@wvmvcd.org or emason@wvmvcd.org

3. GENERAL LOCATION OF PROPOSAL: In the sphere expansion application, it includes the City of Upland and its sphere of influence. In the annexation application, it includes the City of Upland and its sphere of influence, and the sphere of Rancho Cucamonga being in the unincorporated territory of the County of San Bernardino bordering on the National Forest.

4. Does the application possess 100% written consent of each landowner in the subject territory?  
YES ☐ NO ☒ If YES, provide written authorization for change.

5. Indicate the reason(s) that the proposed action has been requested. To consolidate the mosquito and vector control services into one District in order to provide enhanced levels of service and to better protect the health and safety of the public in the west end of San Bernardino County.

**LAND USE AND DEVELOPMENT POTENTIAL**

1. Total land area of subject territory (defined in acres):  
Approximately 17,640 acres
2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments)

Single Family Residence	15,544
Multi-Family Residence	2,740
Apartments	6,873
Mobile Homes (in MH Parks)	631
3. Approximate current population within area:  
Approximately 79,477
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):  
Included in the general plan designations of the cities are a mixture of residential, commercial, industrial, institutional, agricultural and open space uses. No change of the current designation of use is anticipated as a result of annexation in these cities.  
  
San Bernardino County General Plan designation(s) and uses permitted by this designation(s):  
The annexation will not impact the current County General Plan use descriptions.
5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory:  
Not applicable. No land use change as a result of these applications.
6. Indicate the existing use of the subject territory.  
The current land use includes a mixture of residential, commercial, industrial, institutional, agricultural and open spaces.  
  
What is the proposed land use?  
There will be no change in land use in the annexed areas.
7. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES ☐ NO ☒ If YES, please explain.

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Agricultural Land Uses                                 | <input type="checkbox"/> Agricultural Preserve Designation       |
| <input type="checkbox"/> Williamson Act Contract   | <input type="checkbox"/> Area where Special Permits are Required |
| <input type="checkbox"/> Any other unusual features of the area or permits required: _____ |  |

9. Provide a narrative response to the following factor of consideration as identified in §56668(p):  
*The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services:*

The vector control services will be provided uniformly throughout the area.

### **ENVIRONMENTAL INFORMATION**

1. Provide general description of topography. The northern boundary of the proposed sphere expansion and annexation area is the San Bernardino National Forest. It slopes gradually southward toward the existing District boundary. The remaining area is generally flat. Several creeks/channels, generally running in a north to south direction, exist in this area: Etiwanda Creek, Day Creek Channel, Deer Creek, Cucamonga Canyon Channel/Creek, Cucamonga Channel and Demens Creek Channel.

2. Describe any existing improvements on the subject territory as % of total area.

Residential	<u>36.1</u> %	Agricultural	<u>0.8</u> %
Commercial	<u>6.2</u> %	Vacant	<u>26.5</u> %
Industrial	<u>3.9</u> %	Other	<u>26.5</u> %

3. Describe the surrounding land uses:

NORTH	<u>The land use is the San Bernardino National Forest including open spaces.</u>
EAST	<u>The land use varies, including residential, commercial, industrial, institutional, agricultural and open spaces.</u>
SOUTH	<u>The land use varies, including residential, commercial, industrial, institutional, agricultural and open spaces.</u>
WEST	<u>The land use varies, including residential, commercial, industrial, institutional, agricultural and open spaces.</u>



4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

*The proposed annexation will not result in additional development or alteration of the area.*

5. Will service extensions accomplished by this proposal induce growth on this site? YES ☐  
NO ☒ Adjacent sites? YES ☐ NO ☒ Unincorporated ☐ Incorporated ☐

6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐  
NO ☒ If YES, please identify.

7. Is this proposal a part of a larger project or series of projects? YES ☐ NO ☒ If YES, please explain.

### **NOTICES**

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME Min-Lee Cheng TELEPHONE NO. 909-635-0307

ADDRESS:  
1295 E. Locust St., Ontario, CA 91761

NAME Maria Garcia-Adarve, SCI Consulting Group TELEPHONE NO. 707-430-4300

ADDRESS:  
4745 Mangels Blvd., Fairfield, CA 94534

NAME \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

ADDRESS:  
\_\_\_\_\_

## CERTIFICATION

As a part of this application, the City/Town of \_\_\_\_\_, or the West Valley Mosquito and Vector Control District District/Agency, Min-Lee Cheng (the applicant) and/or the \_\_\_\_\_ (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fee and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

I hereby certify that the statements furnished above and in the attached supplements and exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE February 3, 2016  
(Revised May 3, 2016)



SIGNATURE

Min-Lee Cheng, Ph.D.

Printed Name of Applicant or Real Property in Interest  
(Landowner/Registered Voter of the Application Subject Property)

District Manager

Title and Affiliation (if applicable)

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:

- |                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT                                       |
| <input checked="" type="checkbox"/> | SPHERE OF INFLUENCE CHANGE SUPPLEMENT   |
| <input type="checkbox"/>            | CITY INCORPORATION SUPPLEMENT   |
| <input type="checkbox"/>            | FORMATION OF A SPECIAL DISTRICT SUPPLEMENT  |
| <input type="checkbox"/>            | ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT |

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San Bernardino County

**SUPPLEMENT**  
**ANNEXATION, DETACHMENT, REORGANIZATION PROPOSALS**

**INTRODUCTION:** The questions on this form are designed to obtain data about the specific annexation, detachment and/or reorganization proposal to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please identify the agencies involved in the proposal by proposed action:

ANNEXED TO

DETACHED FROM

*West Valley Mosquito and Vector  
Control District*

2. For a city annexation, State law requires pre-zoning of the territory proposed for annexation. Provide a response to the following:

- a. Has pre-zoning been completed? YES ☐ NO ☐  
b. If the response to "a" is NO, is the area in the process of pre-zoning? YES ☐ NO ☐

Identify below the pre-zoning classification, title, and densities permitted. If the pre-zoning process is underway, identify the timing for completion of the process.

*Not applicable*

3. For a city annexation, would the proposal create a totally or substantially surrounded island of unincorporated territory?

YES ☐ NO ☐ If YES, please provide a written justification for the proposed boundary configuration.

*Not applicable*

4. Will the territory proposed for change be subject to any new or additional special taxes, any new assessment districts, or fees?

*The existing benefit assessment used in the West Valley Mosquito and Vector Control District Zone A will be extended to the annexation areas, replacing the County's existing benefit assessment in these areas.*

5. Will the territory be relieved of any existing special taxes, assessments, district charges or fees required by the agencies to be detached?

*Not applicable*

---

6. If a Williamson Act Contract(s) exists within the area proposed for annexation to a City, please provide a copy of the original contract, the notice of non-renewal (if appropriate) and any protest to the contract filed with the County by the City. Please provide an outline of the City's anticipated actions with regard to this contract.

*Not applicable*

---

7. Provide a description of how the proposed change will assist the annexing agency in achieving its fair share of regional housing needs as determined by SCAG.

*Not applicable*

---

8. **PLAN FOR SERVICES:**

For each item identified for a change in service provider, a narrative "Plan for Service" (required by Government Code Section 56653) must be submitted. This plan shall, at a minimum, respond to each of the following questions and be signed and certified by an official of the annexing agency or agencies.

- A. A description of the level and range of each service to be provided to the affected territory.

*The mosquito and vector control services provided by the District comprise four main areas: 1) service request; 2) routine inspection and elimination or treatment of vector breeding sources; 3) surveillance of vector populations and vector-borne disease pathogens; and 4) public outreach. The services described below are provided within the current boundaries of the District and would be provided to the annexation areas once established.*

- 1) *Governing power of the District is vested in a six-member Board of Trustees. One member each is appointed by the City Councils of Chino, Chino Hills, Ontario, Montclair, and Rancho Cucamonga with the remaining board member being appointed by the San Bernardino County Board of Supervisors. Following completion of annexation, a seventh Board Trustee will be appointed by the City of Upland. This new Board member will be influential in deciding the level of service and service priorities for the City. The budget, benefit assessment rates, level of service and long term plan of the District are reviewed and approved by the Board before execution. The budget and proposed services will also be reviewed with the public at an annual public meeting. As a result, there will be several layers of accountability and oversight to ensure that services are provided to the City in the most cost effective and responsive manner.*

- 2) *The District responds to service requests from the public for a variety of disease and poisonous vectors (mosquitoes, ticks, rats, honey bees, wasps, etc.), nuisance vectors (e.g. flies, midges, gnats, snakes, etc.) or vector breeding sources in a timely manner. We mitigate the vector related problems by removing the vector, or issue abatement notices to the responsible individuals.*
- 3) *The District field staff routinely inspects and eliminates or treats all known vector breeding sources (e.g. dairy waste water ponds, drainage ditches, flood fields, bmp's, etc.), advises property owners to mitigate the sources whenever possible, and looks for new or potential vector breeding sources.*
- 4) *The District conducts regularly scheduled surveillance for West Nile virus, St. Louis encephalitis, and Western Equine encephalomyelitis, Hantavirus, Arenavirus, Lyme disease, Rickettsial diseases, and plague. Since 2015, the District has begun testing all mosquito samples for West Nile virus detection by molecular method (RT-PCR) in house, which greatly shortens the turn-around time for test results and generates cost savings. The District will provide proactive enhanced disease surveillance services and other disease prevention services in the proposed annexation area similar to those that are provided in the existing District. This enhanced level of surveillance will enable the District to better respond to new and emerging public health threats.*

*The District will employ several types of traps to monitor adult mosquitoes. The adult mosquito surveillance has dual functions – population density monitoring and arbovirus isolation. Wild bird population surveys are used to monitor the presence of arboviruses in this area.*

*The District also will constantly monitor for other disease agents that are potentially dangerous to our area, such as malaria, dengue fever, Japanese encephalitis, Chikungunya fever, Zika virus, etc. and invasive vectors such as the Asian tiger mosquito and yellow fever mosquito. We will incorporate other diseases in our surveillance program when they pose a threat to the health and safety of the local residents and visitors.*

- 5) *The District currently uses a variety of media to spread information on vectors, vector-borne diseases, control and prevention to the public. An enhanced and successful mosquito and vector control program requires increased levels of public awareness of these important issues and an educated public aware of how to protect their families and pets from diseases carried by insects and rodents. Following is a list of the outreach approaches that have been used by the District that can be applied to the proposed annexation area:*
  - *Public access television*
  - *Radio stations*
  - *City newsletters*
  - *District website ([www.wvmosquito.org](http://www.wvmosquito.org))*
  - *City utility bill inserts*
  - *Newspapers*
  - *Television*
  - *Local fair events*
  - *Presentations at schools, civic groups, government agencies, home owner associations, etc.*
  - *Interagency meeting with city code enforcement and public works personnel from each city to discuss mutual assistance in vector*

*abatement related issues*

- *Vector and vector-borne disease brochures*
- *News/press releases*
- *One-on-one personal contact*
- *Summer seasonal job opportunities to local college students*

*We continue to enhance our public education program.*

- B. An indication of when the service can be feasibly extended to the affected territory.

*Upon successful completion and certification of the annexation with LAFCO, and submittal of the assessment roll to the County for inclusion on the property tax bills, the District will be ready to provide enhanced mosquito and vector control services to the residents in the proposed annexation area during that same fiscal year.*

- C. An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.

*Upon successful completion and certification of the annexation with LAFCO, and submittal of the assessment roll to the County for inclusion on the property tax bills, the District will be ready to provide enhanced mosquito and vector control services to the residents in the proposed annexation area during that same fiscal year.*

- D. The Plan shall include a Fiscal Impact Analysis which shows the estimated cost of extending the service and a description of how the service or required improvements will be financed. The Fiscal Impact Analysis shall provide, at a minimum, a five (5)-year projection of revenues and expenditures. A narrative discussion of the sufficiency of revenues for anticipated service extensions and operations is required.

*The cost to provide comprehensive mosquito and vector control services in the proposed annexation area, similar to those provided in the existing District, will be funded by a benefit assessment levied on parcels within the proposed annexation area. In order to provide these enhanced services, the District will require two vector control technicians, a part time (20%) office clerical assistant, a part time (50%) technical laboratory personnel, two vehicles, disease surveillance traps and supplies, vector control related equipment and supplies, communication equipment and other supportive matters. It is estimated that an additional \$318,000 of revenue will be needed for the first year (FY 2016-2017) to fund the enhanced mosquito and vector control services in the proposed annexation area. However, the anticipated revenue for FY 2016-2017 will be approximately \$139,000 (the amount that will be collected by the County Vector Control Program and transferred to the West Valley MVCD), because the sphere of influence expansion and annexation may not complete until after the deadline of filing the tax roll with the county auditor's office. The shortfall of \$179,000 will be covered by an internal loan from the District's reserves, which is estimated to be paid back in the following five fiscal years.*

<b>Fiscal Impact Analysis</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
<b>Estimated Annual Revenue</b>					
WVMVCD loan from/to reserves	179,000	(30,090)	(31,728)	(35,422)	(37,214)
Benefit Assessment	139,000	342,990	353,280	363,878	374,794
<b>TOTAL ESTIMATED REVENUES</b>	<b>318,000</b>	<b>312,900</b>	<b>321,552</b>	<b>328,456</b>	<b>337,580</b>
<b>Estimated Annual Cost of Providing Vector Control Services</b>					
Salaries, Employee Benefits, Admin					
2 Vector Control Technicians	160,000	164,800	169,744	174,836	180,081
1 part-time (50%) Lab Assistant	50,000	51,500	53,045	54,636	56,275
1 part-time (20%) Office Assistant	35,000	36,050	37,132	38,245	39,393
1 part-time (30%) Public Outreach assistant	35,000	36,050	37,132	38,245	39,393
	280,000	288,400	297,052	305,964	315,142
Operation, Materials, Supplies					
Vector control supplies	10,000	10,000	10,000	10,000	10,000
Public outreach supplies	8,000	3,000	3,000	3,000	3,000
	18,000	13,000	13,000	13,000	13,000
Fixed Assets/Equipment					
Trucks	8,000	8,000	8,000	8,000	8,000
Vector control equipment	3,000	1,500	1,500	500	500
Communication equipment	6,000	1,000	1,000	500	500
Office equipment (e.g. computers, etc)	3,000	1,000	1,000	492	438
	20,000	11,500	11,500	9,492	9,438
<b>TOTAL ESTIMATED COSTS</b>	<b>318,000</b>	<b>312,900</b>	<b>321,552</b>	<b>328,456</b>	<b>337,580</b>

*Table: The cost of the trucks is amortized over 5 years.*

- E. An indication of whether the annexing territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.
- The existing benefit assessment Zone A will be extended to include the annexation area.*
- F. If retail water service is to be provided through this change, provide a description of the timely availability of water for projected needs within the area based upon factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).

*Not applicable.*

## **CERTIFICATION**

As a part of this application, the City/Town of \_\_\_\_\_, or the West Valley Mosquito and Vector Control District District/Agency, Min-Lee Cheng (the applicant) and/or the \_\_\_\_\_ (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

This indemnification obligation shall include, but not be limited to, damages, penalties, fines and other costs imposed upon or incurred by San Bernardino LAFCO should San Bernardino LAFCO be named as a party in any litigation or administrative proceeding in connection with this application.

As the person signing this application, I will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant and/or the real party in interest to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

As the proponent, I acknowledge that annexation to the City/Town of \_\_\_\_\_ or the West Valley Mosquito and Vector Control District District/Agency may result in the imposition of taxes, fees, and assessments existing within the (city or district) on the effective date of the change of organization. I hereby waive any rights I may have under Articles XIIC and XIID of the State Constitution (Proposition 218) to a hearing, assessment ballot processing or an election on those existing taxes, fees and assessments.

I hereby certify that the statements furnished above and the documents attached to this form present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE February 3, 2016  
Revised May 3, 2016



SIGNATURE

Min-Lee Cheng, Ph.D.

Printed Name of Applicant or Real Property in Interest  
(Landowner/Registered Voter of the Application Subject Property)

District Manager

Title and Affiliation (if applicable)



**City of Upland Letter of Support dated  
January 26, 2016**

**Attachment 3**



**Ray Musser, Mayor**  
**Glenn Bozar, Mayor Pro Tem**  
**Gino L. Filippi, Councilmember**  
**Debbie Stone, Councilmember**  
**Carol Timm, Councilmember**

**Telephone (909) 931-4122**  
**Facsimile (909) 931-4107**

January 26, 2016

Ms. Kathleen Rollings-McDonald  
Executive Officer  
Local Agency Formation Commission  
175 W. Fifth Street, Second Floor  
San Bernardino, CA. 92415-0490

**Subject:** Support West Valley Mosquito and Vector Control District proposed Annexation of the City of Upland

Dear Mrs. Rollings-McDonald:

West Valley Mosquito and Vector Control District (WVMVCD) serves all of the West Valley including the cities of Rancho Cucamonga, Ontario, Montclair, Chino, Chino Hills extending to the borders of Riverside County, Orange County and Los Angeles County, approximately 199 service territory square miles. They have been providing mosquito and vector control service in the area since 1983. The only area not served is Upland and the unincorporated area of San Antonio Heights, which creates an island or a non-contiguous service area for the San Bernardino County Vector Control.

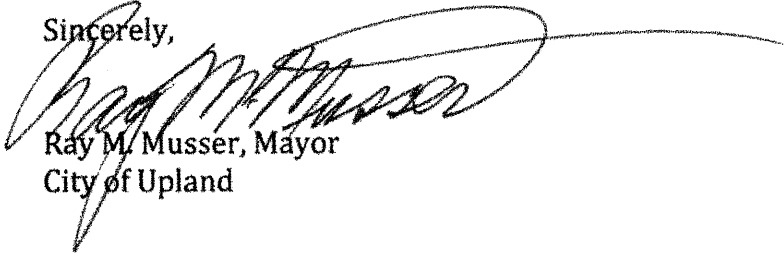
Upland currently receives mosquito and vector control services through San Bernardino County Vector Control. Consolidation could result in a more efficient and coordinated management approach given the current configuration of the service areas.

The WVMVCD Board is currently composed of six members, a representative from each of the jurisdictions they serve and San Bernardino County to provide board and local representation on community interest related to vector control. It is expected that should Upland annex into the service area, the City of Upland would be given a seat on the District Board increasing the Board to seven members. By annexing into the District it is anticipated that the community of Upland would benefit from increased mosquito and vector control service levels by having direct representation on the District Board to focus on local concerns of interest to the citizens of Upland.

With these considerations, on January 25, 2016, the City of Upland City Council approved this letter of support for the WVMVCD Local Agency Formation Commission application to expand the sphere of influence and annexation of the City of Upland into the WVMVCD service area.

If you need additional information regarding this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray M. Musser", with a long horizontal flourish extending to the right.

Ray M. Musser, Mayor  
City of Upland

cc: Min-Lee Cheng, District Manager, WVMVCD  
Glenn Duncan, Board Member, WVMVCD  
Rod B. Butler, City Manager, City of Upland

**Email Correspondence from the  
County's Division Environmental  
Health Services  
Dated March 30, 2016**

**Attachment 4**

## Schell, Angela

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**From:** Phillippe, Jason  
**Sent:** Wednesday, March 30, 2016 12:46 PM  
**To:** Schell, Angela  
**Cc:** Dugas, Joshua; Osorio, Jennifer  
**Subject:** RE: Request Confirmation of Attendance for LAFCO Departmental Review Committee (DRC) Meeting -- LAFCO 3208/3209 West Valley Mosquito and Vector Control District  
**Attachments:** 3209 DRC Agenda.pdf

Angela, San Bernardino County Department of Public Health Division of Environmental Health Services supports all aspects of the transition in this agenda including monetary aspects. Kathleen McDonald requested this. Can you forward to her and carbon copy me?

Thank you and have a good day,

**Jason Phillippe, REHS**  
Interim Program Manager  
Department of Public Health  
Division of Environmental Health Services  
Land Use Protection/Mosquito and Vector Control  
Phone: 800.442.2283

RECEIVED  
MAR 30 2016  
LAFCO  
San Bernardino County



*Our job is to create a county in which those who reside and invest can prosper and achieve well-being.*  
[www.SBCounty.gov](http://www.SBCounty.gov)



County of San Bernardino Confidentiality Notice: This communication contains confidential information sent solely for the use of the intended recipient. If you are not the intended recipient of this communication, you are not authorized to use it in any manner, except to immediately destroy it and notify the sender.

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**From:** Schell, Angela  
**Sent:** Wednesday, March 30, 2016 9:43 AM  
**To:** Taylor, Christina; Spence, Mike; Pajot, Allegra; Silva, Andrew; Ballesteros, Jessica; Dugas, Joshua; Phillippe, Jason; Osorio, Jennifer; Eickman, Melissa  
**Subject:** Request Confirmation of Attendance for LAFCO Departmental Review Committee (DRC) Meeting -- LAFCO 3208/3209 West Valley Mosquito and Vector Control District

Good morning,

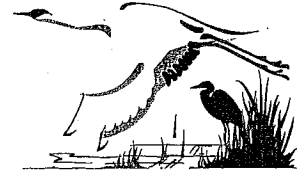
The attached Agenda was mailed to you on March 24. Please confirm your attendance for the LAFCO DRC meeting scheduled on April 4<sup>th</sup> at 1:00pm in the LAFCO office.

Thank you!

**Tom Dodson's Environmental  
Response for LAFCO 3209**

**Attachment 5**

**TOM DODSON & ASSOCIATES**  
2150 N. ARROWHEAD AVENUE  
SAN BERNARDINO, CA 92405  
TEL (909) 882-3612 • FAX (909) 882-7015  
E-MAIL tda@tdaenv.com



July 30, 2016

Ms. Kathleen Rollings-McDonald  
Local Agency Formation Commission  
215 North "D" Street, Suite 204  
San Bernardino, CA 92415-0490

RECEIVED  
AUG 04 2016

LAFCO  
San Bernardino County

Dear Kathy:

LAFCO 3209 consists of a request for a Reorganization by the West Valley Mosquito and Vector Control District (District) and its Assessment District No. 1 and Zone A to annex approximately 27.6 square miles into the District. The territory proposed for reorganization includes two separate areas generally described as follows: Area 1 includes the entirety of the City of Upland's boundaries and its northern unincorporated Sphere of Influence area known as San Antonio Heights, encompassing about 18.3 square miles; and Area 2 includes the City of Rancho Cucamonga's northern unincorporated Sphere of Influence, encompassing about 9.3 square miles. If LAFCO 3209 is approved by the Commission the identified property would be annexed to the District and its financing zones, which will replace the current mosquito and vector service performed by the County Department of Environmental Health, Vector Control Division.

Based on the above proposal, the proposed reorganization would allow the District to assume existing services within the area to be annexed. Thus, in this case a new serving agency will take over the existing County services, and the area being annexed will receive the same services. The approval of LAFCO 3209 does not appear to have any potential to significantly alter the existing physical environment in any manner different from the existing environmental circumstance.

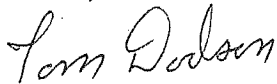
Therefore, I recommend that the Commission find that a Statutory Exemption (General Rule), as defined in CEQA under Section 15061 (b)(3) of the State CEQA Guidelines, applies to LAFCO 3209. This Section states: "*A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in*

*question may have a significant effect on the environment, the activity is not subject to CEQA."* It is my opinion and recommendation to the Commission that this circumstance applies to LAFCO 3209.

Based on this review of LAFCO 3209 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that the proposed LAFCO action does not constitute a project under CEQA and adoption of the Statutory Exemption and filing of a Notice of Exemption is the most appropriate environmental determination to comply with CEQA for this action. The Commission can approve the review and findings for this action and I recommend that you notice LAFCO 3209 as statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline sections cited above. The Commission needs to file a Notice of Exemption with the County Clerk to the Board for this action once the hearing is completed and assuming LAFCO 3209 is approved.

A copy of this exemption recommendation should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record. If you have any questions, please feel free to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Tom Dodson".

Tom Dodson



# **Draft Resolution No. 3231**

**Attachment 6**

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

215 North D Street, Suite 204, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 885-8170  
E-MAIL: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

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**PROPOSAL NO.: LAFCO 3209**

**HEARING DATE: SEPTEMBER 21, 2016**

## **RESOLUTION NO. 3231**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3209 AND APPROVING THE REORGANIZATION TO INCLUDE ANNEXATIONS TO THE WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT AND ITS ASSESSMENT DISTRICT NO. 2 (ZONE C), AS MODIFIED. The reorganization includes two separate areas encompassing a total of approximately 17,644 acres (27.6 square miles).**

**On motion of Commissioner \_\_\_\_\_, duly seconded by Commissioner \_\_\_\_\_, and carried, the Local Agency Formation Commission adopts the following resolution:**

**WHEREAS**, an application for the proposed reorganization in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and the Executive Officer has examined the application and executed her certificate in accordance with law, determining and certifying that the filings are sufficient; and,

**WHEREAS**, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

**WHEREAS**, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

**WHEREAS**, the public hearing by this Commission was called for August 17, 2016 and continued to the September 21, 2016 hearing at the time and place specified in the notice of public hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written support and/or opposition; the Commission considered all plans and proposed changes of organization, objections and evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved;

## RESOLUTION NO. 3231

and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing; and,

**WHEREAS**, the Commission determines to modify the proposal to be a reorganization to include annexation to the West Valley Mosquito and Vector Control District and its Assessment District No. 2 (Zone C).

**NOW, THEREFORE, BE IT RESOLVED**, that the Commission does hereby determine, find, resolve, and order as follows:

### **DETERMINATIONS:**

**SECTION 1.** The proposal is approved subject to the terms and conditions hereinafter specified:

**Condition No. 1.** The boundaries of this change of organization are approved as set forth in Exhibits "A" and "A-1" attached;

**Condition No. 2.** The following distinctive short-form designation shall be used through this proceeding: LAFCO 3209;

**Condition No. 3.** The effective date of this reorganization shall be the date of issuance of the Certificate of Completion;

**Condition No. 4.** Prior to the issuance of the Certificate of Completion for the reorganization to include annexations, pursuant to the provisions outlined in Government Code Section 56886(i), the Commission requires that the Board of Trustees of the West Valley Mosquito and Vector Control District and the County Board of Supervisors provide to the Executive Officer of LAFCO a signed agreement transferring a prorated portion of the County's Vector Control benefit assessment for Fiscal Year 2016-17 to the West Valley Mosquito and Vector Control District said amount to be determined based upon the effective date of LAFCO 3209;

**Condition No. 5.** All previously authorized charges, fees, assessments, and/or taxes currently in effect by the West Valley Mosquito and Vector Control District (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t);

**Condition No. 6.** The West Valley Mosquito and Vector Control District shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

**SECTION 2. DETERMINATIONS.** The following determinations are noted in conformance with Commission policy and Government Code Section 56668:

1. The reorganization proposal is legally inhabited with 35,911 registered voters as of March 9, 2016.

## RESOLUTION NO. 3231

2. The County Assessor's Office has determined that the total assessed value of land and improvements within the reorganization area is \$8,704,938,158 (land--\$2,778,134,677; improvements--\$5,926,803,481) as of March 23, 2016. The breakdown of assessed value of land and improvements for both areas are as follows:  
  
Area 1: \$8,644,326,682 (land - \$2,733,274,654; improvements – \$5,911,052,028)  
Area 2: \$ 60,611,476 (land - \$44,860,023; improvements – \$15,751,453)
3. Through approval of the companion proposal, LAFCO 3208, the reorganization area will all be within the sphere of influence assigned the West Valley Mosquito and Vector Control District.
4. Notice of this hearing was published as required by law in the *Inland Valley Daily Bulletin*, a newspaper of general circulation within the reorganization area. As required by State law and Commission policy a 1/8<sup>th</sup> page legal ad was provided in compliance with the provisions of Government Code Section 56157. Individual notices were provided to all affected and interested agencies, County departments and those individuals and agencies requesting special notice. Comments from registered voters and any affected local agency have been reviewed and considered by the Commission in making its determination.
5. In compliance with the requirements of Government Code Section 56125 and Commission policy, individual notice was mailed to landowners within the reorganization area for Assessment District No. 2 (Zone C) totaling 20,471 due to the benefit assessment being extended. Comments from landowners have been considered by the Commission in making its determination.
6. The City of Upland and the County's land use designation for the reorganization area includes a full range of land uses including residential, commercial, industrial, special/institutional, mixed-use, open space, and floodway. LAFCO 3209 has no direct effect on the City's or the County's General Plan land use designations assigned for the area.
7. The Southern California Associated Governments (SCAG) adopted its 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3209 has no direct impact on SCAG's Regional Transportation Plan. The Sustainable Community Strategy includes as a goal the need to promote and improve public health which approval of LAFCO 3209 accomplishes.
8. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the proposal has no potential to cause any adverse effect on the environment since the reorganization will transfer the delivery of mosquito and vector control services from one entity to another which will not result in any physical impacts on the environment. The Commission certifies it has reviewed and considered the environmental recommendation and finds that, without any identifiable physical changes, this proposal does not constitute a project

## RESOLUTION NO. 3231

and is not subject to environmental review under the provisions of the State CEQA Guidelines Section 15061(b)(3). The Commission adopted the Statutory Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.

9. The local agencies currently serving the area are: County of San Bernardino, City of Upland, Monte Vista Water District, Cucamonga Valley Water District, Chino Basin Water Conservation District, Inland Empire Resource Conservation District, Inland Empire Utilities Agency, Metropolitan Water District of Southern California, Rancho Cucamonga Fire Protection District, San Bernardino County Fire Protection District and its Valley Service Zone, County Service Area 120, County Service Area SL-1, and County Service Area 70 (multi-function unincorporated area Countywide)

None of the agencies identified above are affected by this proposal. The only affected agencies are the County, through its Mosquito and Vector Control Program under its Division of Environmental Health Services, and the West Valley Mosquito and Vector Control District.

10. The West Valley Mosquito and Vector Control District submitted a plan for services, as required by law, which provides a general outline of the delivery of services mandated by Government Code Section 56653. This Plan and its Fiscal Impact Analysis indicates that the transfer of service to the West Valley Mosquito and Vector Control District, can, at a minimum, maintain the level of service delivery currently received by the area and will provide for an enhanced level of service in specific categories. The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Plan for Service and Fiscal Impact Analysis submitted conform to those adopted standards and requirements and show that the level of service will be enhanced following annexation.
11. The reorganization area will benefit from the availability of services from the West Valley Mosquito and Vector Control District as evidenced by the Plan for Service.
12. This proposal will not affect the fair share allocation of the regional housing needs assigned to the City of Upland through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) process
13. With respect to environmental justice, the reorganization proposal—which is to provide enhanced mosquito and vector control services to the area—will not result in the unfair treatment of any person based on race, culture or income.
14. The County of San Bernardino, acting on behalf of the West Valley Mosquito and Vector Control District as required by Revenue and Taxation Code Section 99 adopted a resolution indicating no transfer of property tax revenues would be required. This negotiated agreement fulfills the requirements of Section 99 of the Revenue and Taxation Code.
15. The map and legal description prepared by the County Surveyor are in substantial compliance with LAFCO and State standards.

**RESOLUTION NO. 3231**

**SECTION 3.** Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change or organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

**SECTION 4.** The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

**SECTION 5.** The Commission hereby directs that following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer is hereby directed to initiate protest proceedings in compliance with this resolution and State law.

**SECTION 6.** Upon conclusion of the protest proceedings, the Executive Officer shall adopt a resolution setting forth her determination on the levels of protest filed and not withdrawn and setting forth the action on the proposal considered.

**SECTION 7.** Upon adoption of the final resolution by the Executive Officer, either a Certificate of Completion or a Certificate of Termination, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204, shall be prepared and filed for the proposal.

**THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSENT:      COMMISSIONERS:**

\* \* \* \* \*

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN BERNARDINO )

**I, KATHLEEN ROLLINGS-MCDONALD, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of September 21, 2016.**

**DATED:**

**KATHLEEN ROLLINGS-MCDONALD**  
Executive Officer