

# **AGENDA**

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

**NORTON REGIONAL EVENT CENTER  
1601 EAST THIRD STREET, SAN BERNARDINO**

**REGULAR MEETING OF DECEMBER 21, 2022**

### **10:00 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 November 16, 2022](#)
2. [Approval of Executive Officer's Expense Report](#)
3. [Ratify Payments as Reconciled and Note Cash Receipts for Month of October 2022](#)
4. [Consent Items Deferred for Discussion](#)

### **PUBLIC HEARING ITEMS:**

5. [Consideration of: \(1\) CEQA Exemption for LAFCO SC#492; and \(2\) LAFCO SC#492 -- West Valley Water District Extraterritorial Water Service Agreement \(Water Infrastructure Installation and Conveyance Agreement\)](#)
6. [For LAFCO 3257 and LAFCO 3258:](#)
  - A. [Consideration of: \(1\) CEQA Exemption for LAFCO 3257; and \(2\) LAFCO 3257 – Sphere of Influence Amendment for City of San Bernardino \(expansion\), San Bernardino County Fire Protection District \(expansion\) and City of Redlands \(reduction\)](#)
  - B. [Consideration of: \(1\) CEQA Exemption for LAFCO 3258 and \(2\) LAFCO 3258 – Reorganization to Include Annexation to the City of San Bernardino, San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and Detachment from City of Redlands](#)

**INFORMATION ITEMS:**

7. Legislative Update Report
8. Executive Officer's Report
9. 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.)
10. 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.)

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 1170 West Third Street, Unit 150, San Bernardino, during normal business hours, on the LAFCO website at [www.sbclaico.org](http://www.sbclaico.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.

12/13/22:as

**DRAFT ACTION MINUTES OF THE  
LOCAL AGENCY FORMATION COMMISSION  
FOR SAN BERNARDINO COUNTY**

**REGULAR MEETING**

**9:00 A.M.**

**NOVEMBER 16, 2022**

**PRESENT:**

**COMMISSIONERS:**

Regular Member	Alternate Member
Joe Baca	Rick Denison
Jim Bagley, Chair	Jim Harvey
Kimberly Cox	Kevin Kenley
Phill Dupper	
Steven Farrell	
Curt Hagman	
Acquanetta Warren, Vice Chair	

**STAFF:**

Samuel Martinez, Executive Officer  
Paula de Sousa, Legal Counsel  
Michael Tuerpe, Senior Analyst  
Arturo Pastor, Analyst  
Angela Schell, Commission Clerk  
Tom Dodson, Environmental Consultant

**ABSENT:**

**COMMISSIONERS:** Dawn Rowe, Alternate

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –  
9:02 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

**ANNOUNCEMENT OF CONTRIBUTIONS**

*Commissioner Baca states he has a conflict of interest on a few of the items on the agenda due to campaign contributions made by the property owners of said items; therefore, he indicates he will recuse himself on Items 4 and 5 on the Consent calendar and Items 7A, 7B and 7C on the Public Hearing Items and will remove himself from the dais and leave the room when Items 7A, 7B, and 7C are presented (note: that for consent items there is no need to leave the dais and room).*

**CONSENT ITEMS**

- 1. Approval of Minutes for Regular Meeting of September 21, 2022**
- 2. Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Officer's Expense Report for Procurement Card Purchases from August 22 to September 22, 2022 and September 23 to October 24, 2022.

**3. Ratify Payments as Reconciled and Note Cash Receipts for Months of June and July 2022**

Recommendation: Ratify payments as reconciled for the months of August and September 2022 and note revenue receipts for the same period.

**4. LAFCO SC#490 – City of Rialto Extraterritorial Wastewater Service Agreement (Bloomington Hills, LLC)**

Recommendation: Staff recommends that the Commission approve LAFCO SC#490 by taking the following actions:

1. For Environmental Review as a responsible agency:
  - a. Certify that the Commission, its staff, and Environmental Consultant have reviewed and considered the environmental assessment and Mitigated Negative Declaration (SCH #201010107) prepared by the County of San Bernardino for a Conditional Use Permit, Policy Plan Amendment, and Zone Amendment to construct a gas station and convenience store, a car wash, a drive-thru restaurant, and a storage building on approximately 2.31 acres, and found them to be adequate for Commission use;
  - b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
  - c. Note that this proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as CEQA Lead Agency, and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.
2. Approve LAFCO SC#490 authorizing the City of Rialto to extend wastewater service outside its boundaries to Assessor Parcel Number 0257-101-09; and,
3. Adopt Resolution #3355 setting forth the Commission's determinations and approval of the agreement for service outside the City of Rialto's boundaries.

**5. LAFCO SC#491 – City of Rialto Extraterritorial Wastewater Service Agreement (Kareem Oil, LLC)**

Recommendation: Staff recommends that the Commission approve LAFCO SC#491 by taking the following actions:

1. For Environmental Review as a responsible agency:
  - a. Certify that the Commission, its staff, and Environmental Consultant have reviewed and considered the environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a Minor Use Permit to construct a gas station and convenience store, a car wash, with a quick service restaurant and a Minor Variance to provide for a reduced front yard landscape setback on approximately 1.57 acres, and found them to be adequate for Commission use;



- b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
  - c. Note that this proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as CEQA Lead Agency, and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.
- 2. Approve LAFCO SC#491 authorizing the City of Rialto to extend sewer service outside its boundaries to Assessor Parcel Number 0257-013-12.
  - 3. Adopt Resolution #3356 setting forth the Commission's determinations and approval of the agreement for service outside the City of Rialto's boundaries.

**6. Consent Items Deferred (none)**

*Commissioner Cox moves the approval of the Consent Items. Second by Commissioner Dupper. The motion passes with the following roll call vote:*

Ayes: Baca, Bagley, Cox, Dupper, Farrell, and Warren.  
Noes: None.  
Abstain: Baca (Recused from Items 4 and 5)  
Absent: Hagman.

**PUBLIC HEARING ITEMS:**

*Commissioner Hagman arrives at 9:07. Commissioner Baca leaves the dais and the room due to conflict of interest stated at the beginning of the meeting.*

**7A. Environmental Review for LAFCO 3255 and 3256:**

- o **Consideration of Final Environmental Impact Report adopted by the City of Rancho Cucamonga for the Speedway Commerce Development Project (SCH No. 2020090076), as CEQA Responsible Agency for LAFCO 3255 and LAFCO 3256; and,**
- o **Adoption of Candidate Findings of Fact Regarding Environmental Effects from Approval of LAFCO 3255 and LAFCO 3256**

Recommendation: Staff recommends that the Commission make the following determinations with respect to the environmental review for LAFCO 3255 and LAFCO 3256;

- a) Certify that the Complete Final Environmental Impact Report (EIR) and other related environmental documents prepared by the City of Rancho Cucamonga for the Speedway Commerce Development Project (SCH No. 2020090076) have been independently reviewed and considered by the Commission, its staff and its Environmental Consultant;

- b) Determine that the Complete Final EIR for the project prepared by the City of Rancho Cucamonga is adequate for the Commission's use as a California Environmental Quality Act (CEQA) Responsible Agency for its determinations related to LAFCO 3255 and LAFCO 3256;
- c) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the Speedway Commerce Development Project, and that the mitigation measures identified for the project are the responsibility of the City of Rancho Cucamonga and others, not the Commission;
- d) Adopt the Candidate Findings of Fact regarding environmental effects from approval of LAFCO 3255 and LAFCO 3256; and,
- e) Direct the Executive Officer to file Notices of Determination for both LAFCO 3255 and LAFCO 3256 within five days and find that no further Department of Fish and Wildlife filing fees are required since the City of Rancho Cucamonga, as CEQA lead agency, has paid said fees.

**7B. LAFCO 3255 – Sphere of Influence Amendment for the City of Rancho Cucamonga (expansion), Cucamonga Valley Water District (expansion), Rancho Cucamonga Fire Protection District (expansion), West Valley Mosquito and Vector Control District (expansion), City of Fontana (reduction), and Fontana Fire Protection District (reduction)**

Recommendation: Staff recommends that the Commission approve LAFCO 3255 by taking the following actions:

- 1. Determine that the proposed sphere of influence amendments, submitted under the provisions of Government Code Section 56428, does not require a service review;
- 2. Approve the sphere of influence expansion for the City of Rancho Cucamonga and the concurrent sphere of influence reduction for the City of Fontana;
- 3. Approve the sphere of influence expansion for the Cucamonga Valley Water District;
- 4. Approve the sphere of influence expansion for the Rancho Cucamonga Fire Protection District and the concurrent sphere of influence reduction for the Fontana Fire Protection District;
- 5. Approve the sphere of influence expansion for the West Valley Mosquito and Vector Control District;
- 6. Affirm the descriptions of the functions and services for the Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, West Valley Mosquito and Vector Control District, and Fontana Fire Protection District, as identified in the *LAFCO Policy and Procedure Manual*; and,
- 7. Adopt LAFCO Resolution No. 3357 reflecting the Commission's determinations for LAFCO 3255.

**7C. LAFCO 3256 – Reorganization to Include Annexations to the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70 (Speedway Commerce Development Project)**

Recommendation: The staff recommends that the Commission approve LAFCO 3256 by taking the following actions:

1. Approve LAFCO 3256, with the standard terms and conditions that include, but are not limited to, the “hold harmless” clause for potential litigation costs, continuation of fees, charges, assessments, and the identification that the transfer of utility accounts will occur within 90 days of the recording of the Certificate of Completion; and,
2. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization proposal; and,
3. Adopt LAFCO Resolution No. 3358 setting forth the Commission’s determinations and conditions of approval concerning for LAFCO 3256.

*John Grace, the applicant representative, provides comments during public comment.*

*Chair Bagley states that there will be one motion for all three items.*

*Commissioner Cox moves the approval of staff recommendations for Items 7A, 7B, and 7C. Second by Commissioner Warren. The motion passes with the following roll call vote:*

*Ayes: Bagley, Cox, Dupper, Farrell, Hagman and Warren.*

*Noes: None.*

*Abstain: Baca.*

*Absent: None.*

**8. LAFCO 3254 – Reorganization to Include Annexation to Running Springs Water District, Dissolution of CSA79 and CSA 79 Zone R-1, and Formation of CSA 70 Zone R-52**

*Commissioner Baca returns to the dais.*

Recommendation: The staff recommends that the Commission approve LAFCO 3254 by taking the following actions:

1. For environmental review, certify that LAFCO 3254 is 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 3254, with the standard terms and conditions that include, but are not limited to, the “hold harmless” clause for potential litigation costs by the applicants, and the continuation of fees, charges, assessments, etc. currently charged by County Service Area 79; and,

3. Adopt LAFCO Resolution #3359, setting forth the Commission's determinations and conditions of approval concerning LAFCO 3254.

*Staff identifies a minor correction to the staff report and the resolution that references County Fire's North Desert Service Zone as a local agency currently serving the area instead of its Mountain Service Zone. The staff report will be corrected after the hearing and the resolution will be corrected prior to its issuance.*

*Commissioner Dupper moves the approval of staff recommendations. Second by Commissioner Hagman. The motion passes with the following roll call vote:*

*Ayes: Baca, Bagley, Cox, Dupper, Farrell, Hagman and Warren.  
Noes: None.  
Abstain: None.  
Absent: None.*

### **DISCUSSION ITEMS:**

#### **9. Review and Approve LAFCO Strategic Plan**

Recommendation: Staff recommends that the Commission take the following actions:

1. Rescind the Current LAFCO Mission Statement (Policy and Procedure Manual, Section I, Chapter 1, Item 2).
2. Adopt the New LAFCO Mission Statement (Policy and Procedure Manual, Section I, Chapter 1, Item 2);
3. Adopt LAFCO's Two-Year Strategic Plan (July 1, 2022 – June 30, 2024).

*Commissioner Hagman moves the approval of staff recommendations. Second by Commissioner Farrell. The motion passes with the following roll call vote:*

*Ayes: Baca, Bagley, Cox, Dupper, Farrell, Hagman and Warren.  
Noes: None.  
Abstain: None.  
Absent: None.*

#### **10. First Quarter Financial Review for FY 2022/23**

Recommendation: Staff recommends that the Commission note receipt of this report and file.

*No action was taken by the Commission, Chair Bagley notes receipt and file the report.*

#### **11. Review and Amend the Commission Meeting Schedule for FY 2022/2023**

Recommendation: Staff recommends that the Commission meet on December 21, 2022

*Commissioner Dupper moves the approval of staff recommendation. Second by Commissioner Cox. The motion passes with the following roll call vote:*

*Ayes: Baca, Bagley, Cox, Dupper, Farrell, Hagman and Warren.  
Noes: None.  
Abstain: None.  
Absent: None.*

**INFORMATION ITEMS:**

**12. Legislative Update Report**

Executive Officer Samuel Martinez states that there is no report for the week.

**13. Executive Officer's Report**

Executive Officer Samuel Martinez announces Art Pastor as the new LAFCO Analyst. He states that the Governance Training program was held with 40 attendees and also states that the CALAFCO News regarding the conference is provided as attachments.

**14. Commissioner Comments**

Commissioner Farrell conveys his attendance at the CALAFCO conference and states his appreciation of the conference and the networking opportunity with other LAFCO Commissioners from all over the State. Commissioners Harvey, Kenley, and Chair Bagley also echo their appreciation of the conference.

**15. Comments from the Public**

There is none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:03 A.M.**

ATTEST:

\_\_\_\_\_  
ANGELA SCHELL, Clerk to the Commission


LOCAL AGENCY FORMATION COMMISSION

\_\_\_\_\_  
Jim Bagley, Chair

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE :** DECEMBER 12, 2022  
**FROM:** SAMUEL MARTINEZ, 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 from October 24 to November 22, 2022.

## **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 Policies #3(H). Staff has prepared an itemized report of purchases that covers the billing periods of:

- October 24, 2022 to November 22, 2022

Staff recommends that the Commission approve the Executive Officer's expense reports as shown on the attachment.

SM/AS


Attachment

Approving Official (Print & Sign)	Date
Jim Bagley	12/21/22

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : DECEMBER 14, 2022   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: AGENDA ITEM #3 - RATIFY PAYMENTS AS RECONCILED FOR  
THE MONTH OF OCTOBER 2022 AND NOTE REVENUE RECEIPTS

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## **RECOMMENDATION:**

Ratify payments as reconciled for the month of October 2022 and note revenue receipts for the same period.

## **BACKGROUND INFORMATION:**

Staff 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:

- October 1 through October 31, 2022



Staff recommends that the Commission ratify the payments as outlined on the attached listing and note the revenues received.

SM/MT

Attachment




OCTOBER 2022 PAYMENTS PROCESSED							
Document Number	Account		Posting Date	Vendor	Invoice	Reference	Amount
1901342186	5200	2090	10/12/22	City Com	150	City Comm Lease Payment Sept. 27, 2022 Invoice	\$ 372.00
1901342187	5200	2090	10/12/22	Jan Pro	90555	Janitorial Service: Month of October 2022	\$ 588.00
1901348117	5200	2305	10/20/22	Select Purge	8002304878	8-31-22 Invoice of \$19.25	\$ 19.25
1901356388	5200	2305	10/27/22		116781	Arturro Pastor Business Card & Emp Badge	\$ 207.71
1901336440	5200	2315	10/03/22	Storetrieve	0184831	SvcPeriod 09/01/22 - 09/30/22	\$ 64.37
1901346850	5200	2400	10/18/22	Best, Best, & Krieger	945456	General, Current Billing of 2,650.73	\$ 2,650.73
1901348128	5200	2400	10/20/22	Best, Best, & Krieger	945458	Adv. Montecito Equities	\$ 133.90
1901348129	5200	2400	10/20/22	Best, Best, & Krieger	945457	Litigation	\$ 5,849.06
1901356395	5200	2400	10/27/22	Best, Best, & Krieger	948366	Legal Counsel	\$ 1,344.61
1901356397	5200	2400	10/27/22	Best, Best, & Krieger	948365	Legal Counsel	\$ 1,239.46
1901356399	5200	2400	10/27/22	Best, Best, & Krieger	948367	Legal Counsel	\$ 725.90
1901356649	5200	2424	10/27/22	Tom Dodson and Associates	LAFCO 22-9R	Environmental Consulting	\$ 1,020.00
1901356652	5200	2424	10/27/22	Tom Dodson and Associates	LAFCO 22-10	Environmental Consulting	\$ 600.00
1901356654	5200	2424	10/27/22	Tom Dodson and Associates	LAFCO 22-11	Environmental Consulting	\$ 510.00
1901342184	5200	2445	10/12/22	Event Design Lab	03699	Live Stream Broadcast Sept. 21, 2022	\$ 750.00
1901347195	5200	2445	10/19/22	Hannah Larsen	#2	9/1/22 thru 9/30/2022 LAFCO Hours Works Projects	\$ 475.00
1901356393	5200	2895	10/27/22	Konica Minolta	40855961	Copy machine	\$ 93.44
1901356393	5200	2895	10/27/22	Konica Minolta	40855961	Copy machine	\$ 365.38
1901342186	5200	2905	10/12/22	City Com	150	City Comm Lease Payment Sept. 27, 2022 Invoice	\$ 14,256.00
1901356403	5294	2940	10/27/22	Bagley	BAGLEY10-19-22	Calafco Conf Oct 19 thru Oct 21 2022	\$ 163.75
1901356405	5294	2940	10/27/22	Denison	DENISON10-19-22	Calafco Conf Oct 19 thru Oct 21 2022	\$ 137.50
1901356406	5294	2940	10/27/22	Farrell	FARRELL10-19-22	Calafco Conf Oct 19 thru Oct 21 2022	\$ 85.00
1901356407	5294	2940	10/27/22	Harvey	HARVEY10-19-22	Calafco Conf Oct 19 thru Oct 21 2022	\$ 165.00
1901356408	5294	2940	10/27/22	Kenley	KENLEY10-19-22	Calafco Conf Oct 19 thru Oct 21 2022	\$ 57.50
1901356410	5294	2940	10/27/22	Warren	WARREN10-19-22	Calafco Conf Oct 19 thru Oct 21 2022	\$ 59.37
TOTAL							\$ 31,932.93
OCTOBER 2022 COUNTY TRANSFERS PROCESSED							
4102579174	5200	2031	10/01/22	IT		SEP 2022 Payroll System Services (EMACS)	\$ 38.94
4102579135	5200	2032	10/01/22	IT		SEP 2022 Virtual Private Network (VPN)	\$ 13.29
4102579137	5200	2037	10/01/22	IT		SEP 2022 Dial Tone	\$ 226.72
4102575425	5200	2305	10/17/22	Purchasing		Staples surcharge	\$ 5.72
4102579139	5200	2322	10/01/22	IT		SEP 2022 Enterprise Printing (EMACS)	\$ 7.14
4102579143	5200	2420	10/01/22	IT		SEP 2022 Wireless Device (Exchange Active Sync)	\$ 12.45
4102579143	5200	2420	10/01/22	IT		SEP 2022 Storage - Tier 3	\$ 147.76
4102579143	5200	2420	10/01/22	IT		SEP 2022 Storage - Tier 1	\$ 110.84
4102579143	5200	2420	10/01/22	IT		SEP 2022 Enterprise Content Management	\$ 135.10
4102579144	5200	2421	10/01/22	IT		SEP 2022 Desktop Support Services	\$ 802.96
4102579140	5241	2410	10/01/22	IT		IT Infrastructure - Period 4	\$ 570.00
4102579141	5241	2414	10/01/22	IT		Application Maintenance & Support - Period 04	\$ 673.00
4102575425	5540	5012	10/17/22	Purchasing		Staples purchase	\$ 47.63
4200103514	5200	2424	10/07/22	Clerk to the Board		File Environmental	\$ 50.00
4200104249	5200	2310	10/14/22	Mail		Mail Services - DEL	\$ 177.45
4200104290	5200	2310	10/14/22	Mail		Mail Services - HAN	\$ 35.63
4200104291	5200	2310	10/14/22	Mail		Mail Services - FLAT	\$ 29.35
TOTAL							\$ 3,083.98

<b>OCTOBER 2022 CASH RECEIPTS</b>										
<b>TOTAL</b>				NONE					\$ -	
<b>OCTOBER 2022 COUNTY TRANSFERRED RECEIVED</b>										
100852742	4030	8500	10/27/22	Treasury		QE 9/30/2022 INTEREST APPORTIONMENT	\$	2,346.91		
4200103819	4060	8842	10/05/22	Auditor/Controller		2022-23 LAFCO Apportionment Payment	\$	363,499.00		
<b>TOTAL</b>								<b>\$ 365,845.91</b>		
COMPLETED BY: MICHAEL TUERPE						APPROVED BY: SAMUEL MARTINEZ				
Senior Analyst						Executive Officer				
Date: 12/14/2022						12/14/2022				

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**DATE:** DECEMBER 14, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Project Manager  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #5: LAFCO SC#492 -- West Valley Water District Service Agreement—Water System Infrastructure Installation and Conveyance Agreement—for APN 0254-192-02 (GATX Corporation)

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## **INITIATED BY:**

West Valley Water District, on behalf of the property owner

## **RECOMMENDATION:**

Staff recommends that the Commission approve LAFCO SC#492 by taking the following actions:

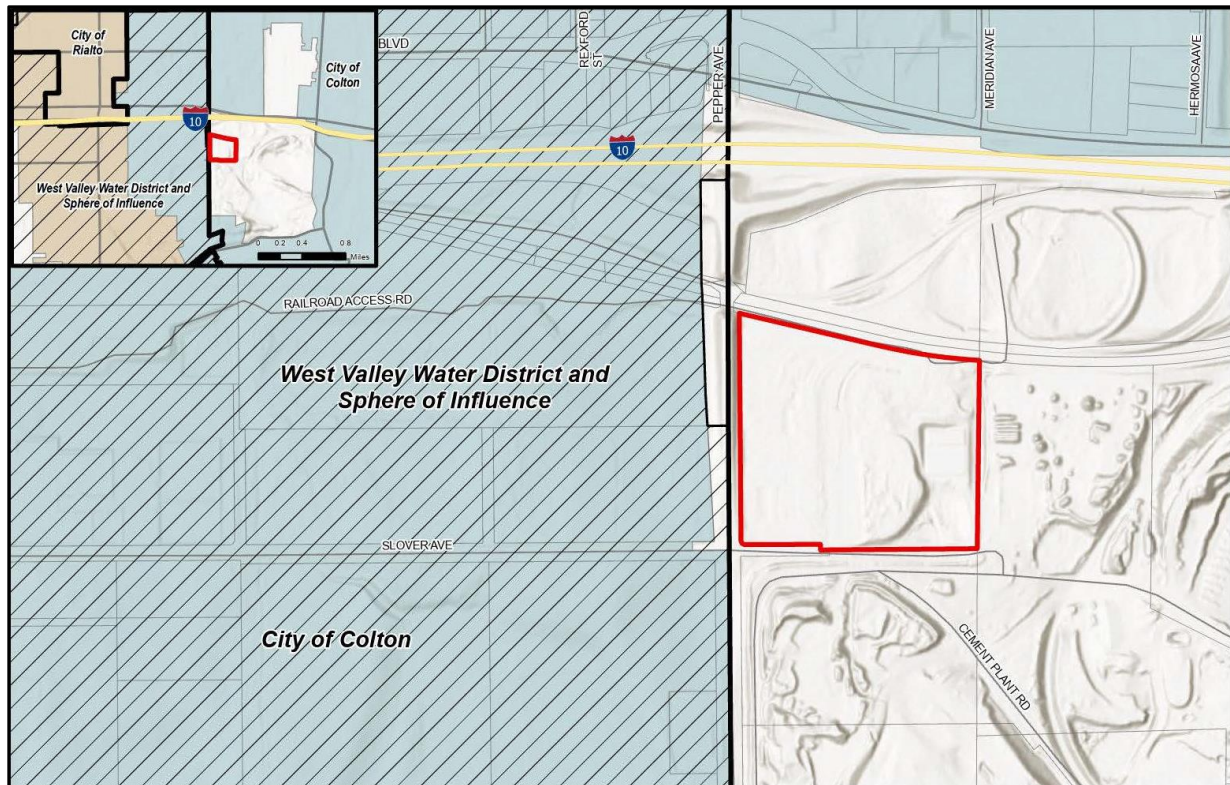
1. Certify that LAFCO SC#492 is exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC #492 authorizing the West Valley Water District to extend water service outside its boundaries and outside its sphere of influence to Assessor Parcel Number 0254-192-02.
3. Adopt LAFCO Resolution #3360 setting forth the Commission's determinations and approval of the agreement for service outside the West Valley Water District's boundaries and sphere of influence.

## **BACKGROUND:**

The property owner, General American Transportation Corporation (GATX), currently has an existing rail service facility on a 33.14-acre parcel, Assessor Parcel Number (APN) 0254-192-02, which is generally located on the east side of Pepper Avenue, south of the I-10



Freeway between the Union Pacific Railroad and Slover Avenue. The map below, which is also included as Attachment #1 to this report, provides a vicinity map of the site.



In April 2021 and in October 2021, the San Bernardino County Environmental Health Services issued Compliance Orders on the GATX property due to perchlorate and nitrate level violations on its onsite water system. Due to the contamination issues related to its groundwater source and its inability to continue to use its onsite water system for its operations and for its daily use by its employees, GATX notified the West Valley Water District (Water District) that its well is no longer able to provide potable water to its facility and requested to be annexed into the Water District in order to receive domestic water service from a public service provider to best mitigate the contamination issues on its onsite water system. Since the Water District's facilities are currently in Pepper and Slover Avenues, which are adjacent to the GATX site, receiving water service from the West Valley Water District would be the most expedient and efficient (and cost effective) solution to address the property's onsite water issues.

#### **LAFCO APPROVAL:**

Government Code Section 56133(a) states that "[a] city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission of the county in which the affected territory is located."

To expedite the establishment of water service to the GATX site, the Water District and the property owner had entered into a Water System Infrastructure Installation and Conveyance

Agreement, which the Water District has submitted for Commission review—to provide water service outside its boundary and outside its sphere of influence by contract—while the Water District and the property owner put together the applications for a sphere of influence expansion and an annexation that will be submitted at a later date.

Since the territory is currently not within the Water District’s existing boundary or its existing sphere of influence, the Commission would address such service delivery outside an agency’s boundary and outside an agency’s sphere of influence pursuant to Government Code Section 56133(c), which reads as follows:

*“The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:*

- (1) The entity applying for approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.*
- (2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.”*

Regarding the requested water service to the GATX property, which is outside the boundaries and outside the sphere of influence for the West Valley Water District, the following determinations are made:

1. The compliance orders issued by the San Bernardino County Environmental Health Services (included as Attachment #2)—Order No. 05\_66\_21R\_022 for perchlorate contamination exceeding maximum contaminant level and Order No. 05\_66\_21R\_077 for nitrate contamination exceeding maximum contaminant level—are health and safety threats that preclude the property from continuing to use its onsite water system for potable use.
2. The property is not within an existing alternate (water) service provider. The property, however, is located within the unincorporated sphere of influence for the City of Colton (City). The City was notified of the out-of-agency service authorization request.

Although the City of Colton provides water service within portions of its corporate boundaries as well as within portions of its unincorporated sphere of influence, its closest water facilities to the GATX site are located at least 1,500 feet away (on the north side of the I-10 Freeway) while the Water District’s water facilities are adjacent to the GATX property.

Therefore, the Water District, on behalf of the property owner, has requested that the Commission authorize the extension of water service to the GATX property pursuant to the provisions of Government Code Section 56133(c). Authorization of this agreement is required before the Water District can take the final actions to implement the terms of the agreement.

**PLAN FOR SERVICE:**

The Water District's application, included as Attachment #3, indicates that water service will be provided to the GATX facility through connection to the existing 24-inch water main located at the intersection of Slover and Pepper Avenues and extending a 12-inch water main easterly (on Slover Avenue) and then northerly along the easterly right-of-way of Pepper Avenue to the frontage of the property. A 4-inch water lateral and a 12-inch fire service lateral will be extended into the property.

Pursuant to the Commission's application requirements for service contracts, information must be provided regarding all financial obligations for the extension of service outside an agency's boundaries. The Water District has submitted an estimated cost of \$82,750 in fees and charges for the extension of water service to the parcel. Following is a breakdown of the fees and charges:

<i>Description of Fees/Charges</i>	<i>Quantity</i>	<i>Unit Cost</i>	<i>Total</i>
12-inch Ductile Iron Pipe Fully Restrained	154 LF	\$300.00	\$46,200.00
4-inch Potable Water Service w 4-inch Meter	1 EA	\$2,200.00	\$2,200.00
4-inch Back Flow Preventer	1 EA	\$3,900.00	\$3,900.00
12-inch Fire Line Service	1 EA	\$3,600.00	\$3,600.00
10-inch DCA	1 EA	\$14,000.00	\$14,000.00
Pavement Trench and Repair	185 LF	\$30.00	\$5,550.00
Connection to Existing Main	1 EA	\$1,200.00	\$1,200.00
12-inch Blind Flange and Restrained Joint	1 EA	\$700.00	\$700.00
2-inch Air Valve Assembly	1 EA	\$1,800.00	\$1,800.00
Fire Hydrant Assembly	1 EA	\$3,600.00	\$3,600.00
<b>Total</b>			<b>\$82,750.00</b>

**ENVIRONMENTAL DETERMINATION:**

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has reviewed this proposal and has indicated that it is his recommendation that the review of LAFCO SC#492 is exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of the out-of-agency service agreement does not have the potential to cause a significant adverse impact 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).

**CONCLUSION:**

The GATX property, APN 0254-192-02, is currently unable to continue to use its onsite water system as its potable water source due to perchlorate and nitrate contamination issues related to its well. GATX requested to be annexed into the West Valley Water District in order to receive domestic water service to best mitigate the contamination issues. To address the provision of water service to the GATX site, the West Valley Water District (and/or the property owner) will be submitting a sphere of influence expansion and annexation to the West Valley Water District. However, in order to expedite the water service to the GATX site, the Water District and the property owner entered into an Agreement, which the Water District has submitted for Commission review requesting authorization to provide water service outside its boundary and outside its sphere of influence by contract.

LAFCO staff is recommending that the Commission approve the water service extension by West Valley Water District to the GATX property and determine that the provision of water service by the Water District outside its boundaries and outside its sphere of influence is necessary in order to alleviate any threat to the health and safety of the public that work at the GATX facility pursuant to Government Code Section 56133(c). This recommendation is made on the basis that there is a potential threat to the health and safety of the public due to the Compliance Orders that have been issued on the property related to its onsite water system and that the property is not within an existing public (or private) water service provider nor is there one that can easily and efficiently provide water serve the property.

**DETERMINATIONS:**

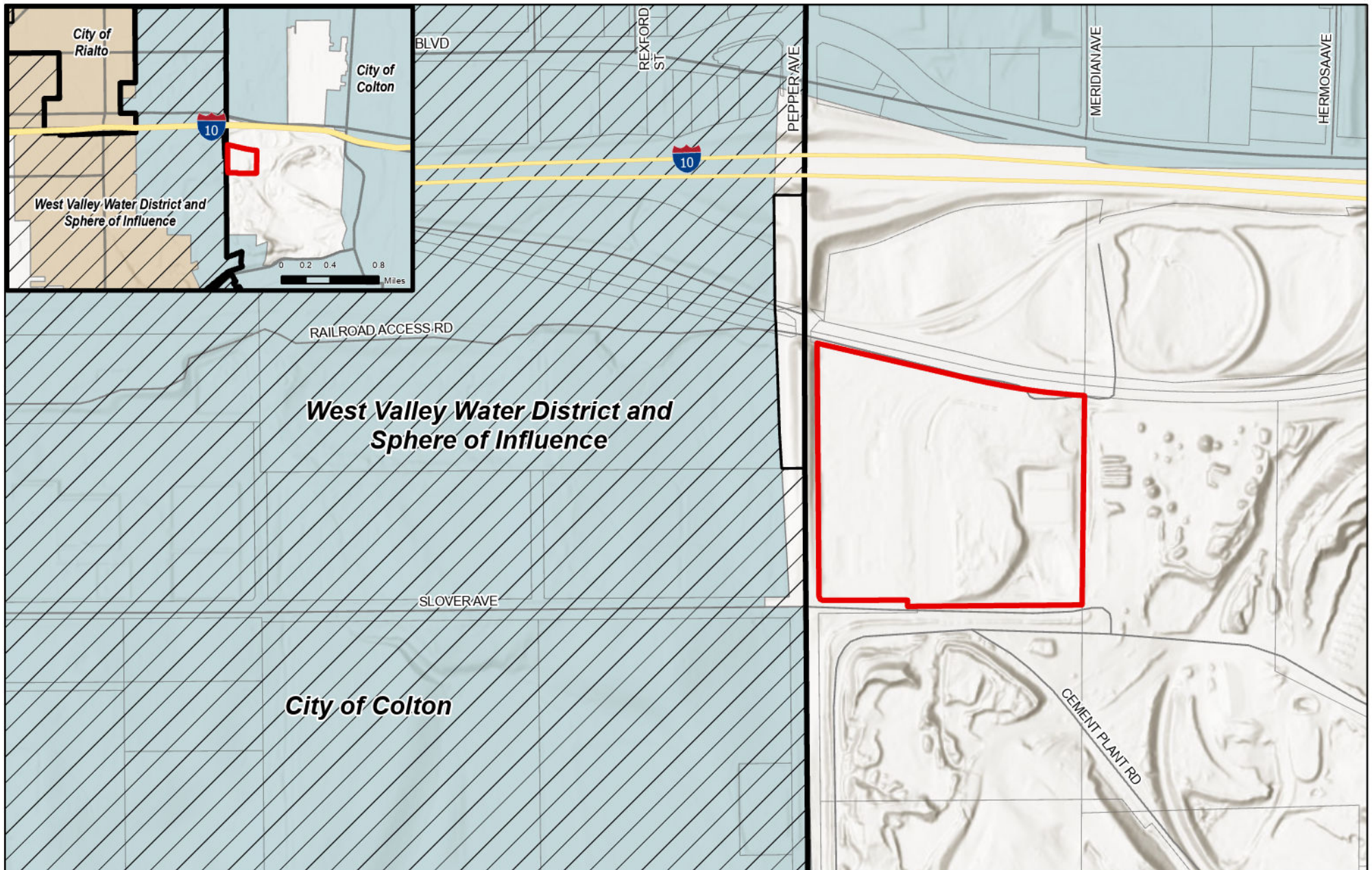
1. The parcel, identified as APN 0254-192-02, is currently not within the West Valley Water District's boundary or sphere of influence. The application requests authorization to receive water service from West Valley Water District pursuant to Government Code Section 56133(c) to alleviate any potential threat to the health and safety of the public.
2. The West Valley Water District's Water System Infrastructure Installation and Conveyance Agreement being considered is for the provision of water service to APN 0254-192-02, generally located on the east side of Pepper Avenue, south of the I-10 Freeway between the Union Pacific Railroad and Slover Avenue. This contract will remain in force in perpetuity. Approval of this request for authorization will allow the property owner and the West Valley Water District to proceed in finalizing the contract for the extension of water service.
3. The fees and charges for the extension of water service are identified as totaling \$82,750 (for a breakdown of fees and charges, see tables on page 4). Payment of these fees is required prior to connection to the West Valley Water District's water facilities.

4. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the service contract submitted by the West Valley Water District and recommended that this application is exempt from environmental review. A copy of Mr. Dodson's response is included as Attachment #4 to this report.

Attachments:

1. [Vicinity Map](#)
2. [Compliance Orders \(Compliance Order No. 05\\_66\\_21R\\_077 and Compliance Order No. 05\\_66\\_21R\\_022\)](#)
3. [West Valley Application Materials and Copy of Agreement](#)
4. [Response from Tom Dodson and Associates](#)
5. [Draft Resolution #3360](#)

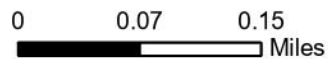




**LAFCO SC#492 -- West Valley Water District Extraterritorial Water Service Agreement (Water Infrastructure Installation and Conveyance Agreement)**



Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.



- Service Contract Area
- West Valley Water District
- West Valley Water District Sphere of Influence

- City of Colton
- City of Rialto



## Public Health Environmental Health Services

**Joshua Dugas MBA, REHS**  
Director

**Jeany Zepeda**  
Assistant Director

**Michael A. Sequeira, M.D.**  
Health Officer

**Jennifer Osorio, REHS**  
Division Chief

October 20, 2021

System No. 3601089

Wally (Md) Waliullah, EHS Manager  
Gen American Trans Corp (GATX Corporation)  
20878 Slover Ave.  
Colton, CA 92324

### **COMPLIANCE ORDER NO. 05\_66\_21R\_077 NITRATE MAXIMUM CONTAMINANT LEVEL EXCEEDANCE FOR SEPTEMBER, 2021**

Enclosed is Compliance Order No. 05\_66\_21R\_077 (hereinafter "Order"), issued to the Gen American Trans Corp (hereinafter "System"), public water system. Please note there are legally enforceable deadlines associated with this Order.

The System will be billed at the San Bernardino County, Division of Environmental Health Services (hereinafter "Division") hourly rate for the time spent on issuing this Order. California Health and Safety Code (hereinafter "CHSC") Section 116595 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including preparing, issuing, and monitoring compliance with an order. At this time, the Division has spent approximately 1 hour on enforcement activities associated with this violation.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the Division under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Water Board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

#### **BOARD OF SUPERVISORS**

**COL. PAUL COOK (RET.)**  
First District

**JANICE RUTHERFORD**  
Second District

**DAWN ROWE**  
Vice Chair, Third District

**CURT HAGMAN**  
Chairman, Fourth District

**JOE BACA, JR.**  
Fifth District

**Leonard X. Hernandez**  
Chief Executive Officer

If you have any questions regarding this matter, please contact Noah Hamm at 1-800-442-2283.

Sincerely,

A handwritten signature in black ink that reads "Noah Hamm". The signature is cursive and fluid, with the first name "Noah" and last name "Hamm" clearly distinguishable.

Noah Hamm, REHS  
Environmental Health Specialist  
Land Use Protection Program

Enclosures

Citation No. 05\_66\_21R\_077

Certified Mail No. 7019 1120 0000 7119 8856

cc: Amanda Chapman, via email at [Amanda.Chapman@Waterboards.ca.gov](mailto:Amanda.Chapman@Waterboards.ca.gov)  
Jarrett Hamud, via email at [Jarrett.Hamud@Waterboards.ca.gov](mailto:Jarrett.Hamud@Waterboards.ca.gov)  
Gabriela Garcia, via email at [gabriela.garcia@dph.sbcounty.gov](mailto:gabriela.garcia@dph.sbcounty.gov)



2 SAN BERNARDINO COUNTY

3 DEPARTMENT OF PUBLIC HEALTH

4 DIVISION OF ENVIRONMENTAL HEALTH SERVICES

5  
6 **Name of Public Water System:** Gen American Trans Corp (GATX Corporation)

7 **Water System No:** 3601089

8  
9 **Attention:** Wally (Md) Waliullah, EHS Manager

10 20878 Slover Ave.

11 Colton, CA 92324

12  
13 **Issued:** October 20, 2021

14  
15 **COMPLIANCE ORDER FOR NONCOMPLIANCE**

16 **CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555 AND**

17 **CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64431**

18  
19 **NITRATE MAXIMUM CONTAMINANT LEVEL EXCEEDANCE**  
20 **FOR SEPTEMBER, 2021**

21  
22 The California Health and Safety Code (hereinafter "CHSC"), Section 116655  
23 authorizes the San Bernardino County, Division of Environmental Health Services  
24 (hereinafter "Division"), acting by and through its primacy delegation from the State  
25 Water Resources Control Board (State Water Board), to issue a compliance order to a  
26 public water system when the Division determines that the public water system has  
27 violated or is violating the California Safe Drinking Water Act (hereinafter "California

SDWA”), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The Division, acting by and through its primacy delegation from the State Water Board, hereby issues Compliance Order No. 05\_66\_21R\_077 (hereinafter “Order”) pursuant to Section 116655 of the CHSC to the Gen American Trans Corp (GATX Corporation) (hereinafter “System”), for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter “CCR”), Title 22, Section 64431 Maximum Contaminant Levels (hereinafter “MCL”) – Inorganic Chemicals.

### STATEMENT OF FACTS

The System is classified as a Nontransient-Noncommunity (NTNC) public water system with a population of 70, serving 1 connection. The System operates under Domestic Water Supply Permit No. 15-3601089-001 issued by the Division on February 26, 2015. The System is using groundwater source to supply potable water to the distribution system.

CHSC, Section 116555 requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants, specific treatment standards, and monitoring and reporting requirements as specified in regulations adopted by the Division.

CCR, Title 22, Section 64431 Maximum Contaminant Levels – Inorganic Chemicals states that public water systems shall comply with the primary MCLs established in table 64431-A. The MCL for Nitrate (as Nitrogen) is 10. milligrams per liter (hereinafter “mg/L”).

The Division received laboratory results for 2 nitrate samples collected on 09/22/2020 and 9/30/2021 from Well (CA3601089\_001\_001). The average nitrate concentration from the 2 samples was 11 mg/L. A summary of the System's most recent nitrate monitoring results are presented in Table 1 below:

Table 1 – Well Nitrate Sample Results

Sample Date	Result (mg/L)	Type of Sample
9/22/2021	11	Initial
9/30/2021	11	Confirmation

Notification to the public of the nitrate violation was performed by the System on October 6, 2021, in conformance with CCR, Title 22, Sections 64463.4 and 64465.

### DETERMINATION

The Division has determined that the System has failed to comply with primary drinking water standards pursuant to CHSC, Section 116555 and the nitrate MCL pursuant to CCR, Title 22, Section 64431.

### DIRECTIVES

To ensure that the water supplied by the System is at all times safe, wholesome, healthful, and potable, the System is hereby directed to take the following actions:

1. By **May 1, 2024**, comply with CCR, Title 22, Section 64431.
2. Quarterly sampling for nitrate from Well (CA3601089\_001\_001) must begin by December 31, 2021, and must continue every three months thereafter. The analytical results of the samples must be submitted electronically to the Division,

by the laboratory, that conducts the analysis, no later than the tenth day of the month following completion of the analyses.

- 3.
- Monthly public notification to the customers of the System must begin by November 1, 2021 and continue monthly until the Division determines that the nitrate contamination is resolved. Public Notification must be conducted in conformance with CCR, Title 22, Sections 64463.1 and 64465. Appendix 1: Notification Template shall be used to fulfill this Directive, unless otherwise approved by the Division.

- Public notification for new customers must be conducted in conformance with CCR, Title 22, Section 64463(e) where the System must give new customers a copy of the most recent public notice prior to or at any time service begins.
- Monthly public notification must be provided every month even when a nitrate result shows a concentration below the nitrate MCL. The notice must be updated to include the following wording:

*“Although the nitrate level(s) during the most recent monitoring period showed results below the MCL, nitrate levels in the water tend to fluctuate and it is possible that the nitrate level may increase at any time between sampling events. Public notification will continue until the nitrate problem is resolved.”*

- 4.
- Complete Appendix 2: Certification of Completion of Notification Form. Submit it together with a copy of the public notification required by Directive No. 3, to the Division within 10 days following each public notification. The first certification of completion of public notification form is due by January 10, 2021.

5. Prepare a Corrective Action Plan for Division approval, identifying improvements to the water system designed to correct the water quality problems identified as an exceedance of the nitrate MCL and ensure that the System delivers water to consumers that meets primary drinking water standards. The plan must include a time schedule for completion of each of the phases of the project, such as design, construction, and startup, and a date that shows when the System will be in compliance with the nitrate MCL. The date must be no later than **May 1, 2024**.

6. By **March 31, 2021**, submit the Corrective Action Plan required under Directive No. 5 above, to the Division office located at:

County of San Bernardino – Environmental Health Services  
385 N. Arrowhead Ave, 2<sup>nd</sup> floor  
San Bernardino, CA 92415

7. Perform the Division approved Corrective Action Plan, and each and every element of said plan, according to the time schedule set forth therein.

8. By **November 30, 2021**, the System must submit an updated operations plan pursuant to Section 64600 to minimize use of the nitrate contaminated source.

9. By **October 31, 2021** and every month thereafter, the System must record the monthly production of all sources, and submit a running report of the monthly production from each source to the Division.

10. By **January 10, 2022** and every three months thereafter, submit a report to the Division in the form provided as Appendix 3 showing actions taken during the



previous quarter (calendar three months) to comply with the Corrective Action Plan.

11. By **May 1, 2024**, demonstrate to the Division that the water delivered by the System complies with the Nitrate MCL.

12. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if the System anticipates it will not timely meet such performance deadline.

13. By **October 31, 2021** complete and return to the Division the "Notification of Receipt" form attached to this Order as Appendix 5. Completion of this form confirms that the System has received this Order and understands that it contains legally enforceable directives with due dates.

All submittals required by this Order, unless otherwise specified in the directives above, must be electronically submitted to the Division at the following address. The subject line for all electronic submittals corresponding to this Order must include the following information: Water System name and number, compliance order number and title of the document being submitted.

Noah Hamm, REHS

[Noah.Hamm@dph.sbcounty.gov](mailto:Noah.Hamm@dph.sbcounty.gov)

The Division reserves the right to make modifications to this Order that it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance.

1 Nothing in this Order relieves the System of its obligation to meet the requirements of  
2 the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with  
3 Section 116270), or any regulation, standard, permit or order issued or adopted  
4 thereunder.

### 5 6 **PARTIES BOUND**

7 This Order shall apply to and be binding upon the System, its owners, shareholders,  
8 officers, directors, agents, employees, contractors, successors, and assignees.

### 9 10 **SEVERABILITY**

11 The directives of this Order are severable, and the System shall comply with each and  
12 every provision thereof notwithstanding the effectiveness of any provision.

### 13 14 **FURTHER ENFORCEMENT ACTION**

15 The California SDWA authorizes the Division, pursuant to authority delegated by the  
16 State Water Board, to issue a citation or order with assessment of administrative  
17 penalties to a public water system for violation or continued violation of the  
18 requirements of the California SDWA or any regulation, permit, standard, citation, or  
19 order issued or adopted thereunder including, but not limited to, failure to correct a  
20 violation identified in a citation or compliance order. Pursuant to its delegated  
21 authority, the California SDWA also authorizes the Division to take action to suspend or  
22 revoke a permit that has been issued to a public water system if the public water  
23 system has violated applicable law or regulations or has failed to comply with an order  
24 of the Division, and to petition the superior court to take various enforcement measures  
25 against a public water system that has failed to comply with an order of the Division.  
26 The Division does not waive any further enforcement action by issuance of this Order.

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Noah Hamm, REHS  
Environmental Health Specialist  
Land Use Protection Program  
Division of Environmental Health Services

October 20, 2021

Date

Appendices 4:

1. Notification Template
2. Certification of Completion of Public Notification
3. Quarterly Progress Report
4. Notification of Receipt Form

Certified Mail No. 7019 1120 0000 7119 8856

**APPENDIX 1. NOTIFICATION TEMPLATE****IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

**DRINKING WATER WARNING**

Gen American Trans Corp has high levels of nitrate

**DO NOT GIVE THE WATER TO  
INFANTS UNDER 6 MONTHS OLD OR PREGNANT WOMEN  
OR USE IT TO MAKE INFANT FORMULA**

Water sample results received [Date] showed nitrate levels of [level and units]. This is above the nitrate standard, or maximum contaminant level (MCL), of 10 milligrams per liter. Nitrate in drinking water is a serious health concern for infants less than six months old.

**What should I do?**

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

**What happened? What is being done?**

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers). Levels of nitrate in drinking water can vary throughout the year. We will let you know if the amount of nitrate is again below the limit.

[Describe corrective action, seasonal fluctuations, and when system expects to return to compliance.]

For more information, please contact Wally (Md) Waliullah at 909-777-5105.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

## **Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Gen American Trans Corp (GATX Corporation).

State Water System ID#: 3601089. Date distributed: \_\_\_\_\_.

**APPENDIX 2**  
**CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION**

**Compliance Order Number:** 05\_66\_21R\_077

**Name of Water System:** Gen American Trans Corp (GATX Corporation)

**System Number:** 3601089

**Attach a copy of the public notice distributed to the water system's customers.**

This form, when completed and sent to sbcwater123@gmail.com for the County of San Bernardino – Environmental Health Services, 385 N. Arrowhead Ave, 2<sup>nd</sup> Floor, San Bernardino, CA 92415, serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public notification for failure to comply with the **Nitrate MCL** was conducted on:

Notification was made on \_\_\_\_\_ (date).

For the month, year of \_\_\_\_\_.

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

For Community and non-transient non-community public water systems

☐ The notice was distributed by mail or direct delivery to each customer on: \_\_\_\_\_

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery or persons served by a transient public water system (renters, nursing home patients, prison inmates, etc.):

☐ Posted the notice at the following conspicuous locations served by the water system. (If needed, please attach a list of locations). \_\_\_\_\_

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www. \_\_\_\_\_

☐ Other method used to notify customers. \_\_\_\_\_

I hereby certify that the above information is factual.

Certified by: Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Disclosure:** Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

**APPENDIX 3: QUARTERLY PROGRESS REPORT**

Water System: Gen American Trans Corp	Water System No: 3601089
Compliance Order No: 05_66_21R_077	Violation: <b>Nitrate MCL</b>
Calendar Quarter:	Date:

This form should be prepared and signed by Gen American Trans Corp personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division to the following email address: sbcwater123@gmail.com titled appropriately.

**Summary of Compliance Plan:**

--

**Tasks completed in the reporting quarter:**

--

**Tasks remaining to complete:**

--

**Anticipated compliance date:**

--

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**Printed Name****Signature**

---

**Title****Date**

## APPENDIX 4– NOTIFICATION OF RECEIPT

**Compliance Order Number:** 05\_66\_21R\_077

**Name of Water System:** Gen American Trans Corp (GATX Corporation)

**System Number:** 3601089

### Certification

I certify that I am an authorized representative of the Gen American Trans Corp (GATX Corporation) and that Compliance Order No. 05\_66\_21R\_077 was received on \_\_\_\_\_ . Further, I certify that the Order has been reviewed by the appropriate management staff of the Gen American Trans Corp (GATX Corporation) and it is clearly understood that Compliance Order No. 05\_66\_21R\_077 contains legally enforceable directives with specific due dates.

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

<p><b>THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION OF ENVIRONMENTAL HEALTH SERVICES, NO LATER THAN OCTOBER 31, 2021</b></p>
---

**Disclosure:** Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.





## Public Health Environmental Health Services

**Andrew Goldfrach, FACHE**  
Interim Director

**Joshua Dugas**  
Assistant Director

**Michael A. Sequeira, M.D.**  
Health Officer

**Jennifer Osorio, REHS**  
Division Chief

April 6, 2021

System No. 3601089

Yasmin Asghari  
Gen American Trans Corp.  
233 South Wacker Dr. 50<sup>th</sup> Floor  
Chicago, Illinois 60606

### **COMPLIANCE ORDER NO. 05\_66\_21R\_022 PERCHLORATE MAXIMUM CONTAMINANT LEVEL VIOLATION FOR 2021**

Enclosed is Compliance Order No. 05\_66\_21R\_022 (hereinafter "Order"), issued to the Gen American Trans Corp (hereinafter "GATX") public water system. Please note there are legally enforceable deadlines associated with this Order.

The GATX will be billed at the Division of Environmental Health Services (hereinafter "Division"), hourly rate for the time spent on issuing this Order. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with an order. At this time, the Division has spent approximately 0.50 hours on enforcement activities associated with this violation.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.)

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Water board. The date of issuance is the date when the Division mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

#### **BOARD OF SUPERVISORS**

**COL. PAUL COOK (RET.)**  
First District

**JANICE RUTHERFORD**  
Second District

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Vice Chair, Third District

**CURT HAGMAN**  
Chairman, Fourth District

**JOE BACA, JR.**  
Fifth District

**Leonard X. Hernandez**  
Chief Executive Officer

If you have any questions regarding this matter, please contact Noah Hamm at 1-800-442-2283.

Sincerely,

A handwritten signature in black ink that reads "Noah Hamm". The signature is cursive and fluid, with the first name "Noah" and last name "Hamm" clearly distinguishable.

Noah Hamm, REHS  
Environmental Health Specialist  
Land Use Protection Program

Enclosures

Compliance Order No. 05\_66\_21R\_022

Certified Mail No. 7019 1120 0000 7135 2647

cc: Eric Zuniga, via email at [eric.zuniga@waterboards.ca.gov](mailto:eric.zuniga@waterboards.ca.gov)  
Hector Cazares, via email at [hector.cazares@waterboards.ca.gov](mailto:hector.cazares@waterboards.ca.gov)  
Gabriela Garcia, via email at [gabriela.garcia@dph.sbcounty.gov](mailto:gabriela.garcia@dph.sbcounty.gov)

1 **Compliance Order No. 05\_66\_21R\_022**

2 SAN BERNARDINO COUNTY

3 DEPARTMENT OF PUBLIC HEALTH

4 DIVISION OF ENVIRONMENTAL HEALTH SERVICES

5  
6 **Name of Public Water System:** Gen American Trans Corp

7 **Water System No:** 3601089

8  
9 **Attention:** Ms. Yasmin Asghari, Financial Contact

10 233 S. Wacker Dr. 50<sup>th</sup> Floor

11 Chicago, Illinois 60606

12  
13 **Issued:** April 6, 2021

14  
15 **COMPLIANCE ORDER FOR NONCOMPLIANCE WITH**  
16 **CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(a)(1) AND**  
17 **CALIFORNIA CODE OF REGULATIONS, TITLE 22,**  
18 **SECTIONS 64431**

19  
20 **PERCHLORATE MAXIMUM CONTAMINANT LEVEL VIOLATION**  
21 **2021**

22  
23 The California Health and Safety Code (hereinafter "CHSC"), Section 116655  
24 authorizes the San Bernardino County, Division of Environmental Health Services  
25 (hereinafter "Division"), to issue a compliance order to a public water system when  
26 the Division determines that the public water system has violated or is violating the  
27 California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division

104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The Division, acting by and through its primacy delegation from the State Water Resources Control Board, hereby issues Compliance Order 05\_66\_21R\_022 (hereinafter "Order"), pursuant to Section 116655 of the CHSC to the Gen American Trans Corp (hereinafter "GATX") for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (CCR), Title 22, Section 64431.

### **STATEMENT OF FACTS**

The GATX is classified as a Nontransient-Noncommunitiy (NTNC) public water system with a population of 70, serving one (1) connection. The GATX operates under Domestic Water Supply Permit No. 15-3601089-001 issued by the Division on February 26, 2015. The GATX is using a groundwater source to supply potable water to the service area.

CHSC, Section 116555(a)(1) requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants, specific treatment standards, and monitoring and reporting requirements as specified in regulations adopted by the Division.

Pursuant to CCR, Title 22, Section 64431, public water systems shall comply with the primary maximum contaminant level (hereinafter "MCL") in table 64431-A as specified in this article and CCR, Title 22, 64432.3(d)(2), whenever the level of perchlorate in a single sample exceeds the perchlorate MCL of 0.006 mg/L (6 µ/L). The GATX is required to collect and analyze a confirmation sample within 48 hours of notification of the result. The GATX is in violation of the perchlorate MCL when

the average of the initial and confirmation samples exceeds the MCL and must report the results to the Division within 48 hours. On March 16, 2021 the analytical result of the sample collected from the Well showed it contained a perchlorate concentration of 7.2 µ/L exceeding the MCL. The required confirmation sample collected on March 24, 2021 had a perchlorate concentration of 7.7 µ/L. The average of the initial and confirmation sample was 7.45 µ/L, exceeding the perchlorate MCL.

### DETERMINATION

The Division has determined that the GATX has failed to comply with primary drinking water standards pursuant to CHSC, Section 116555(a)(1) and the perchlorate MCL pursuant to CCR, Title 22, Section 64431.

### DIRECTIVES

The GATX is hereby directed to take the following actions:

1. By **May 1, 2024**, comply with CCR, Title 22, Section 64431.
2. Quarterly sampling for perchlorate from Well must begin by **April 1, 2021**, and must continue every three months thereafter. The analytical results of the samples must be submitted electronically to the Division, by the laboratory, that conducts the analysis, no later than the tenth day of the month following completion of the analyses.
3. By **April 10, 2021** notify all persons served by the GATX of the violation of CCR, Title 22, Sections 64431 in conformance with Sections 64463.1(a)(6) and 64465. Appendix 1: Notification Template, must be used to fulfill this Directive, unless otherwise approved by the Division and contents of

Appendix 1 must be approved by the Division prior to issuance. **The GATX must edit the wording of the notification template as necessary.** The notification must be completed in accordance with the following:

- By radio or television;
- By posting in conspicuous locations throughout the area served by the GATX;
- By hand delivery to persons served by the GATX; or
- By other method approved by the Division, based on the method's ability to inform GATX users.

4. Complete Appendix 2, Compliance Certification Form, and submit together with a copy of the public notification required by Directive No. 3, to the Division within 10 days following each public notification. The first certificate of completion of public notification form is due on or before **April 10, 2021**.

5. Prepare a Corrective Action Plan for Division approval, identifying improvements to the water system designed to correct the water quality problems identified as an exceedance of the perchlorate MCL and ensure that the GATX delivers water to consumers that meets primary drinking water standards. The plan must include a time schedule for completion of each of the phases of the project, such as design, construction, and startup, and a date that shows when the GATX will be in compliance with the perchlorate MCL. The date must be no later than **May 1, 2024**.

6. By **October 5, 2021**, submit the Corrective Action Plan required under Directive No. 5 above, to the Division office located at:

**Compliance Order No. 05\_66\_21R\_022**

County of San Bernardino – Environmental Health Services  
385 N. Arrowhead Ave, 2<sup>nd</sup> floor  
San Bernardino, CA 92415

7. Perform the Division approved Corrective Action Plan, and each and every element of said plan, according to the time schedule set forth therein.
8. By **May 13, 2021**, the GATX must submit an updated operations plan pursuant to Section 64600 to minimize use of the perchlorate contaminated source.
9. By **April 31, 2021** and every month thereafter, the GATX must record the monthly production of all sources, and submit a running report of the monthly production from each source to the Division.
10. By **July 10, 2021** and every three months thereafter, submit a report to the Division in the form provided as Appendix 3 showing actions taken during the previous quarter (calendar three months) to comply with the Corrective Action Plan.
11. By **May 1, 2024**, demonstrate to the Division that the water delivered by the GATX complies with the perchlorate MCL.
12. Include this violation in the 2021 Consumer Confidence Report in accordance with CCR, Title 22, Section 64481(g)(1).
13. By **April 19, 2021**, complete and return to the Division the “Notification of Receipt” form attached to this compliance order as Appendix 4. Completion of this form confirms that the GATX has received this Compliance Order and understands that it contains legally enforceable directives with due dates.

All submittals required by this Order, unless otherwise specified in the directives above, must be electronically submitted to the Division at the following address. The subject line for all electronic submittals corresponding to this Order must include the following information: Water System name and number, compliance order number and title of the document being submitted.

Noah Hamm, REHS

[Noah.Hamm@dph.sbcounty.gov](mailto:Noah.Hamm@dph.sbcounty.gov)

The Division reserves the right to make modifications to this Order that it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance.

Nothing in this Order relieves the GATX of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

#### **PARTIES BOUND**

This Order shall apply to and be binding upon the GATX, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

#### **SEVERABILITY**

The directives of this Order are severable, and the GATX shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

#### **FURTHER ENFORCEMENT ACTION**



The California SDWA authorizes the Division, pursuant to authority delegated by the State Water Board, to issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. Pursuant to its delegated authority, the California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Division, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Division. The Division does not waive any further enforcement action by issuance of this Order.



Noah Hamm, REHS  
Environmental Health Specialist  
Land Use Protection Program  
Division of Environmental Health Services

April 6, 2021

Date

Appendices 4:

1. Notification Template
2. Certification of Completion of Public Notification
3. Quarterly Progress Report
4. Notification of Receipt Form

Certified Mail No. 7019 1120 0000 7135 2647

## APPENDIX 1. NOTIFICATION TEMPLATE

### IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

### DRINKING WATER WARNING

Gen American Trans Corp water has high levels of perchlorate

**DO NOT DRINK THE WATER  
OR USE IT TO MAKE INFANT FORMULA**

Water sample results received [sample results date] showed perchlorate levels of [level and units]. This is above the perchlorate standard or maximum contaminant level (MCL), of 0.006 milligrams per liter (6 parts per billion). Perchlorate consumed in drinking water may interfere with iodide uptake in the body, leading to abnormal hormone levels in the body.

#### What should I do?

- **DO NOT DRINK THE WATER OR USE IT TO MAKE INFANT FORMULA.** *Perchlorate has been shown to interfere with uptake of iodide by the thyroid gland, and to thereby reduce the production of thyroid hormones, leading to adverse affects associated with inadequate hormone levels. Thyroid hormones are needed for normal prenatal growth and development of the fetus, as well as for normal growth and development in the infant and child. In adults, thyroid hormones are needed for normal metabolism and mental function. Women who smoke and have low iodine intake appear to be particularly susceptible.*
- Water, juice, and formula should not be prepared with tap water. Bottled water or other water low in perchlorate should be used until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the perchlorate level. Excessive boiling can make the perchlorate more concentrated because perchlorate remains behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

#### What happened? What is being done?

Perchlorate is an inorganic chemical often used in solid rocket propellant, fireworks, explosives, flares, matches, and a variety of industries. It usually gets into drinking water as a result of environmental contamination from historic aerospace or other industrial operations that used or use, store, or dispose of perchlorate and its salts. We will let you know when the amount of perchlorate is again below the limit.

[Describe corrective action, seasonal fluctuations, and when system expects to return to compliance.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

### **Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Gen American Trans Corp.

State Water System ID#:

Date distributed:

APPENDIX 2  
CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

Compliance Order Number: 05\_66\_21R\_022

Name of Water System: Gen American Trans Corp

System Number: 3601089

**Attach a copy of the public notice distributed to the water system's customers.**

This form, when completed and sent to sbcwater123@gmail.com for the County of San Bernardino – Environmental Health Services, 385 N. Arrowhead Ave, 2<sup>nd</sup> Floor, San Bernardino, CA 92415, serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public notification for failure to comply with the Perchlorate MCL was conducted on:

Notification was made on \_\_\_\_\_ (date).

For the month, year of \_\_\_\_\_.

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

For Community and non-transient non-community public water systems

☐ The notice was distributed by mail or direct delivery to each customer on: \_\_\_\_\_

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery or persons served by a transient public water system (renters, nursing home patients, prison inmates, etc.):

☐ Posted the notice at the following conspicuous locations served by the water system. (If needed, please attach a list of locations). \_\_\_\_\_

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www. \_\_\_\_\_

☐ Other method used to notify customers. \_\_\_\_\_

I hereby certify that the above information is factual.

Certified by: Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Disclosure:** Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

## APPENDIX 3: QUARTERLY PROGRESS REPORT

Water System: Gen American Trans Corp	Water System No: 3601089
Compliance Order No: 05_66_21R_022	Violation: <b>Perchlorate MCL</b>
Calendar Quarter:	Date:

This form should be prepared and signed by Gen American Trans Corp personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division to the following email address: sbcwater123@gmail.com titled appropriately.

**Summary of Compliance Plan:**

--

**Tasks completed in the reporting quarter:**

--

**Tasks remaining to complete:**

--

**Anticipated compliance date:**

--

---

**Printed Name**

---

**Signature**

---

**Title**

---

**Date**

**APPENDIX 4 – NOTIFICATION OF RECEIPT**

**Compliance Order Number:** 05\_66\_21R\_022

**Name of Water System:** Gen American Trans Corp

**System Number:** 3601089

**Certification**

I certify that I am an authorized representative of the Gen American Trans Corp and that Compliance Order No. 05\_66\_21R\_022 was received on \_\_\_\_\_. Further I certify that the Compliance Order has been reviewed by the appropriate management staff of the Gen American Trans Corp and it is clearly understood that Compliance Order No. 05\_66\_21R\_022 contains legally enforceable directives with specific due dates.

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION OF  
ENVIRONMENTAL HEALTH SERVICES, NO LATER THAN APRIL 19, 2021**

**Disclosure:** Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

## BOARD OF DIRECTORS

**Channing Hawkins, Div. 4**  
*President, Board of Directors*

**Gregory Young, Div. 5**  
*Vice President, Board of Directors*

**Angela Garcia, Div. 1**  
*Director*

**Dan Jenkins, Div. 2**  
*Director*

**Kelvin Moore, Div. 3**  
*Director*



## ADMINISTRATIVE STAFF

**Van M. Jew**  
*Acting General Manager*

### ESTABLISHED AS A PUBLIC AGENCY IN 1952

WEST VALLEY WATER DISTRICT'S MISSION IS TO PROVIDE  
OUR CUSTOMERS WITH SAFE, HIGH QUALITY AND RELIABLE  
WATER SERVICE AT A REASONABLE RATE AND IN A  
SUSTAINABLE MANNER.

November 17, 2022

Samuel Martinez  
Local Agency Formation Commission for San Bernardino County  
215 North "D" Street, Suite 204  
San Bernardino, CA 92415-0490

#### **Subject: Request for Approval of an Out-Of-Agency Service Agreement for GATX Corporation**

Dear Mr. Martinez,

The intent of this letter is to request Local Agency Formation Commission's (LAFCO) consideration of the attached application for an Out-Of-Agency Service Agreement between West Valley Water District (WVWD) and General American Transportation Corporation (GATX). It is WVWD's desire to enter into an agreement with GATX to provide water service to APN 0254-291-02 on an interim basis while a Sphere of Influence expansion and Annexation are being concurrently considered by LAFCO. This request is being made to comply with San Bernardino County Department of Public Health's Compliance Order No. 05\_66\_21R\_022 for GATX, whose onsite water supply has exceeded the maximum contaminant level of perchlorate and may no longer be used for potable water. A copy of the compliance order is attached for reference.

Due to the nature of the contamination, and GATX's inability to use its onsite water system, it is imperative that water service be established immediately, and scheduled prior to the completion of the Sphere of Influence and Annexation hearings. This agreement would allow essential services to be provided to GATX on an interim basis to avoid any public health risks, as authorized under Section 56133 (c) of the Government Code.

If you have any questions or need additional information, please contact Daniel Guerra at (909) 875-1804 xt.373 or by email at [dguerra@wvwd.org](mailto:dguerra@wvwd.org).

Sincerely,

  
Van Jew  
Acting General Manager

#### Attachments:

1. Out-Of-Agency Service Agreement
2. Compliance Order No. 05\_66\_21R\_022

**SAN BERNARDINO LAFCO  
APPLICATION FOR  
EXTENSION OF SERVICE BY CONTRACT**

*(A certified copy of the City Council/District Board of Directors resolution or a letter from the City Manager/General Manager requesting approval for an out-of-agency service agreement must be submitted together with this application form.)*

**AGENCY TO EXTEND SERVICE:**

AGENCY NAME: West Valley Water District  
CONTACT PERSON: Daniel Guerra  
ADDRESS: 855 W. Baseline Road  
Rialto, CA 92377  
PHONE: (909) 875-1804  
EMAIL: dguerra@wwwd.org

**CONTRACTING PARTY:**

NAME OF  
PROPERTY OWNER: GATX  
CONTACT PERSON: Yasmin Asghari  
MAILING ADDRESS: 233 S Wacker Drive  
Chicago, IL 60606  
PHONE: (312) 621-6340  
EMAIL: Yasmin.asghari@gatx.com  
ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: 20878 Slover Ave  
Colton, CA 92324  
CONTRACT NUMBER/IDENTIFICATION:  
PARCEL NUMBER(S): 0254-291-02  
ACREAGE: 34 ± acres



The following questions are designed to obtain information related to the proposed agreement/contract to allow the Commission and staff to adequately assess the proposed service extension. You may include any additional information which you believe is pertinent. Please use additional sheets where necessary.

1. (a) List the type or types of service(s) to be provided by this agreement/contract.  
  
Water Services for Potable, fire, and irrigation.  
  
(b) Are any of the services identified above "new" services to be offered by the agency? ☐ YES ☒ NO. If yes, please provide explanation on how the agency is able to provide the service.
  
2. Is the property to be served within the agency's sphere of influence? ☒ YES ☐ NO
  
3. Please provide a description of the service agreement/contract.  
  
Pre-annexation agreement
  
4. (a) Is annexation of the territory by your agency anticipated at some point in the future? ☒ YES ☐ NO. If yes, please provide a projected timeframe when it anticipates filing an application for annexation of territory that would include the area to be served. If no, please provide an explanation as to why a jurisdictional change is not possible at this time.  
  
The Application for Annexation will be processed concurrently with the Pre-Annexation Agreement, however, it is anticipated that the Pre-Annexation Agreement will be completed ahead of the Annexation Agreement.  
  
(b) Is the property to be served contiguous to the agency's boundary? ☒ YES ☐ NO. If yes, please provide explanation on why annexation to the agency is not being contemplated.  
  
Annexation to the agency will be processed concurrently with the Pre-Annexation Agreement.
  
5. Is the service agreement/contract outside the Agency's sphere of influence in response to a threat to the public health and safety of the existing residents as defined by Government Code Section 56133(c)? ☒ YES ☐ NO. If yes, please provide documentation regarding the circumstance (i.e. letter from Environmental Health Services or the Regional Water Quality Control Board).

The project is requesting annexation to WVWD as a corrective action to a Compliance Order issued by SB EHS – Order #05-66-21R-022 for perchlorate and Order #05-66-21R-077 for nitrate exceedance of MCL. See attached copies of the Orders.

6. (a) What is the existing use of the property?

Zoned Heavy Industrial. The site is currently owned by GATX, a company which cleans and maintains rail cars.

- (b) Is a change in use proposed for the property? ☐ YES ☒ NO. If yes, please provide a description of the land use change.

7. If the service agreement/contract is for development purposes, please provide a complete description of the project to be served and its approval status.

There is an existing 24-inch water main at the intersection of Pepper Ave and Slover Ave. A 12-inch water main is proposed to extend from the 24-inch line northerly in Pepper Ave approximately 154 feet. Potable, irrigation and fire service laterals will be connected to the proposed 12-inch line and extend to the GATX property.

8. Are there any land use entitlements/permits involved in the agreement/contract?  
☐ YES ☒ NO. If yes, please provide documentation for this entitlement including the conditions of approval and environmental assessment that are being processed together with the project. Please check and attach copies of those documents that apply:

Tentative Tract Map / Parcel Map	<input type="checkbox"/>
Permit (Conditional Use Permit, General Plan Amendment, etc.)	<input type="checkbox"/>
Conditions of Approval	<input type="checkbox"/>
Negative Declaration (Initial Study)	<input type="checkbox"/>
Notice of Determination (NOD)/Notice of Exemption (NOE)	<input type="checkbox"/>
Department of Fish and Game (DFG) Receipt	<input type="checkbox"/>
Others (please identify below)	<input type="checkbox"/>

---

---

9. Has the agency proposing to extend service conducted any CEQA review for this contract? ☐ YES ☒ NO. If yes, please provide a copy of the agency's environmental assessment including a copy of the filed NOD/NOE and a copy of the DFG Receipt.

10. Plan for Service:

- (a) Please provide a detailed description of how services are to be extended to the property. The response should include, but not be limited to, a description of: 1) capacity of existing infrastructure, 2) type of infrastructure to be extended or added to serve the area, 3) location of existing infrastructure in relation to the area to be served, 4) distance of infrastructure to be extended to serve the area, and 5) other permits required to move forward with the service extension.

West Valley Water District currently has an existing 24-inch water main in Slover Avenue and a 24-inch main in Pepper Avenue (West). The two water mains are connected at the intersection of the two avenues. There are two separate roadway surfaces within the Pepper Avenue Right of Way which are divided by an earth median. The existing 24-inch water main is in the westerly roadway and the GATX property fronts on the easterly roadway. To serve the GATX site, a proposed 12-inch water line will be connected to the existing 24-inch water line and extend easterly in Slover Avenue and northerly in the easterly alignment of Pepper Avenue. From the 12-inch line there will be a proposed 4-inch potable water service and meter, and a 12-inch fire service. See the attached Proposed Water Exhibit.

- (b) Please provide a detailed description of the overall cost to serve the property. The response should include the costs to provide the service (i.e. fees, connection charges, etc.) and also the costs of all improvements necessary to serve the area (i.e. material/equipment costs, construction/installation costs, etc.).

<i>Description of Fees/Charges</i>	<i>Quantity</i>	<i>Unit Cost</i>	<i>Total</i>
12-inch Ductile Iron Pipe Fully Restrained	154 LF	\$300.00	\$46,200.00
4-inch Potable Water Service w 4-inch Meter	1 EA	\$2,200.00	\$2,200.00
4-inch Back Flow Preventer	1 EA	\$3,900.00	\$3,900.00
12-inch Fire Line Service	1 EA	\$3,600.00	\$3,600.00
10-inch DCA	1 EA	\$14,000.00	\$14,000.00
Pavement Trench and Repair	185 LF	\$30.00	\$5,550.00
Connection to Existing Main	1 EA	\$1,200.00	\$1,200.00
12-inch Blind Flange and Restrained Joint	1 EA	\$700.00	\$700.00
2-inch Air Valve Assembly	1 EA	\$1,800.00	\$4,600.00
Fire Hydrant Assembly	1 EA	\$3,600.00	\$3,600.00
<b>Total Costs</b>			<b>\$85,550.00</b>

- (c) Please identify any unique costs related to the service agreement such as premium outside City/District rates or additional 3<sup>rd</sup>-party user fees and charges (i.e. fees/charges attributable to other agencies).

There are no unique costs related to the water main and services.

- (d) If financing is to occur, please provide any special financial arrangement between the agency and the property owner, including a discussion of any later repayment or reimbursement (If available, a copy of the agreement for repayment/reimbursement is to be provided).

The property owner, GATX, is responsible for hiring a contractor for the installation and connection of the proposed water main and services to the West Valley Water District water main. The costs of improvements and financing are borne by the property owner.

- 11 Does the City/District have any policies related to extending service(s) outside its boundary? ☐ YES ☒ NO. If yes, has a copy been provided to LAFCO?  
☐ YES ☒ NO. If not, please include a copy of the policy or policies (i.e. resolution, municipal code section, etc.) as part of the application.

## CERTIFICATION

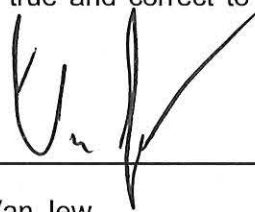
As a part of this application, the West Valley Water District agrees to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding 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.

The agency signing this application 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 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 exhibits present the data and information required for this evaluation of service extension to the best of my ability, and that the facts, statement and information presented herein are true and correct to the best of my knowledge and belief.

SIGNED



NAME:

Van Jew

POSITION TITLE:

Acting General Manager

DATE:

11-21-2022

### REQUIRED EXHIBITS TO THIS APPLICATION:

1. Copy of the agreement/contract.
2. Map(s) showing the property to be served, existing agency boundary, the location of the existing infrastructure, and the proposed location of the infrastructure to be extended.
3. Certified Plan for Service (if submitted as a separate document) including financing arrangements for service.

Please forward the completed form and related information to:

**Local Agency Formation Commission for San Bernardino County**

1170 West 3rd Street, Unit 150

San Bernardino, CA 92415-0490

PHONE: (909) 388-0480 • FAX: (909) 388-0481

Rev: krm – 8/19/2015

## WATER SYSTEM INFRASTRUCTURE INSTALLATION AND CONVEYANCE AGREEMENT

This water system infrastructure installation and conveyance agreement ("Agreement") is entered into and effective as of **November 17, 2022**, by and between **GATX CORPORATION** ("Developer"), and **WEST VALLEY WATER DISTRICT** ("District") who agree as follows:

The Developer is the owner of certain land described as **20878 Slover Ave, Colton, CA (GATX - APN 0254-192-02)** and as more fully (or further) shown on Exhibit "A". In developing this land, the Developer is desirous of obtaining a public water supply adequate for domestic uses and public fire protection purposes and is desirous of integrating that water system into the District's public water system.

In order to provide facilities for a water supply to said land, it is the intention of the parties to this Agreement that the Developer shall furnish and install those water mains, fire hydrants, service laterals, water meters and valves, valve boxes, and all other appurtenant fittings and facilities required for a complete water system to serve the land shown on Exhibit "A".

In order to implement the foregoing and in consideration of the terms and conditions herein contained, the parties further agree as follows:

### **1. DESIGN**

1.1. Developer shall design and construct, at the Developer's own expense, the water facilities and appurtenances required to serve the development in accordance with final District-approved plans known as **WATER IMPROVEMENT PLANS FOR GATX**, as approved and provided at a later date attached herein as Exhibit "B" and in accordance with District-approved design standards and specifications, and the terms and conditions of this Agreement.

1.2. The water system design shall be by a Professional Engineer registered in the State of California, and in accordance with the District's most recent Rules and Regulations (the "Rules and Regulations"), the District's Standards for Domestic Water Facilities and Standard Drawings herein included by reference, all applicable District ordinances and policies and all City, County of San Bernardino, State of California, and Federal laws, ordinances, rules, regulations, codes and other legal requirements of all government bodies having jurisdiction over said construction and property (all of the foregoing requirements in this paragraph being collectively referred to herein at times as "Legal Requirements").

1.3. The District, at Developer's expense, shall review Developer's plans for the purpose of ensuring the adequacy of the design and conformance with the District's standards and specifications. The District reserves the right to add, delete, modify, change or amend any or all the plans and specifications.

1.4. In the event that the property to be developed includes multiple residential, condominiums, commercial or industrial uses, all site plans, grading plans, and any available plumbing plot plans shall be furnished to the District by Developer.

1.5. The District makes no warranties as to the correctness, accuracy or completeness of the plans and specifications. The accuracy, adequacy, suitability, and correctness of the water system design shall be the sole responsibility of the Developer.

## **2. CONSTRUCTION**

2.1. Developer shall perform, or caused to be performed, all construction of the water system infrastructure installation pursuant to the approved water system plans, and all Legal Requirements.

2.2 The performance of this Agreement shall commence within ninety (90) calendar days from the date of this Agreement and shall be completed within one (1) year from the estimated construction start date.

2.3. Time is of the essence in this Agreement; provided that, in the event good cause is shown therefore, the general manager of the District ("General Manager") may extend the time for completion of the water system installation. Any such extension may be granted without the notice to Developer's surety, and extensions so granted shall not relieve the surety's liability on the bond to secure faithful performance of this Agreement. The General Manager shall be the sole and final judge as to whether or not good cause has been shown to entitle Developer to an extension.

2.4. The Developer and its contractor and subcontractors shall attend a preconstruction meeting with the District at the District's headquarters no less than five (5) working days prior to commencement of construction.

2.5. No work on water facilities shall commence prior to the completion of all required curbs and gutters.

## **3. LICENSES AND PERMITS**

3.1. Developer, and all of Developer's contractors and subcontractors warrants it possesses, or shall obtain, and maintain during the term of this Agreement any and all licenses, permits, qualifications, insurance and approval of whatever nature that are legally required of Developer, its contractors, and all subcontractors to practice its profession, skill or business.

3.2. The work to be performed under this Agreement, except meter installations, shall be performed by Developer, or a contractor or subcontractor who is pre-approved by the District and is licensed under the laws of the State of California in the specialty Class of "C-34" Pipeline or Class "A" General Engineering. A copy of the contract between Developer and the selected pre-approved contractor and all subcontractors shall be submitted to the District for review and approval.

3.3. Excavation/resurfacing permits shall be secured by Developer at Developer's expense. Permits/easements to install, maintain and operate water system facilities in private property shall be secured by Developer at Developer's own expense prior to construction.



3.4. Developer shall, at Developer's own expense, be responsible for obtaining and adhering to a National Pollution Discharge Elimination System (NPDES) permit from the Regional Water Quality Board as required for construction or pipeline flushing and disinfection.

#### **4. INSURANCE REQUIREMENTS**

4.1. The following insurance requirements have been adopted by the District and shall be applicable to this Agreement. These requirements supersede the insurance requirements set forth in any other reference of the District, and to the extent of any conflict, the specified requirements herein shall prevail.

4.2. Developer shall ensure that Developer's contractors conform to the following insurance requirements and that all required documents are submitted to the District at the time of Agreement submittal: Developer shall ensure that its contractors and all subcontractors shall purchase and maintain insurance in amounts equal to the requirements set forth in (a) through (d) below, and shall not commence work under this Agreement until all insurance required under this heading is obtained in a form acceptable to the District, nor shall Developer allow any contractor or subcontractor to commence construction pursuant to a contract or subcontract until all insurance required of the contractor and any subcontractors has been obtained.

a. General Liability: Developer shall ensure that its contractor and all subcontractors shall maintain during the life of this Agreement, a standard form of either Comprehensive General Liability insurance or Commercial General Liability insurance ("General Liability Insurance") providing the following minimum limits of liability: Combined single limit of \$1.0 million per occurrence for bodily injury, including death, personal injury, and property damage with \$2.0 million minimum aggregate, separate for this project as evidenced by endorsement. The insurance shall include coverage for each of the following hazards: Premises-Operations; Owners and Contractors Protective; Broad Form Property Damage contractual for Specific Contract; Severability of Interest or Cross-Liability; XCU Hazards; and Personal Injury – With the "Employee" Exclusive Deleted.

b. Automotive/Vehicle Liability Insurance: Developer shall ensure that its contractor and all subcontractors shall maintain a policy of automotive/vehicle liability insurance on a commercial auto liability form covering owned, non-owned and hired automobiles providing the following minimum limits of liability: Combined single limit of liability of \$1.0 million per accident for Bodily Injury, Death and Property Damage ("Automotive/Vehicle Liability Insurance").

c. Workers' Compensation Insurance: Developer shall ensure that its contractor and all subcontractors shall provide such workers' compensation insurance with statutory minimum amounts of coverage, as required by the California *Labor Code* and other applicable law, and including employer's liability insurance with a minimum limit of \$1,000,000.00 ("Workers' Compensation Insurance"). Such Workers' Compensation Insurance shall be endorsed to provide for a waiver of subrogation against the District.

d. Excess Liability: Developer shall ensure that its contractor and all subcontractors shall provide a policy providing excess coverage in a face amount necessary when

combined with the primary insurance, to equal the minimum requirements for General Liability Insurance and Automotive/Vehicle Liability Insurance.

4.3. The insurances provided for in Section 4.2 and its subsections above are subject to all of the following conditions:

a. The insurance shall be issued and underwritten by insurance companies acceptable to the District, and shall be licensed by the State of California to do business on the lines of insurance specified. The insurers must also have an "A-" Policyholder's rating" and a "financial rating" of at least Class VII in accordance with the most current A.M. Best's Rating Guide.

b. Developer's contractor and subcontractors may satisfy the limit requirements in a single policy or multiple policies. Any such additional policies written as excess insurance shall not provide any less coverage than that provided by the first or primary policy.

c. Any costs associated with a self-insured program, deductibles, or premium rating programs that determine premium based on loss experience shall be for the account of Developer, Developer's contractor and subcontractors, and the District shall not be required to participate in any such loss. If any such programs exist, Developer, Developer's contractor and subcontractors, agree to protect and defend the District in the same manner as if such cost provisions were not applicable.

d. Developer shall ensure that its contractor and all subcontractors shall have presented at the time of execution of the Agreement, the original policies of insurance and a certificate of insurance naming the District as the certificate holder and that such coverage is in force and complies with the terms and conditions outlined herein.

e. If an insurance policy contains a general policy aggregate of less than the minimum limits specified, then the policy coverage shall be written with limits applicable solely to this Agreement, as specified, and shall not be reduced by or impaired by any other claims arising against Developer. These policy limits shall be set forth by separate endorsement to the policy.

4.4. Each such policy of General Liability Insurance and Automotive/Vehicle Liability Insurance shall contain endorsements providing the following:

a. The District, their board members, officers, agents, employees, consultants, and engineers, are hereby declared to be additional insureds under the terms of this policy, but only with respect to the operations of the Developer at or upon any of the premises of the District in connection with the Agreement with the District, or acts or omissions of the additional insureds in connection with, but limited to its general supervision or inspection of said operations and save for any claims arising from the sole negligence or sole willful misconduct the District.

b. No policy shall be canceled, limited, materially altered, or non-renewed by the insurer until thirty (30) days after receipt by the District of a written notice of such cancellation or reduction in coverage.

c. This insurance policy is primary insurance and no insurance held or owned by the designated additional insureds shall be called upon to cover a loss under this policy.

## 5. BONDING REQUIREMENTS

5.1. Developer shall provide a Contractor's proposal based on the District approved water system plans. The Developer will provide a Contractor's proposal and will be submitted to the District for review and approval at a later date (Exhibit "C"), and shall be used as the basis for bonding requirements for the water system described in the plans provided to the District by the Developer and approved for construction by the District.

5.2. Performance Bond: The Contractor's proposal from the Developer for **WATER IMPROVEMENT PLANS FOR GATX**, is **TBD –DEVELOPER WILL PROVIDE BOND AMOUNT AT A LATER DATE – DOLLARS and 00/100 (\$0.00)**. Developer shall and by this Agreement does guarantee the Developer's faithful performance of this Agreement and all of its terms and conditions. The Developer shall provide the District with a performance bond from a surety institution licensed by the State of California and authorized to do and doing business in said State, valid and renewable until such improvements are accepted by the District. The performance bond shall be in the amount of **DEVELOPER WILL PROVIDE BOND AMOUNT AT A LATER DATE – TBD – DOLLARS and 00/100 (\$0.00)** equal to 100 percent of the approved Developer's estimate.

5.3. Warranty Bond: The Developer's pre-approved contractor shall furnish a two-year warranty bond for all work completed in accordance with the approved plans. The approved plans will be provided at a later date (Exhibit "B"). Before District's acceptance of the completed water facilities and appurtenances, such facilities and appurtenances shall be free from any and all liens and encumbrances and free from any and all defects in the materials or construction thereof. The two-year warranty shall be a warranty bond beginning on the date of acceptance of the water facilities by the District.

## 6. MATERIALS

6.1. The water system facilities to be installed pursuant to this Agreement shall become an extension of the distribution system of the District. All materials used must conform to District specifications for such materials pursuant to all applicable Legal Requirements.

## 7. NOTICES

7.1. All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

7.2. Notices required shall be given to the **District** addressed as follows:

WEST VALLEY WATER DISTRICT  
Attn: General Manager  
Post Office Box 920  
Rialto, CA 92377  
RE: WATER IMPROVEMENT PLANS FOR GATX

- 7.3. Notices required shall be given to **Developer** addressed as follows:

GATX CORPORATION  
20878 SLOVER AVE  
CORONA, CA 92324  
RE: WATER IMPROVEMENT PLANS FOR GATX

- 7.4. Notices required shall be given to **Surety** addressed as follows:  
SURETY NAME:  
ADDRESS  
RE: TRACT 20207 WATER IMPROVEMENT PLANS

7.5. Provided that any party or Surety may change such address by notice in writing to the other party, and thereafter, notices shall be addressed and transmitted to the new address.

7.6. The Developer or its contractor shall provide the District forty-eight (48) hours advance notice of request for inspection or testing.

- 7.7. The District is closed on the holidays listed in Exhibit "D".

## **8. NOTICE TO PROCEED TO CONSTRUCT WATER SYSTEM FACILITIES**

8.1. Upon acceptance of the insurance and aforementioned bonds in the amounts provided herein and approval by the District and upon payment of all applicable charges, the Agreement shall be signed by Developer and the District. The District shall return an original copy of the signed Agreement with a letter to Developer giving notice to proceed to construct the water system facilities.

## **9. INSPECTION**

9.1. It is understood that the sole purpose and intent of the District's inspection and testing is to validate that the materials, workmanship, and construction of the water facilities are in compliance with the District-approved final plans, the District's Rules and Regulations, the Standards for Domestic Water Facilities, the Standard Drawings, and all other applicable District requirements. Developer acknowledges and represents that it assumes full and sole responsibility for the safety and management of the project.

9.2. Developer shall at all times maintain proper facilities and provide safe access for inspection by the District to all parts of the work and to the shops wherein the work is in preparation. Additionally, in connection with the performance of this Agreement, the District shall have the authority to enter the work site at any time for the purpose of identifying the existence of conditions, either actual or threatened, that may present a danger of hazard to any and all employees. Developer agrees that the District, in its sole authority and discretion, may order the immediate abatement of any and all conditions that may present an actual or threatened danger or hazard to any and all employees at the work site. Furthermore, Developer acknowledges the provisions of California *Labor Code* Section 6400 et seq., which requires that employers shall

furnish employment and a place of employment that is safe and healthful for all employees working therein. In the event the District identifies the existence of any condition that presents an actual or threatened danger or hazard to any or all employees at the work site, the District is hereby authorized to order an immediate abatement of that condition.

9.3. All work and materials shall be subject to inspection, testing, and acceptance by the District at Developer's expense. In the event Developer arranges to have materials fabricated for the project, Developer may be required to arrange for the District to inspect that material during fabrication at Developer's expense.

9.4. All material fabrications shall be preapproved by the District and must conform to District standards and specifications.

9.5. The District's inspectors shall have full, unlimited access to perform continuous inspection and have the authority to stop work at any time, by written notice, without any liability whatsoever to the District, if, in the inspectors' judgment, the work called for by this Agreement, or the District approved plans, or the specifications is not being installed or performed in a satisfactory and workmanlike manner according to District's standards and specifications and/or in the event the materials do not comply with the District's standards and specifications.

9.6. Final acceptance of all material to be purchased or fabricated by Developer under this Agreement shall be made only with the prior approval of the District. Approval by the District, however, shall not operate to relieve the material supplier or Developer of any guarantees, warranties, or the duty of compliance with any of the requirements of the approved plans and specifications or of this Agreement. All construction pursuant to this Agreement shall be inspected pursuant for conformity with District requirements. Developer shall pay actual costs for inspections.

## **10. TESTING AND DISINFECTION**

10.1. All water system facilities and components constructed pursuant to this Agreement shall adhere to all requirements for testing, disinfection, and flushing pursuant to District standards and Legal Requirements.

## **11. RELOCATIONS, RECONSTRUCTIONS, AND DAMAGES**

11.1. Developer accepts the responsibility for and the costs occasioned by any reconstruction, relocation, damages to, or changes of water services or facilities caused or contributed to directly or indirectly by any subsequent changes in the location of any of said facilities or water meters or water services.

## **12. AS-CONSTRUCTED DOCUMENTATION**

12.1. In order for the District to accept the facilities, Developer shall provide all required documentation as specified in the Standards for Domestic Water Facilities, including As-Built drawings.

### **13. INDEMNIFICATION**

13.1. Developer hereby agrees to and shall protect, defend, indemnify and hold the District and its board members, officers, agents, employees, and engineers free and harmless from any and all liability losses, damages, claims, liens, demands and cause of action of every kind and character including, but not limited to, the amounts of judgments, penalties, interests, court costs, attorney's/legal fees, and all other expenses incurred by the District arising in favor of any party, including claims, liens, debts, demands for lost wages or compensation, personal injuries, including employees or the District, death or damages to property (including property of the District) and without limitation by enumeration, all other claims or demands of every character occurring or in any way incident to, in connection with or arising directly or indirectly out of the obligations herein undertaken or out of the operations conducted by Developer save and except claims or litigation arising through the sole negligence or sole willful misconduct of the District or the District's agents and employees. Developer shall investigate, handle, respond to, provide defense for and defend any such claims, demand, or suit at the sole expense of Developer even if the claim or claims alleged are groundless, false or fraudulent. Developer agrees to, and shall defend the District and its members, directors, officers, agents, employees, and engineers from any suits or actions at law or in equity for damages caused, or alleged to have been caused, by reason of any of the aforesaid operations, provided as follows:

a. That the District does not and shall not waive any rights against Developer which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by the District, or the deposit with District by Developer, or any of the insurance policies described in this Agreement.

b. That the aforesaid hold harmless agreement by Developer shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any or the aforesaid operations referred to in this subsection, regardless of whether or not District has prepared, supplied water system installation, or regardless of whether or not such insurance policies shall have been determined to be applicable to any such damages or claims for damages.

This provision is not intended to create any cause of action in favor of any third party against Developer or the District or to enlarge in any way Developer's liability but is intended solely to provide for indemnification of the District from liability for damage or injuries to third persons or property arising from Developer's performance hereunder.

13.2. Neither Developer nor any of Developer's agents, contractors or subcontractors are, or shall be, considered to be agents of the District in connection with the performance of Developer's obligations under this Agreement.

### **14. REPAIR OR RECONSTRUCTION OF DEFECTIVE WORK**

14.1. If, within a period of two years after final acceptance of the work performed under this Agreement, any structure or part of any structure furnished and/or installed or constructed, or caused to be installed or constructed by Developer, or any of the work done under this Agreement, fails to fulfill any of the requirement of this Agreement or the specifications referred to herein, Developer shall, without delay and without any cost to District, repair or replace or reconstruct

any defective or otherwise unsatisfactory part or parts of the work structure. Should Developer fail to act promptly or in accordance with this requirement, or should the exigencies of the situation as determined by the District in the exercise of its sole discretion require repair, replacement or reconstruction before Developer can be notified, District may, at its option, make the necessary repairs or replacements or perform the necessary work, and Developer shall pay to the District the actual cost of such repairs.

## **15. COSTS AND FEES**

15.1. Developer shall be responsible for all fees and deposits as required by the District. All fees and deposits, shall be paid in full prior to the execution of this Agreement and before construction can take place.

15.2. Any additional costs and fees shall be paid in full prior to conveyance and acceptance of the water system.

## **16. CONVEYANCE AND ACCEPTANCE OF WATER SYSTEM**

16.1. Upon completion of the water system in accordance with the approved water plans and submission of the required documentation, the Developer shall convey the water system to the District.

16.2. The Developer shall be responsible for insuring the pre-approved contractor furnish an irrevocable letter of credit to the District or a warranty bond (One Hundred (100%) of Developer's estimate) for a period of two years as stated in Sections 5.3 of this Agreement, as-built drawings with contractor redlines and AutoCAD files, materials list with quantities, labor, equipment, and materials, water system cost breakouts, compaction test report signed and sealed by a California Registered Engineer, notice of completion filed with San Bernardino County Recorder, fire flow tests of all hydrants, all required easements for water facilities and unconditional financial release from subcontractors and material providers, Upon compliance with all the terms and conditions of this Agreement, the District shall prepare the conveyance agreement accepting the water facilities and forward same to the address provided herein. Title to the ownership of said facilities and appurtenances shall thereby be conveyed to the District. The District shall thereafter operate and maintain said facilities so as to furnish water service to the development (Exhibit "A") in accordance with the District's ordinances, policies and Rules and Regulations.

## **17. PERMANENT WATER SERVICE**

17.1. In no event shall permanent water services be provided to Developer's installed system until all applicable charges and fees have been paid by Developer and all facilities have been conveyed, free of all encumbrances, to the District, including any easements which may be required. Such conveyance shall occur in a timely manner in accordance with the terms of this Agreement.

## **18. BREACH OR DEFAULT OF AGREEMENT**

18.1. If Developer refuses or fails to obtain prosecution of the work, or any severable part thereof, with such diligence as will insure its completion within the time specified, or any extension thereof, or fails to obtain completion of said work within such time, or if Developer should be adjudged as bankrupt, or Developer should make a general assignment for the benefit of Developer's creditors, or if a receiver should be appointed in the event of Developer's insolvency, or if Developer, or any of Developer's contractors, subcontractors, agents or employees, should violate any of the provisions of this Agreement, the District's General Manager or the General Manager's designee may serve written notice upon Developer and Developer's surety of breach of this Agreement, or of any portion thereof, and default of Developer.

18.2. In the event of any such notice, Developer's surety shall have the duty to take over and complete the work and the improvement herein specified; provided, however, that if the surety, within five (5) days after the serving upon of such notice of breach, does not give the District written notice of its intention to take over the performance of the contract, and does not commence performance thereof within five (5) days after notice to the District of such election, District may take over the work and prosecute the same to completion, by contract or by any other method District may deem advisable, for the account and at the expense of Developer, and Developer's surety shall be liable to the District for any excess cost or damages occasioned District thereby; and, in such event, District, without liability for so doing, may take possession of, and utilize in completing the work, such materials, appliances, plant and other property belonging to Developer as may be on the site of the work and necessary therefore.

## **19. SUCCESSORS BOUND**

19.1. This Agreement shall be binding upon and inure to the benefit of each of the parties and their respective legal representatives, successors, heirs, and assigns.

## **20. ENFORCEMENT OF PROVISIONS**

20.1. The District's failure to enforce any provisions of this Agreement or the waiver thereof in any instance shall not be construed as a general waiver or relinquishment on its part of any such provision, but the same shall nevertheless be and remain in full force and effect.

[SIGNATURES ON NEXT PAGE]



IN WITNESS WHEREOF, the parties hereto execute this Agreement.

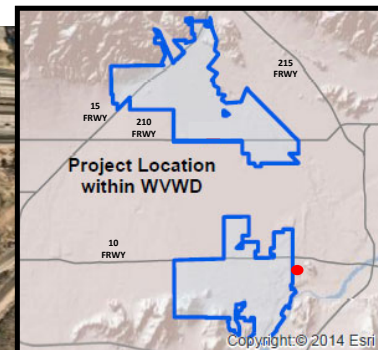
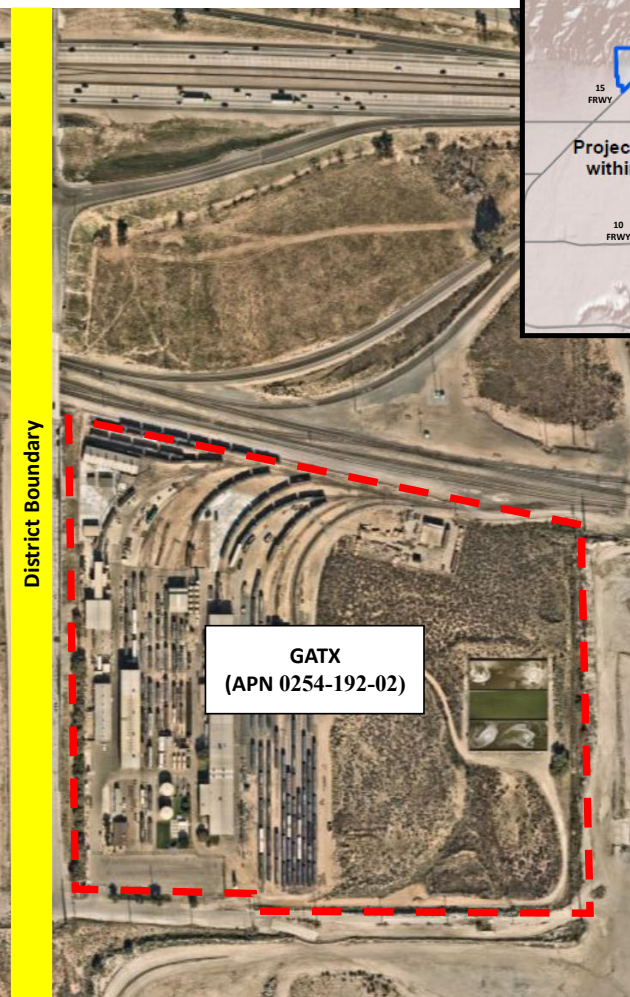
**WEST VALLEY WATER DISTRICT**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Van Jew, Acting General Manager

**DEVELOPER:**

**GATX CORPORATION**

By:  \_\_\_\_\_ Date: 11-22-22  
Authorized Agent



# Exhibit A

GATX Corporation – 20878 Slover Ave, Colton



## WATER LINE CONSTRUCTION NOTES

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND WEST VALLEY WATER DISTRICT'S STANDARDS FOR DOMESTIC WATER FACILITIES.
- THE CONTRACTOR SHALL ARRANGE FOR A PRE-CONSTRUCTION MEETING WITH THE WEST VALLEY WATER DISTRICT AT LEAST ONE WEEK PRIOR TO BEGINNING CONSTRUCTION.
- THE CONTRACTOR'S ATTENTION IS EXPRESSLY DIRECTED TO ALL THE REQUIREMENTS AND PROVISIONS OF THE STATE OF CALIFORNIA SAFETY REGULATIONS CONCERNING TRENCHING SHALL BE STRICTLY ENFORCED DURING THE ENTIRE LIFE OF THE CONTRACT. A CAL-OSHA EXCAVATION PERMIT SHALL BE REQUIRED FOR TRENCHES IN EXCESS OF 4.0 FEET IN DEPTH.
- CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEFEND, INDEMNIFY AND HOLD THE OWNER, THE ENGINEER, THE DISTRICT AND THEIR REPRESENTATIVES HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

- CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ANY DAMAGE TO EXISTING FACILITIES RESULTING DIRECTLY OR INDIRECTLY FROM CONSTRUCTION OPERATIONS, WHETHER OR NOT SUCH FACILITIES WERE SHOWN ON THESE PLANS.
- THE CONTRACTOR SHALL UNCOVER/POTHOLE AND VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITY LINES PRIOR TO EXCAVATING. THE CONTRACTOR SHALL MAKE APPROPRIATE ARRANGEMENTS FOR THE PROTECTION OF ALL UTILITY LINES. THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT AT 1-800-222-2800 A MINIMUM OF 48 HOURS PRIOR TO BEGINNING WORK.

- PIPE TRENCH SHALL BE EXCAVATED TRUE TO LINE AND GRADE IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS. ALL BACKFILL SHALL BE PLACED IN A MANNER SATISFACTORY TO THE INSPECTOR AND IN ACCORDANCE WITH THE STANDARDS, SPECIFICATIONS AND PROMOTE MATERIAL FOR BACKFILL TO TWELVE (12) INCHES ABOVE THE PIPE SHALL BE GRANULAR MATERIAL WITH A MINIMUM SAND EQUIVALENT OF 30.

- NO PIPELINE SHALL BE INSTALLED ON FILL MATERIAL WITHOUT FIRST MEETING IN-PLACE DENSITY TESTS. COMPACTION IN INTERMEDIATE ZONE SHALL BE COMPACTION TO MAX RELATIVE COMPACTION.

- COMPACTION TESTS SHALL BE REQUIRED FOR ALL TRENCH BACKFILL PER WEST VALLEY WATER DISTRICT STANDARDS AND SPECIFICATIONS AND/OR THE REQUIREMENTS OF ANY AGENCY HAVING JURISDICTION.

- THE CONTRACTOR SHALL REPLACE IN KIND, TO THE SATISFACTION OF THE INSPECTOR AND/OR AGENCY HAVING JURISDICTION THEREOF, ANY ROAD BASE, PAVING, CURB AND GUTTER OR OTHER IMPROVEMENTS CUT, REMOVED OR DAMAGED IN CONNECTION WITH THIS PROJECT.

- PIPE DELIVERED TO THE SITE SHALL BE PROTECTED BY THE CONTRACTOR FROM DUST OR OTHER CONTAMINATION PRIOR TO PLACING IN TRENCH AND SHALL BE INSTALLED IN ACCORDANCE WITH DISTRICT STANDARDS TO THE SATISFACTION OF THE DISTRICT'S INSPECTOR. THE CONTRACTOR, AT THE END OF EACH DAY, SHALL DIVULGE THAT ALL OPERATIONS INTO THE PIPELINE ARE REQUIRED, PLUGGED AND STOPPED SO THAT NO ANIMAL, FOWL, OR OBJECT CAN ENTER THE PIPELINE.

- ALL WORK SHALL BE INSPECTED BY THE WEST VALLEY WATER DISTRICT OR ITS SOLELY AUTHORIZED AGENT. THE CONTRACTOR SHALL NOT PROCEED WITH ANY SUBSEQUENT PHASE OF WORK UNTIL THE PREVIOUS PHASE HAS BEEN INSPECTED AND APPROVED. INSPECTION SHALL BE MADE OF, BUT IS NOT LIMITED TO THE FOLLOWING PHASES OF WORK:

- TRENCHING, INSTALLATION OF PIPE AND APPURTENANCES, VALVES, FITTINGS, VALVES, METERS, BACKFILL, COMPACTION, LEAKAGE TESTING, LINES FLOWED, AND FINAL INSPECTION.

- THE CONTRACTOR SHALL GIVE AT LEAST 2 WORKING DAYS NOTICE WHEN INSPECTIONS OR ENGINEERING ADJUSTMENTS BECOME NECESSARY AS SET FORTH IN THE STANDARD SPECIFICATIONS.

- ALL STATIONING SHOWN ON THESE PLANS SHALL BE MEASURED ALONG THE CENTERLINE OF THE STREET OR AS SHOWN ON PLANS.

- THE CONTRACTOR SHALL NOTIFY THE DISTRICT AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY TIE-INS TO EXISTING WATERLINES.

- CONCRETE THRUST BLOCKS SHALL BE INSTALLED AT ALL PIPE BENDS AND FITTINGS. IN ACCORDANCE WITH DISTRICT'S STANDARD DRAWING W-15, CONTRACTOR SHALL DETERMINE IF ADDITIONAL THRUST BLOCKS OR RESTRAINTS WILL BE NEEDED IN FIELD.

- AN AIR RELEASE VALVE SHALL BE INSTALLED AT EVERY HIGH POINT IN THE SYSTEM. A BULK-OFF ASSEMBLY SHALL BE INSTALLED AT EVERY LOW POINT IN THE SYSTEM.

- A VALVE BOX AND COVER SHALL BE INSTALLED AT EACH VALVE WHICH IS SET IN THE GROUND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SETTING VALVE BOXES TO GRADE AFTER FINAL GRADING OR PAVING OPERATION.

- VALVES 12-INCHES AND LARGER SHALL BE BUTTERFLY VALVES. VALVES SHALL BE RATED FOR 150 P.S.I. OR AS SHOWN ON THESE PLANS.

- ALL NEW WATER FACILITY IMPROVEMENTS SHALL BE TESTED AND DISINFECTED PRIOR TO CONNECTING TO EXISTING WATER SYSTEM, PER AWWA C651. CONTRACTOR SHALL FURNISH AND INSTALL TEMPORARY BULKHEADS AS REQUIRED FOR PRESSURE TESTING.

- PIPE 20" AND SMALLER SHALL BE CLASS 350 DUCTILE PIPE, WITH FULLY RESTRAINED JOINTS. PIPE 24" AND LARGER SHALL BE THICKNESS CLASS 150, 10 OR CEMENT MORTAR LINED AND COATED STEEL PIPE OR AS SPECIFIED.

- WATER SERVICE LATERALS SHALL BE TYPE K COPPER LINE, MINIMUM 1" DIAMETER, WITH 1" X 1" ANGLE VALVES WITH LOCK WING ON LOTS. THERE SHALL BE A SEPARATE SERVICE FOR EACH LOT BEING SERVED. ONE SERVICE PER PIPE TRENCH. ALL SERVICE VALVES SHALL BE CAPABLE OF 90 DEGREE TURN (LESS STOP).

- ALL WATER SERVICE LATERALS SHALL BE INSTALLED AT THE SAME TIME AS MAIN LINE. NO SERVICE SHALL BE ALLOWED ON COPPER SERVICE LATERAL LINE.

- WATER SERVICE LATERALS SHALL BE TERMINATED 12" BEHIND REAR OF FUTURE CURB. IN CITY LIMITS TERMINATE 12" BEHIND FUTURE SIDEWALK.

- PIPE HYDRANTS SHALL BE 8" X 4" X 2-1/2" CLOW MODEL 850 OR EQUAL, PAINTED WITH ONE COAT PRIMER AND ONE COAT YELLOW. THE 4" STEAMER OUTLET SHALL BE PERPENDICULAR TO THE CURB OR FUTURE CURB.

- DEPTH OF COVER FOR WATER SERVICE LATERALS SHALL BE MINIMUM 30" FOR WATER MAINS 12" AND SMALLER SHALL BE MINIMUM 36" FOR 12" AND LARGER PIPE SHALL BE MINIMUM 42" OR AS SPECIFIED ON PLANS. ALL MEASUREMENTS FROM FINISH GRADE.

- WATER SERVICE IS SUBJECT TO THE CURRENT DISTRICT RULES AND REGULATIONS AND ANY AMENDMENTS THEREIN.

## WATER LINE CONSTRUCTION NOTES (CONT.)

- IF CONSTRUCTION HAS NOT COMMENCED WITHIN TWO (2) YEARS OF THE DISTRICT APPROVAL DATE, THIS PLAN SHALL BE RESUBMITTED TO THE DISTRICT FOR REVIEW AND APPROVAL.

- WATER LINES TO BE INSTALLED ONLY AFTER THE COMPLETION OF CONCRETE CURB AND BUTTER.

- CONTRACTOR TO FURNISH 2-YEAR WARRANTY BOND FOR ALL WATER FACILITIES INSTALLED WITH THIS PLAN.

- ALL DUCTILE IRON PIPE SHALL BE RESTRAINED PER DISTRICT STANDARD W-30.

- ALL DUCTILE IRON JOINTS, BENDS, AND FITTINGS SHALL BE MECHANICALLY RESTRAINED AS INDICATED ON THE PLANS.

- WATER LINE SHUTDOWNS ARE ONLY SCHEDULED BETWEEN TUESDAY THROUGH THURSDAY BASED ON DISTRICT AVAILABILITY.

- WATER METERS WILL NOT BE RELEASED UNTIL COMPACTION REPORTS ARE RECEIVED AND APPROVED BY THE DISTRICT.

- ALL WORK SHALL BE COMPLETED PER THE DISTRICT APPROVED PLAN. ANY CHANGES, SUBSTITUTIONS, OR DEVIATIONS FROM THESE PLANS MUST FIRST BE APPROVED BY THE DISTRICT BEFORE COMMENCING.

- ALL WATER MAIN SEPARATION CRITERIA SHALL COMPLY WITH TITLE 22, CHAPTER 18, SECTION 84672 OF THE CALIFORNIA WATERWORKS STANDARDS. THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, DIVISION OF DRINKING WATER (CDWR) REQUIRES A WAIVER FOR ALL INSTALLATIONS SEEKING A SEPARATION VARIANCE FROM THIS MANDATE PRIOR TO CONSTRUCTION. CDWR WAIVERS ARE REVIEWED AND SUBMITTED BY THE DISTRICT FOR FINAL APPROVAL.

- ALL MAINS THAT ARE CONSTRUCTED IN VIOLATION OF A DOW REQUIREMENT AND WITHOUT A DOW WAIVER, WILL NOT BE APPROVED BY THE DISTRICT AND CONNECTION TO THE DISTRICT'S WATER SYSTEM WILL BE DENIED. NOTES DOW DOES NOT ISSUE WAIVERS FOR WATER MAINS ALREADY CONSTRUCTED.

- ALL BURIED METALLIC COMPONENTS, I.E. VALVES, FLANGES, TRANSITION COUPLINGS AND DUCTILE IRON CROSSES, TEES, ELBOWS AND COUPLINGS SHALL BE WROUGHT WITH PETROLEUM WAX TAPE PER AWWA C-217.

- COPPER TUBING SERVICE LATERALS SHALL BE BACKFILLED IN A 3-INCH (MIN) ENVELOPE OF CLEAN SAND.

- BRASS 2-INCH AIR-VACUUM RELEASE LATERALS SHALL BE DISCHARGED IN A 8 MIL (LOOS MOSE) PLASTIC SLEEVE AS INDICATED IN THE CUT OF DOWING STANDARD DRAWING NO. 8102. WROPT ALL TERNING COMPONENTS, I.E. 4" WATER GATE VALVE, WITH PETROLEUM WAX TAPE.

- STEEL LATERALS CONNECTED TO PVC PIPE MAINS I.E. AIR-SPIN, SLOW-DECK AND FIRE HYDRANTS, DO NOT REQUIRE BONDING. BONDING IS REQUIRED AT ALL METALLIC JOINTS ON STEEL LATERALS CONNECTED TO STEEL PIPE.

- ALL WORK SHALL BE APPROVED AND SHOWN TRENCH PRODIGING AND SHADING SHALL BE INSPECTED BY THE PROJECT MANAGER OR INSPECTOR PRIOR TO BOND.

- INDEX MAP

- DESIGN

- THIS CERTIFIES THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN DESIGNED UNDER THE DIRECT SUPERVISION OF A CIVIL ENGINEER LICENSED IN STATE OF CALIFORNIA AND ARE IN ACCORDANCE WITH TITLE 22, CHAPTER 18, SECTION 84672 OF THE CALIFORNIA WATERWORKS STANDARDS OF THE STATE OF CALIFORNIA.

- DATE: 10/14/22

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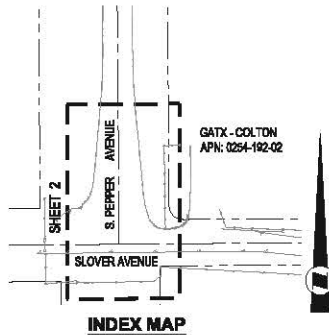
- DATE: 10/14/22

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- DATE: 10/14/22

# WATER IMPROVEMENT PLANS FOR GATX 20878 SLOVER AVENUE COLTON, CA 92324 APN: 0254-192-02



## CONSTRUCTION NOTES

- INSTALL 12" D.I.P. CLASS 350 WITH FULLY RESTRAINED JOINTS AND TRENCH EXCAVATION / BACKFILL AND FINISH PER WMO STD. DWG. NO. W-30 AND W-1 \_\_\_\_\_ 144 L.F.
- INSTALL 24" X 12" D.I. 90 REDUCING ELBOW PER WMO STD. DWG. NO. W-30 \_\_\_\_\_ 1 EA
- INSTALL 12" D.I. 90' BEND \_\_\_\_\_ 1 EA
- INSTALL FIRE HYDRANT PER WMO STD. DWG. NO. W-2 \_\_\_\_\_ 1 EA
- INSTALL 12" D.I.P. FIRE SERVICE LATERAL PER WMO STD. DWG. NO. W-28 \_\_\_\_\_ 1 EA
- INSTALL 12" D.I.P. FIRE SERVICE LATERAL PER WMO STD. DWG. NO. W-15 WITH BLIND FLANGE ON END \_\_\_\_\_ 1 EA
- INSTALL 4" WATER SERVICE WITH 4" METR PER WMO STD. DWG. NO. W-9 \_\_\_\_\_ 1 EA
- INSTALL 2" AIR VALVE ASSEMBLY PER WMO STD. DWG. NO. W-6A \_\_\_\_\_ 1 EA
- INSTALL 4" BACKFLOW PREVENTER PER WMO STD. DWG. NO. W-20 \_\_\_\_\_ 1 EA
- INSTALL 12" BLIND FLANGE AT HYDRANT TEE \_\_\_\_\_ 1 EA

## ESTIMATED QUANTITIES

## OWNERS/DEVELOPERS

GATX  
20878 SLOVER AVENUE  
COLTON, CALIFORNIA 92324  
(909) 825-3043

## BENCH MARK

COUNTY OF SAN BERNARDINO TBM  
ELEVATION: 1013.109  
FOUND CHISELED BOX IN SOUTH CURB TOP BY  
POWER POLE #611231N, 4740' WEST OF GRAND  
AVENUE ALONG H STREET PER USFS 4504/844  
AND 4017/2234

## LEGEND

- EXISTING EDGE OF PAVEMENT
- EXISTING AD BERM
- EXISTING RIGHT OF WAY
- STREET CENTER LINE
- EXISTING WATER LINE
- PROPOSED WATER LINE
- EXISTING GATE VALVE
- PROPOSED REDUCER
- PROPOSED AIR VALVE ASSEMBLY

## BASIS OF BEARINGS

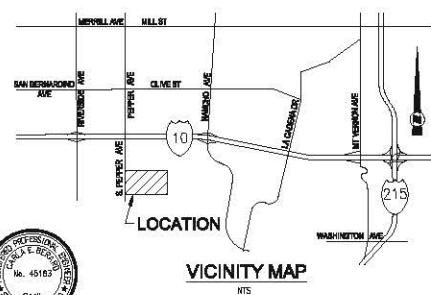
THE BEARING OF NORTH 02°29'54" WEST FOR THE CENTERLINE OF PEPPER AVENUE AS SHOWN ON RECORD OF SURVEY 10-0143, FILED IN BOOK 165, PAGES 2-5 OF RECORDS OF SURVEY WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

## NOTE:

CONTRACTOR SHALL POTHOLE EXISTING PIPE TO VERIFY LOCATION & DEPTH PRIOR TO CONSTRUCTION OF THE ON-SITE IMPROVEMENTS. IF THERE IS ANY DISCREPANCY BETWEEN THE FIELD CONDITION AND THE IMPROVEMENT PLAN, ADJUSTMENTS MAY BE NECESSARY TO MEET THE EXISTING CONDITION.

## SHEET INDEX

SHEET 1 - TITLE SHEET  
SHEET 2 - PLAN & PROFILE SLOVER AND S. PEPPER AVENUE STA. 10+00.00 TO 11+64.00



## ENGINEER'S NOTICE TO CONTRACTORS

THE DISTRICT AND LOCATION OF ANY UNDERGROUND UTILITY LINES OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. LOCATIONS ARE APPROXIMATE AND SHALL BE CONFIRMED IN THE FIELD BY THE CONTRACTOR, SO THAT ANY NECESSARY ADJUSTMENT CAN BE MADE IN ADJUSTMENT AND/OR DOW OF THE PROPOSED IMPROVEMENT. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURE TO PROTECT ANY UTILITY LINES SHOWN AND ANY OTHER LINES NOT OF RECORD OR NOT SHOWN ON THESE PLANS.



CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEFEND, INDEMNIFY AND HOLD THE OWNER, THE ENGINEER, THE DISTRICT AND THEIR REPRESENTATIVES HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

Revision	No.	By	Date	Approved

Designed	CEB	Checked	AM/SC	Soils	AS SHOWN
Drawn	AM/SC	Job No.			

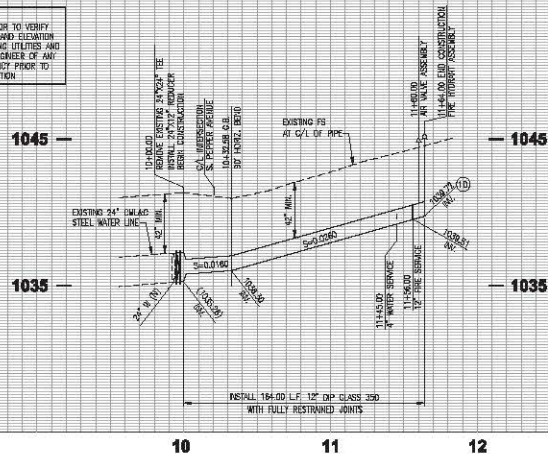
Pressure Zone	ZONE 2	Altus Sheet	NOB	WSP Number	122018

WEST VALLEY WATER DISTRICT	
WATER IMPROVEMENT PLANS FOR	
GATX	
20878 SLOVER AVENUE COLTON, CA 92324	

SHEET 1 of 2  
SHEET 2

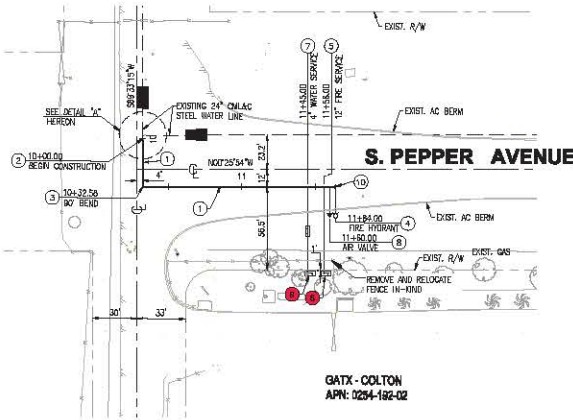


NOTE:  
CONTRACTOR TO VERIFY  
LOCATION AND ELEVATION  
OF EXISTING UTILITIES AND  
NOTIFY ENGINEER OF ANY  
DISCREPANCY PRIOR TO  
CONSTRUCTION

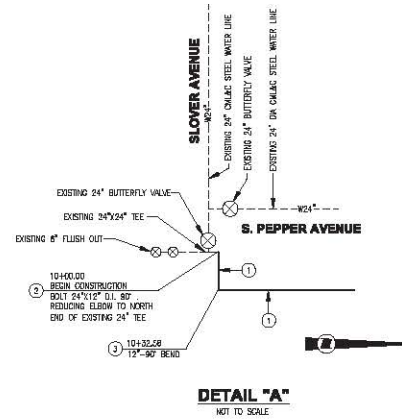


PROFILE SCALE  
HORIZ: 1" = 40'  
VERT: 1" = 4'

SLOVER AVENUE



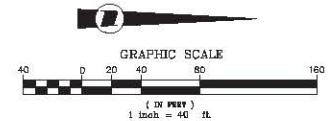
GATX-COLTON  
APR: 0284-192-02



#### CONSTRUCTION NOTES

1. INSTALL 12" D.I.P. CLASS 350 WITH FULLY RESTRAINED JOINTS AND TRENCH EXCAVATION / BACKFILL AND PAVING PER WWD STD. DWS. NO. W-30 AND W-1
2. INSTALL 24" X 12" D.I. 90° REDUCING ELBOW PER WWD STD. DWS. NO. W-30
3. INSTALL 12" D.I. 90° BEND
4. INSTALL FIRE HYDRANT PER WWD STD. DWS. NO. W-2
5. INSTALL 12" D.I.P. FIRE SERVICE LATERAL PER WWD STD. DWS. NO. W-28
6. INSTALL 10" DCCA FIRE SERVICE ASSEMBLY PER WWD STD. DWS. NO. W-15 WITH BLIND FLANGE ON END
7. INSTALL 4" WATER SERVICE WITH 4" METER PER WWD STD. DWS. NO. W-9
8. INSTALL 2" AIR VALVE ASSEMBLY PER WWD STD. DWS. NO. W-6A
9. INSTALL 4" BACKFLOW PREVENTER PER WWD STD. DWS. NO. W-20
10. INSTALL 12" BLIND FLANGE AT HYDRANT TEE

SERVICE LATERAL LOCATIONS			
#	DESCRIPTION	"EXISTING" LOCATIONS	"TO-BUILT" LOCATIONS
(6)	IRRIGATION	11+445.00	
(7)	WATER	11+445.00	
(5)	FIRE	11+58.00	



CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, LOSS OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.

Revision	No.	By	Date	Approved

Designed: <u>CEB</u>	Checked: <u>AM/SC</u>	Soils: <u>AS SHOWN</u>
Drawn: <u>AM/SC</u>	Job No.:	

<b>LDKING</b>		LD. KING, INC. 973 N. HAVEN AVENUE, SUITE 200 ONTARIO, CA 91764 (909)-845-0526	
Pressure Zone: ZONE 2	Atlas Sheet: N18	WIP Number: D22018	

<b>WEST VALLEY WATER DISTRICT</b>	
<b>WATER IMPROVEMENT PLANS FOR</b>	
<b>GATX</b>	
<b>20878 SLOVER AVENUE COLTON, CA 92324</b>	
SHEET <b>2 of 2</b>	SHEET <b>19</b>

## **TOM DODSON & ASSOCIATES**

*Mailing Address:* PO Box 2307, San Bernardino, CA 92406-2307

*Physical Address:* 2150 N. Arrowhead Avenue, San Bernardino, CA 92405

Tel: (909) 882-3612 ♦ Fax: (909) 882-7015 ♦ Email: [tda@tdaenv.com](mailto:tda@tdaenv.com)



December 7, 2022

Mr. Samuel Martinez  
Local Agency Formation Commission  
1170 West 3<sup>rd</sup> Street, Unit 150  
San Bernardino, CA 92415-0480

**RECEIVED**

**DEC 07 2022**

**LAFCO**  
San Bernardino County

Dear Sam:

I have completed the California Environmental Quality Act (CEQA) review of out-of-area service contract, LAFCO SC#492 for the Commission. LAFCO SC#492 consists of a request by the West Valley Water District (District) to authorize out-of-agency water service agreement with GATX Corporation. The proposed water service agreement has been requested to provide water service to Assessor Parcel Number 0254-192-02, which comprises about 33.14 acres, generally located on the east side of Pepper Avenue, between the Union Pacific Railroad and Slover Avenue. Approval of SC#492 would permit the District to replace existing groundwater well production on the property with water provided by a new connection to the District's distribution system which is located near the GATX property. Please refer to the attached map which shows that the GATX property is adjacent to the District's Sphere of Influence. By connecting the District's water system at the property (due to the groundwater exceeding maximum contaminant levels of two chemicals, Nitrate (as Nitrogen) and Perchlorate), GATX will be able to meet the drinking water quality standards for water users at the site.

Based on the above proposal and the findings presented below, it appears that LAFCO SC#492 can be implemented without causing significant adverse environmental impacts. LAFCO will consider this extension of service as the California Environmental Quality Act (CEQA) lead agency. Based on the existing developed character of these land parcels (industrial land), this project has no potential to cause a significant adverse impact on the environment. A Sphere of Influence Expansion and Annexation of the property to the District will be considered at a future date.

Because the proposed water connection will connect to and replace an existing system, I conclude that LAFCO SC#492 does not constitute a project under CEQA and adoption of the Exemption (under the "Common Sense" exemption) and filing of a Notice of Exemption is the most appropriate determination to comply with the CEQA. This exemption is found in Section 15061(b)(3) for this action. The Commission can approve this review and finding for this action and I recommend that you notice LAFCO SC#492 as 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 to the Board for this action once a decision is made for this out-of-area service agreement.

Thus, after independent review of this proposed action, this proposed out-of-area service extension does not appear to have any potential to significantly alter the existing physical environment. Since no other project is known to be pending or will occur as a result of approving this application, no other potential significant physical changes in the environment are forecast to result from this action.

Based on this review of LAFCO SC#492 and the pertinent sections of CEQA and the State CEQA Guidelines, I believe it is appropriate for the Commission's CEQA environmental determination to cite the "Common Sense" exemption, as adequate documentation in accordance with the Commission's CEQA lead agency status. If you have any questions regarding these recommendations, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink that reads "Tom Dodson". The signature is written in a cursive, flowing style.

Tom Dodson

TD/cmc

Attachment

LAFCO SC#492 CS Exemption Memo



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

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**PROPOSAL NO.: LAFCO SC#492**

**HEARING DATE: DECEMBER 21, 2022**

## **RESOLUTION NO. 3360**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#492 – WEST VALLEY WATER DISTRICT SERVICE AGREEMENT (WATER SYSTEM INFRASTRUCTURE INSTALLATION AND CONVEYANCE AGREEMENT) FOR ASSESSOR PARCEL NUMBER 0254-192-02**

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

**WHEREAS**, Government Code Section 56133 requires the Local Agency Formation Commission to review and approve or deny applications for agencies to provide services outside their existing boundaries; and,

**WHEREAS**, pursuant to Government Code Section 56133(c), the Local Agency Formation Commission may authorize an agency to provide service(s) outside an agency's boundary and outside an agency's sphere of influence to respond to an existing or impending threat to the health or safety of the public if documentation of said threat to the health and safety of the public is provided and notification is given to any alternate service provider; and,

**WHEREAS**, an application for the proposed service extension in San Bernardino County was filed with the Executive Officer of this Local Agency Formation 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 determined 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 his recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

## **RESOLUTION NO. 3360**

**WHEREAS**, the public hearing by this Commission was called for December 21, 2022 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; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the contract, in evidence presented at the hearing;

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

### **DETERMINATIONS:**

**SECTION 1.** The following determinations are noted in conformance with Commission policy:

1. The parcel, identified as Assessor Parcel Number 0254-192-02, is currently not within the West Valley Water District's boundary or sphere of influence. The application requests authorization to receive water service from West Valley Water District pursuant to Government Code Section 56133(c) to alleviate any potential threat to the health and safety of the public.
2. The West Valley Water District's Water System Infrastructure Installation and Conveyance Agreement being considered is for the provision of water service to Assessor Parcel Number 0254-192-02, generally located on the east side of Pepper Avenue, south of the I-10 Freeway between the Union Pacific Railroad and Slover Avenue. This contract will remain in force in perpetuity. Approval of this request for authorization will allow the property owner and the West Valley Water District to proceed in finalizing the contract for the extension of water service.
3. The fees and charges for the extension of water service are identified as totaling \$82,750 (a breakdown of charges is on file in the LAFCO office). Payment of these fees is required prior to connection to the West Valley Water District's water facilities.
4. The Local Agency Formation Commission for San Bernardino County has determined that this service contract is exempt from environmental review since it does not have the potential for resulting in physical changes in the environment (Section 15161[b] [3] of the State California Environmental Quality Act Guidelines). Therefore, this service extension is not subject to environmental review under the provisions of the State CEQA Guidelines section cited above or the Commission's adopted CEQA Guidelines. The Commission adopted the Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

**SECTION 2.** The Commission determines that pursuant to the provisions of Government Code Section 56133(c):

1. The compliance orders issued by the San Bernardino County Environmental Health Services (included as Attachment #2)—Order No. 05\_66\_21R\_022 for perchlorate contamination exceeding maximum contaminant level and Order No. 05\_66\_21R\_077 for nitrate contamination exceeding maximum contaminant level—are health and safety threats that preclude the property from continuing to use its onsite water system for potable use.



## RESOLUTION NO. 3360

2. The property is not within an existing alternate public (or private) water service provider. The property, however, is located within the unincorporated sphere of influence for the City of Colton. The City of Colton was notified of the out-of-agency service authorization request.

**SECTION 3. CONDITION.** The West Valley 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 service contract, including any reimbursement of legal fees and costs incurred by the Commission.

**SECTION 4.** The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the West Valley Water District to provide water service to Assessor Parcel Number 0254-192-02.

**SECTION 5.** The Commission instructs the Executive Officer of this Local Agency Formation Commission to notify the affected agencies that the application identified as LAFCO SC#492 – West Valley Water District Service Agreement (Water System Infrastructure Installation and Conveyance Agreement) for APN 0254-192-02, has been approved.

**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, SAMUEL MARTINEZ, 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 December 21, 2022.**


**DATED:**

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West 3<sup>rd</sup> Street, Unit 150 San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**DATE:** DECEMBER 14, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT: AGENDA ITEM #6: LAFCOs 3257 and 3258**

- A. LAFCO 3257: Sphere of Influence Amendment for City of San Bernardino (expansion), San Bernardino County Fire Protection District (expansion) and City of Redlands (reduction)
  - B. LAFCO 3258: Reorganization to Include Annexation to the City of San Bernardino, San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and Detachment from City of Redlands
- 

## INITIATION

Initiated by resolution of the Inland Valley Development Agency

## RECOMMENDATIONS

Staff recommends that the Commission approve LAFCOs 3257 and 3258 by taking the following actions:

1. With respect to environmental review for LAFCO 3257 and LAFCO 3258:
  - a) Certify that LAFCO 3257 and LAFCO 3258 are exempt from the provisions of the California Environmental Quality Act, and
  - b) Direct the Executive Officer to file the Notice of Exemption within five (5) days.

2. For LAFCO 3257 (sphere of influence amendments):
  - a) Determine that the proposed sphere of influence amendments, submitted under the provisions of Government Code Section 56428, do not require a service review;
  - b) Approve the sphere of influence amendments (expansions) for the City of San Bernardino and San Bernardino County Fire Protection District;
  - c) Approve the sphere of influence amendment (reduction) for the City of Redlands;
  - d) Affirm the descriptions of the functions and services for the San Bernardino County Fire Protection District, as identified in the *LAFCO Policy and Procedure Manual*; and,
  - e) Adopt LAFCO Resolution No. 3361, reflecting the Commission's determinations for the sphere of influence amendments as identified.
3. For LAFCO 3258 (reorganization):
  - a) Approve LAFCO 3258, with the following conditions:
    1. Standard terms and conditions that include, but are not limited to, the "hold harmless" clause for potential litigation costs by the applicants.
    2. The Certificate of Completion shall be held in abeyance for six months subject to County Fire Board action to change the boundaries of its Valley Service Zone and its Service Zone FP-5 to include the reorganization area.
  - b) Adopt LAFCO Resolution No. 3362, setting forth the Commission's determinations and conditions for LAFCO 3258.

## **EXECUTIVE SUMMARY**

### **Initiation and Objective**

The Inland Valley Development Agency (“IVDA”), a joint powers authority, constructed and owns the Mountain View Avenue Bridge over the Santa Ana River that extends and connects Mountain View Avenue to Central Avenue. The Bridge is aligned with Mountain View Avenue with approximately the east half located within Redlands and west half located in San Bernardino. In 2013, a memorandum of understanding between the City of San Bernardino, City of Redlands, and IVDA, authorizes IVDA to apply with LAFCO a minor annexation to move the jurisdictional boundary that underlays the bridge. The objective is to place the entirety of the Bridge and the adjacent riverbed area within the City of San Bernardino and remove said area from the City of Redlands. Both the City of Redlands and the City of San Bernardino have mutually agreed to adjust their boundaries to place the bridge under one land use jurisdiction. The proposed actions will not change the existing use of the bridge or the underlying flood control channel.

Additionally, the San Bernardino County Fire Protection District (“County Fire”) is the responsible agency for fire protection within the City of San Bernardino. Therefore, this proposal also includes annexation to County Fire in kind. The reorganization is designated as LAFCO 3258.

LAFCO 3257 is a companion proposal to amend the spheres of influence for the City of San Bernardino (expansion), County Fire (expansion), and City of Redlands (reduction) of the same area.

Both proposals are being discussed concurrently within this report since the area being considered for both proposals are identical.

### **Staff Recommendation, Commission Action, and Protest Proceedings**

Staff recommends that the Commission approve these two proposals. This is based upon:

- The plans for service and fiscal impact analysis shows that the City of San Bernardino and County Fire, as the annexing agencies, can adequately provide municipal services to the affected territory. See Attachment #2 to this report.
- Each of the affected agencies has provided LAFCO with a letter of support for the proposal. See Attachment #2 to this report.
- The reorganization and the companion sphere of influence amendment will place the bridge under a single land use jurisdiction.

Not included for Commission action is the annexation of zones to County Fire – its Valley Service Zone and its Service Zone FP-5. Although this Commission has in the past taken

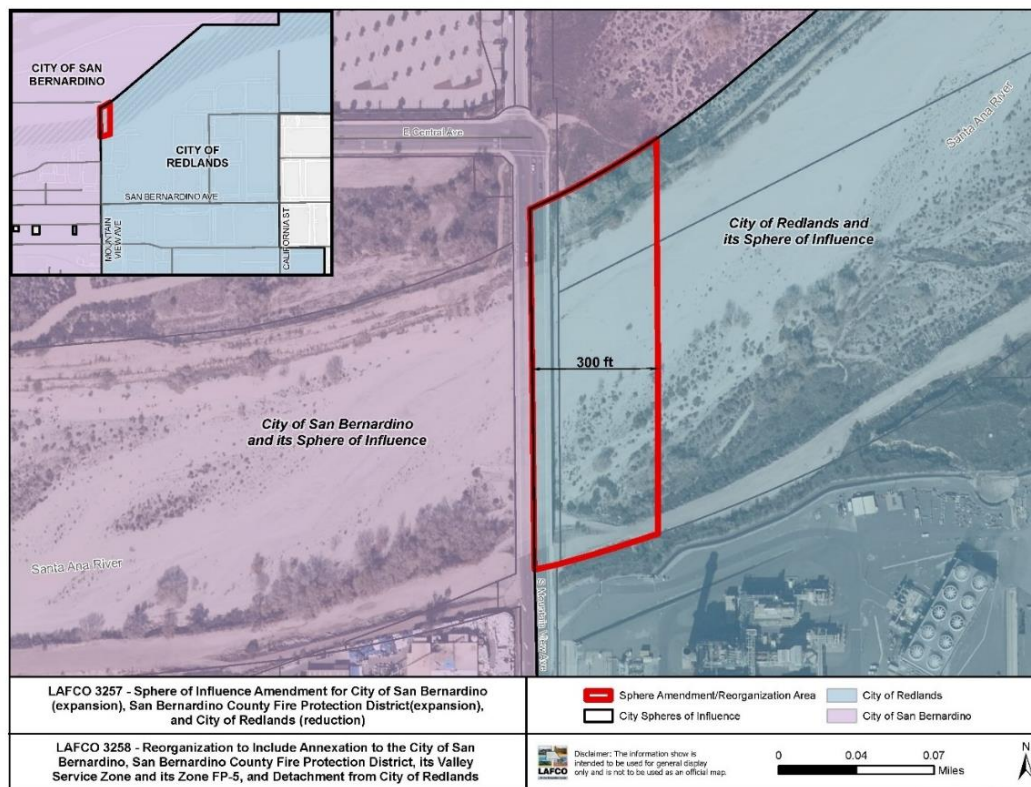
the actions related to County Fire's zones whether annexation to or detachment from zones, County Fire is requiring that such changes of zones to County Fire be processed by the County Fire Board. The draft resolution for LAFCO 3258 includes a condition of approval that the Certificate of Completion be held in abeyance for six months subject to County Fire Board action to change the boundaries of its Valley Service Zone and its Service Zone FP-5 to include the reorganization area.

Should the Commission either approve or conditionally approve this proposal, then the Executive Officer would initiate a 21-day protest proceeding following completion of the mandatory 30-day reconsideration period.

## MAPS

The map below shows the affected territory and the boundaries and spheres of influence of the affected agencies. The affected territory includes the Mountain View Avenue Bridge and the underlying riverbed encompassing approximately 6.27 acres located along Mountain View Avenue north of San Bernardino Avenue. The proposal would move the jurisdictional line from the center line of the bridge to approximately 300 feet easterly to include the entire bridge and a portion of the adjacent riverbed area. This map is included as a part of Attachment #1. Also included in Attachment #1 is the official sphere of influence amendment/reorganization maps.

**Map of Affected Territory and Affected Agencies**



## **STAFF ANALYSIS FOR REORGANIZATION**

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area.

### **(1) BOUNDARIES:**

The affected territory includes the Mountain View Avenue Bridge and the underlying riverbed encompassing approximately 6.27 acres located along Mountain View Avenue north of San Bernardino Avenue. The proposal would move the jurisdictional line from the center line of the bridge to approximately 300 feet easterly to include the entire bridge and portion of the adjacent riverbed area.

### **(2) GOVERNANCE AND MANAGEMENT:**

Upon the effective date of this reorganization, governance over the affected territory will transfer from the City of Redlands to the San Bernardino County Protection District (fire and emergency medical) and City of San Bernardino (land use and all other municipal services).

### **(3) SERVICE PLAN:**

As required by law and Commission policy, Plans for Services have been submitted for the proposed reorganization. The City of San Bernardino and County Fire have certified their respective Plan for Service (included as a part of Attachment #2). Below is a summary and analysis of the Plan.

#### **A. Fire Protection and Emergency Medical Services**

Currently, the City of Redlands is the responsible agency for the provision of fire protection and emergency medical services. This proposal would transfer said responsibilities to the San Bernardino County Fire Protection District.

County Fire's Plan for Service identifies that each fire engine is staffed with three career personnel, a captain, engineer, and fire fighter paramedic. County Fire already presently provides service to the area via mutual aid from Fire Station 231, located at 450 Vanderbilt Way in San Bernardino.

#### **B. Land Use and Other Municipal Services**

Currently, the City of Redlands holds jurisdiction for land use and is the responsible agency for all other municipal services. This proposal would transfer said jurisdiction and responsibilities to the City of San Bernardino. However, this area is vacant and does not have need for most municipal services.

At the present time, electricity is the only utility provided to the Bridge. Southern California Edison supplies power for night lighting of the Bridge. No water, wastewater, or natural gas utilities are provided, transmitted, or used in support of bridge operations. IVDA provides bridge maintenance service.

### **C. Fiscal Impact Summary**

There will be no additional financial burden placed on the City of San Bernardino and County Fire since the affected territory is vacant and contains no population.

Based upon the information in the application documents and additional information provided, it is the staff's position that the Commission can make the following determinations:

- The reorganization is financially feasible.
- The reorganization can maintain the pre-reorganization service levels that are currently provided within the area and provide for the long-range planning necessary to maintain service levels.
- The implementation of the reorganization would not impair any other agency currently serving within the area.

### **(4) TERMS AND CONDITIONS:**

The resolution of initiation identifies that this proposal be subject to LAFCO's standard terms and conditions. Not included for Commission action is the annexation of zones to County Fire – its Valley Service Zone and its Service Zone FP-5. County Fire is requiring that such annexations of zones to County Fire be processed by the County Fire Board. The draft resolution for LAFCO 3258 includes a condition of approval that the Certificate of Completion be held in abeyance for six months subject to County Fire Board action to change the boundaries of its Valley Service Zone and its Service Zone FP-5 to include the reorganization area.

### **(5) ENVIRONMENTAL CONSIDERATIONS:**

The proposed actions will not change the existing use of the bridge or the underlying flood control channel. Thus, there is no potential for these actions to cause a physical change in the environment. Therefore, staff is recommending that the Commission consider the adoption of a Common Sense Exemption for both LAFCO 3257 and LAFCO 3258 as defined in CEQA under Section 15061 (b) (3) of the State CEQA Guidelines, which states: "The activity is covered by the common sense exemption 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." A copy of the environmental recommendation is included as Attachment #3 to this report.

## **STAFF ANALYSIS FOR SPHERE AMENDMENTS**

### **SUMMARY OF SPHERE OF INFLUENCE AMENDMENTS:**

This section provides the Commission with an analysis of the application materials as well as additional information obtained during processing.

A “sphere of influence” is defined as a planning boundary that designates an agency’s probable future boundary and service area.

The sphere of influence amendments between the City Redlands (reduction) and the City of San Bernardino (expansion) and the San Bernardino County Fire Protection District (expansion) are required in order to move forward with the reorganization of the area into the City of San Bernardino. LAFCO staff believes the proposed sphere of influence amendments are a reasonable exchange in order to move forward with the companion reorganization proposal (LAFCO 3258) to place the entirety of the Mountain View Avenue Bridge within a single jurisdiction – within the City of San Bernardino.

### **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...” In this particular case, LAFCO 3255 include sphere of influence amendments pursuant to Section 56428, not updates pursuant to Section 56430. Therefore, a service review is not required.

### **SPHERE OF INFLUENCE DETERMINATIONS:**

Staff’s responses to the determinations required by State law for sphere of influence amendments, as outlined in Government Code Section 56425, are as follows:

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

The present and planned land uses are the Mountain View Avenue Bridge and the Santa Ana River Floodplain. The City of San Bernardino designates Mountain View Avenue as a secondary collector roadway between San Bernardino Avenue and Central Avenue. The Santa Ana River is designated as Public-Quasi Public.

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

No public facilities are anticipated. IVDA maintains the Bridge and will continue to do so.



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

IVDA has the long-term responsibility for bridge maintenance and is well-equipped to continue this service.

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

There are no social communities of interest since the affected territory is vacant. The economic community of interest is the Inland Valley Development Agency ("IVDA"). Formed in 1990, the Inland Valley Development Agency (IVDA) is a special military base reuse Joint Powers Authority (JPA) composed of the County of San Bernardino and the Cities of Colton, Loma Linda, and San Bernardino.

**5. The Present and Probable Need for Public Facilities and Services of any Disadvantaged Unincorporated Communities Within the Existing Sphere of Influence for a City/Special District that Provides Public Facilities or Services Related to Sewers, Water, or Fire Protection**

There are no disadvantaged unincorporated communities within the affected territory, which is vacant.

**FUNCTIONS AND SERVICES FOR SPECIAL DISTRICTS:**

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:

**San Bernardino County Fire Protection District:**

**FUNCTION**

**SERVICES**

Fire

Structural, watershed, prevention, inspection, suppression, weed abatement, hazardous materials services, rescue, first aid, ambulance transportation, emergency response, and disaster preparedness planning

LAFCO staff recommends that the Commission affirm the service description for the San Bernardino County Fire Protection 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*.

## **FACTORS TO BE CONSIDERED**

The following are the factors to be considered in the review of a proposal pursuant to Government Code Section 56668 and Commission policy:

1. The Registrar of Voters has determined that the reorganization study area is legally uninhabited, containing zero (0) registered voters within LAFCO 3258 as of June 1, 2022.
2. Through approval of the companion proposal, LAFCO 3257, the reorganization will not conflict with the sphere of influence of any other entity.
3. The County Assessor has determined that the value of land and improvements within the reorganization area is \$0 due to the floodway parcels being tax exempt property.
4. Legal advertisement of the Commission's consideration has been provided through publication in *the Sun*, a newspaper of general circulation within the reorganization area.
5. In accordance with State law and adopted Commission policies, LAFCO staff has provided individual notice to landowners within and surrounding the reorganization area and to affected and interested agencies, County departments, and those individual and agencies having requested such notice.
6. Pre-zoning is not required since the site consists of the Mountain View Avenue bridge and Santa Ana River floodplain and these uses will not be altered.
7. The Southern California Associated Governments (SCAG) recently adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. The Bridge has been an essential element of the area circulation system for approximately ten years. The Bridge fulfills an important role as a major arterial on the San Bernardino General Plan Circulation Element. Installation of the Mtn. View Avenue Bridge, which connects Mtn. View and Central Avenues (over the Santa Ana River), will serve to relieve traffic congestion on Tippecanoe Avenue about one-mile to the west. LAFCO 3258 has no direct impact on SCAG's Sustainable Communities Strategy.
8. The City of San Bernardino adopted an updated Local Hazard Mitigation Plan (LHMP) in October 2016 (Resolution No. 2016-209), which was developed by County Fire, the City's fire service provider. County Fire also has its Multi-Jurisdictional Hazard Mitigation Plan that was approved by FEMA in July 2017.
9. Staff recommends that this proposal is 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; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). Staff recommends that the Commission adopt the Exemption and direct its Executive Officer to file a Notice of Exemption within five (5) days. A copy of the environmental recommendation is included as Attachment #3 to this report.

10. The local agencies currently serving the area are:
  - City of Redlands
  - County of San Bernardino
  - Inland Empire Resource Conservation District
  - Inland Valley Development Agency
  - San Bernardino Valley Municipal Water District
  - San Bernardino Valley Water Conservation District

The other agencies are not affected by this reorganization as they are either regional in nature or identified for other services to a specific area.

11. Plans for service were prepared to the reorganization area, as required by law. The Plans for Service indicates that the City of San Bernardino and County Fire can maintain and/or improve the level of service currently available to the area. A copy of these plans are included as a part of Attachment #2 to this report.

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

12. The reorganization proposal complies with Commission policies and directives and State law that indicate the preference for areas proposed for urban intensity development to be included within a City so that the full range of municipal services can be planned, funded, extended, and maintained.
13. The reorganization area can benefit from the availability and extension of municipal services, as evidenced by the Plans for Service.
14. This proposal will not affect the fair share allocation of the regional housing needs assigned to the County of San Bernardino through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) process.
15. With respect to environmental justice, the reorganization places the entirety of the bridge under one land use jurisdiction. The reorganization will not result in the unfair treatment of any person based upon race, culture or income.
16. The County of San Bernardino, the City of San Bernardino, and the City of Redlands adopted property tax resolutions, as required by law, outlining there will

be no exchange of property tax as a result of the reorganization. This fulfills the requirement of Section 99 of the Revenue and Taxation Code.

17. The maps and legal descriptions are in substantial compliance with LAFCO and State standards.

## **ATTACHMENTS**

### **Attachment 1. Maps**

- Affected Territory and Affected Agencies
- Official Sphere of Influence Amendment/Reorganization Map

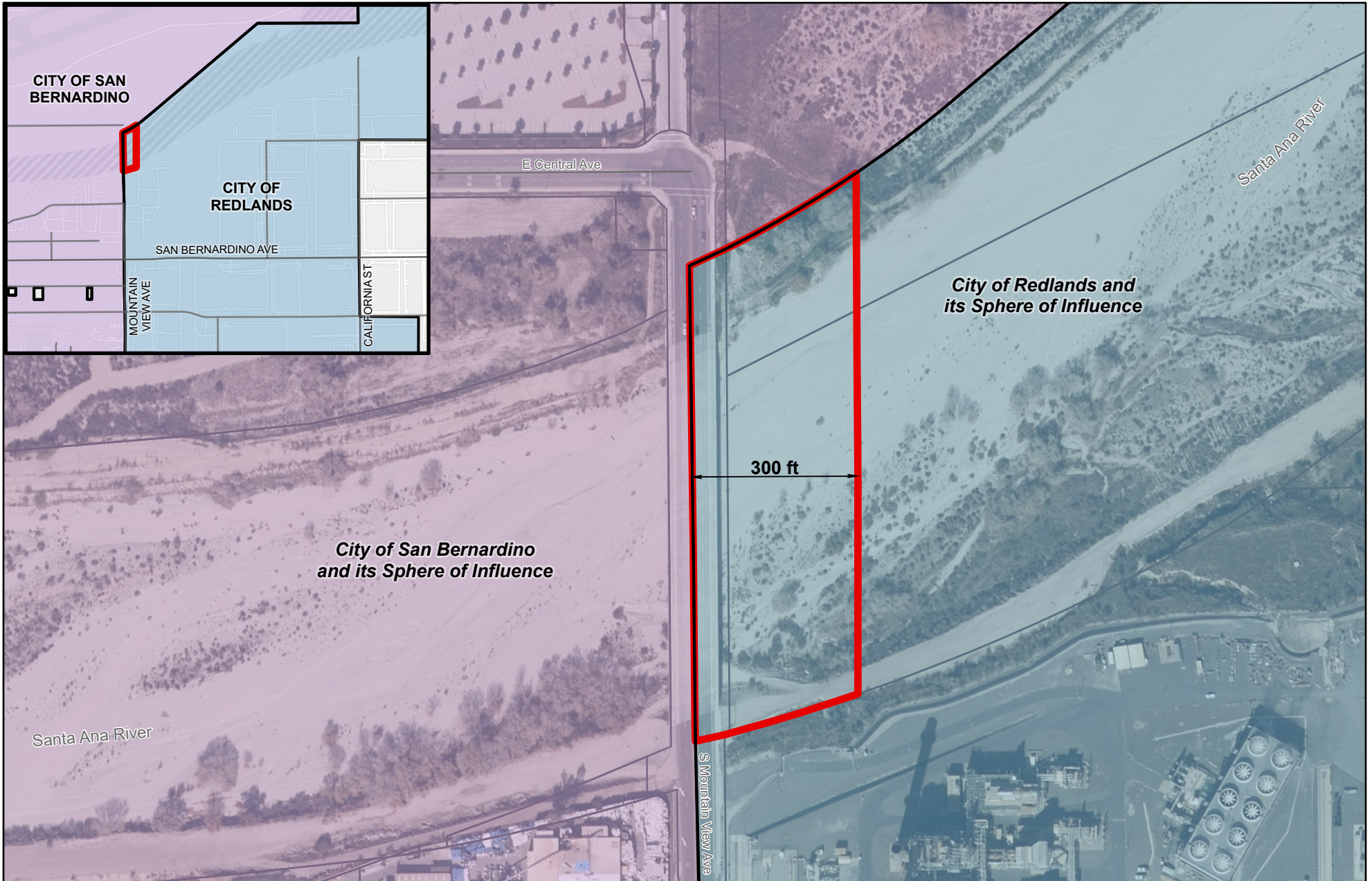
### **Attachment 2. Agency Letters and Plans for Service**

- City of San Bernardino: Letter of Support and Plan for Service
- County Fire: Letter of Support and Plan for Service
- City of Redlands: Letter of No Objection


### **Attachment 3. Environmental Recommendation**


### **Attachment 4. Draft Resolution #3361 for LAFCO 3257**


### **Attachment 5. Draft Resolution #3362 for LAFCO 3258**




**LAFCO 3257 - Sphere of Influence Amendment for City of San Bernardino (expansion), San Bernardino County Fire Protection District(expansion), and City of Redlands (reduction)**

 Sphere Amendment/Reorganization Area

 City Spheres of Influence

 City of Redlands

 City of San Bernardino

**LAFCO 3258 - Reorganization to Include Annexation to the City of San Bernardino, San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and Detachment from City of Redlands**



Disclaimer: The information show is intended to be used for general display only and is not to be used as an official map.

0 0.04 0.07 Miles





Course	Distance	Direction
1	860.00	Northerly
2	337.00	Northeasterly
3	940.00	Southerly
4	320.00	Southwesterly

POINT OF  
BEGINNING

MOUNTAIN VIEW AVE

CENTRAL AVE

LAFCO 1152 - City of Redlands

LAFCO 2839D- City of Redlands  
Annexation No. 76D

13  
T01SR04W

18  
T01SR03W

②

028021137

③

028021142

①

④

300.00

300.00

028021140

028021164

028025123

028025163

-  Annexation Area  
Containing 6.27  
Acres, More or Less
-  Parcels
-  Section Lines
-  Course Number

APN

Assessors Parcel Number

Existing Boundary of The City of San Bernardino

Existing Boundary of The City of Redlands

**LAFCO 3257:** Sphere of Influence Amendment for City of San Bernardino (expansion), San Bernardino County Fire Protection District (expansion) and City of Redlands (reduction)  
**LAFCO 3258:** Reorganization to Include Annexation to the City of San Bernardino, San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and Detachment from City of Redlands

That Portion of Section 18, Township 1 South, Range 3 West, S.B.M. San Bernardino County, State of California.

0 40 80 160 Ft  
1 inch = 80 feet



THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION

*Ryan S. Hunsicker*  
 Ryan S. Hunsicker  
 Deputy County Surveyor  
 PLS 8390  
 Date  
 03/17/2015  
 Job Number 00128CPO

Site Location





# City of San Bernardino

Community and Economic Development Department

November 22, 2022

Samuel Martinez, Executive Officer  
Local Agency Formation Commission  
1170 West 3rd Street, Unit 150  
San Bernardino, CA 92415-0490

RECEIVED

NOV 23 2022

LAFCO  
San Bernardino County

**Re: LAFCO 3257 and 3258 - City of San Bernardino Support**

Dear Mr. Martinez:

This letter serves to notify LAFCO and the affected local agencies of the City of San Bernardino's support of the proposed annexation of the Mountain View Avenue bridge over the Santa River and adjacent undeveloped property totaling 6.27 acres, referenced as LAFCO numbers 3257 and 3258. This is consistent with the 2013 Memorandum of Understanding between the City of San Bernardino, the Inland Valley Development Agency (IVDA), and the City of Redlands which authorized IVDA to file appropriate documents with the San Bernardino County Local Agency Formation Commission (LAFCO) to process a minor annexation to move the municipal jurisdictional line on the Mountain View Avenue bridge from the center line of the bridge to the easterly right-of-way.

On November 2, 2022, the Mayor and City Council approved Resolution 2022-224 determining there will be no property tax revenues to be exchanged between the City of San Bernardino, the City of Redlands, and the San Bernardino County Fire Protection District resulting from the jurisdictional change. The attached certified Resolution also includes the Plan for Services demonstrating that the City of San Bernardino can adequately provide municipal services to the annexation area and authorizes IVDA to submit an application and the Plan for Services to LAFCO on behalf of the City.

Thank you for your consideration. Should you require anything else or have questions related to this letter, please contact David Murray, Deputy Director/City Planner at [murray\\_da@sbcity.org](mailto:murray_da@sbcity.org).

Respectfully,

Robert D. Field  
City Manager

Attachments:

1. Resolution 2022-224 – Property Tax Exchange

CC: Nathan Freeman, Agency Director of Community, Housing & Economic Development  
David Murray, Deputy Director/City Planner  
Michael Burrows, Inland Valley Development Agency



## **Annexation of Mountain View Avenue Bridge (LAFCO 3257 & 3258)**

### **City of San Bernardino Plan for Services**

#### **Introduction**

The Inland Valley Development Agency (IVDA) is requesting that the City of San Bernardino annex approximately 6.27 acres in conjunction with a detachment from the City of Redlands of land underlying, and adjacent to, the Mountain View Avenue Bridge (Bridge) over the Santa Ana River. The Bridge is generally located south of the San Bernardino International Airport and Central Avenue, north of Riverview Drive, east of Tippecanoe Avenue and west of Marigold Avenue (Attachment 1).

Currently, the centerline of the Bridge is aligned with the boundary between the cities of San Bernardino on the west and Redlands on the east. This Annexation and Detachment will adjust the boundary to include the entirety of the Bridge and the underlying riverbed within the City of San Bernardino.

The reorganization will also require annexation to the San Bernardino County Fire Protection District and its respective Service Zones. The annexation and detachment will be accomplished through a Reorganization that will be reviewed and considered by the County of San Bernardino Local Agency Formation Commission for San Bernardino County (LAFCO). The Reorganization must be accompanied by a companion expansion of the City of San Bernardino and San Bernardino County Fire Protection District's Spheres of Influence and a reduction of the City of Redlands' Sphere of Influence. This proposed change in local jurisdiction has been negotiated between IVDA and both cities.

The intent of this Plan for Services is to demonstrate that the City of San Bernardino commits to, and has the ability to, provide municipal services to the proposed annexation area at a level equal to, or greater than, the services currently provided by the City of Redlands.

At the present time, electricity is the only utility provided to the existing Bridge. No water, wastewater, or natural gas utilities are provided, transmitted, or used in support of bridge operations and no school or park services are provide to the Bridge. Southern California Edison (SCE) supplies power for night lighting of the Bridge. The IVDA provides Bridge maintenance service. The City of San Bernardino provides responses to emergency (law enforcement and fire protection and emergency response) service demands on the Bridge and the area proposed for Reorganization.

#### **Detailed Discussion of Service Availability**

##### **Water Service**

The Bridge is not served with any water utility and the underlying property is within the Santa Ana River floodplain and therefore does not have or require any water service. The nearest water service is located in water lines located within Mountain View Avenue south of the Bridge and within Central Avenue on the north side of the Bridge. Water service to these areas is provided by the San Bernardino Municipal Water Department (SBMWD). The Annexation/Detachment will not alter this situation or result in any necessary service enhancements.



#### Electricity

The Bridge receives electric power from Southern California Edison (SCE) to support night safety lighting. No electricity is provided to the underlying floodplain area. The Annexation/Detachment will not alter this situation or result in any necessary service changes.

#### Sewer

Sewer service is not currently provided to the annexation area and will not be required for the parcels encompassed by Reorganization.

#### Transportation

The Mountain View Avenue Bridge has been an essential element of the area circulation system for approximately ten years. Currently, any maintenance of the Bridge is conducted by the IVDA and this will continue to be the case upon Reorganization.

#### Lighting

Night lighting of the Bridge is funded and maintained by the IVDA and this will continue to be the case upon Reorganization.

#### Schools

No school services are required for the current Bridge and this circumstance will not change upon Reorganization.

#### Parks

The City of San Bernardino is responsible for providing and maintaining public park land within the jurisdictional boundaries of the City. The proposed uninhabited Annexation area does not include any parkland and the minor Reorganization will not result in an increased demand for parkland.

#### Drainage and Roads

Maintenance of the Bridge, including drainage, roadway, and bridge components, is funded and provided by the IVDA. This will continue to be the case upon Reorganization.

#### Police/Fire/Emergency Response

Law Enforcement services for the Annexation/Detachment area are currently provided by the City of San Bernardino Police Department, and this circumstance will not change upon Reorganization.

The San Bernardino County Fire Protection District (County Fire) Division 6 currently provides fire and emergency response service within the City of San Bernardino. The Division 6 Headquarters are located at 200 East 3rd Street in San Bernardino. The nearest fire station to the bridge is Station 231 located 450 E. Vanderbilt Way. The City of Redlands Fire Department also provides fire protection services within the City of Redlands, which currently includes the eastern half of the bridge that is proposed for annexation. Although Redlands Fire Department may provide emergency services to the project area under mutual aid agreements with County Fire, they are not typically the first responder due to the proximity of the nearest fire station. As such, the reorganization will also require annexation to the San Bernardino County Fire Protection District and its respective Service Zones. Upon completion of the reorganization, County Fire will be the sole responsible agency for fire and emergency medical response for the entire Bridge.



## SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT

200 E. 3<sup>rd</sup> Street • San Bernardino, CA 92410 • (909) 918-2200 • Fax (909) 381-0067

East Valley Division  
Headquarters  
sbcfire.org

Daniel R. Munsey  
Fire Chief/Fire Warden

Dan Mejia  
Assistant Chief

July 27, 2022

Local Agency Formation Commission  
c/o Samuel Martinez, Executive Officer  
1170 W. 3<sup>rd</sup> Street, Unit 150  
San Bernardino, CA 92415-0490

San Bernardino County Fire Protection District provides a full range of fire protection and emergency medical services within a number of cities, including the City of San Bernardino, as well as within the unincorporated County area that is not within a fire service provider. Each fire engine is staffed with three career personnel, a captain, engineer and fire fighter paramedic. County Fire presently provides service around Mountain View Avenue Bridge from fire station 231, located at 450 Vanderbilt Way, San Bernardino CA 92408.

San Bernardino County Fire Protection District is in support of the annexation of the Mountain View Avenue Bridge to the County Fire.

Dan Mejia  
Assistant Chief  
San Bernardino County Fire Protection District

### BOARD OF SUPERVISORS

Col. Paul Cook (Ret.)  
Chairman, First District

Janice Rutherford  
Second District

Dawn Rowe  
Third District

Curt Hagman  
Vice-Chairman  
Fourth District

Joe Baca, Jr.  
Fifth District

Leonard X. Hernandez  
Interim  
Chief Executive Officer



DEVELOPMENT SERVICES  
DEPARTMENT

City of  
**REDLANDS**

Incorporated 1888  
35 Cajon St., Ste. 20/P.O. Box 3005  
Redlands, CA 92373  
909-798-7555 ext. 2  
[lmccasland@cityofredlands.org](mailto:lmccasland@cityofredlands.org)

BRIAN DESATNIK  
Development Services Director

**RECEIVED**

**JUL 01 2022**

**LAFCO**  
San Bernardino County

June 27, 2022

Mr. Samuel Martinez, Executive Officer  
Local Agency Formation Commission  
1170 West Third Street, Unit 150  
San Bernardino, CA 92415-0490

Dear Mr. Martinez:

Thank you for the correspondence on the Mountain View Avenue Bridge reorganization that includes detachment from the City of Redlands and annexation of the City of San Bernardino and San Bernardino County Fire Protection District. The assigned LAFCO numbers for the sphere of influence amendment and reorganization actions are as follows:

LAFCO 3257 – Sphere of Influence Amendment for City of San Bernardino (expansion), San Bernardino County Fire Protection District (expansion), and City of Redlands (reduction); and

LAFCO 3258 – Reorganization to Include Annexation to the City of San Bernardino, San Bernardino County Fire Protection District and its Valley Service Zone, and Detachment from City of Redlands.

The City of Redlands has no objection to the proposed fire service re-organization for the Mountain View Bridge. Feel free to contact me if there are any questions.


Sincerely,

Brian Desatnik  
Development Services Director

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

---

**DATE:** DECEMBER 13, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Environmental Determination for LAFCO 3257 and LAFCO 32358

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The Local Agency Formation Commission is considering proposals to place the entirety of the Mountain View Avenue Bridge and its underlying riverbed area encompassing a total of approximately 6.27 acres into the City of San Bernardino and its fire service provider, the San Bernardino County Fire Protection District (County Fire). Both the City of Redlands and the City of San Bernardino have mutually agreed to adjust their boundaries and in order to do this, LAFCO 3257 would adjust the spheres of both cities (reduce and expand) as well as amend the sphere for County Fire (expand) and LAFCO 3258 is the reorganization that would annex the area into the City of San Bernardino and County Fire and detach the area from the City of Redlands.

The proposed actions will not change the existing use of the bridge or the underlying flood control channel. Thus, there is no potential for these actions to cause a physical change in the environment. Therefore, staff is recommending that the Commission consider the adoption of a Common Sense Exemption for both LAFCO 3257 and LAFCO 3258 as defined in CEQA under Section 15061 (b) (3) of the State CEQA Guidelines, which states: "The activity is covered by the common sense exemption 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 staff's opinion, and recommendation to the Commission, that this applies to both LAFCO 3257 and LAFCO 3258 because approval of the proposed actions have no potential to cause a significant physical modification or effect on the environment.

Based on staff's review of both LAFCO 3257 and LAFCO 3258 and the pertinent sections of CEQA and the State CEQA Guidelines, both actions do not constitute a project under CEQA. Therefore, adoption of the Common Sense Exemption and filing of Notices of Exemption is the most appropriate determination to comply with CEQA for both actions. The Commission can approve these actions as exempt from CEQA for the reason outlined in the State CEQA Guideline Section noted above. Staff will then file the Notices of Exemption with the County Clerk to the Board for each action item after completion of the hearing.

A copy of this exemption determination will be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record.

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West Third Street, Unit 150, San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**PROPOSAL NO.: LAFCO 3257**

**HEARING DATE: December 21, 2022**

## **RESOLUTION NO. 3361**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3257 AND APPROVING THE SPHERE OF INFLUENCE AMENDMENTS FOR THE CITY OF SAN BERNARDINO (EXPANSION), SAN BERNARDINO FIRE PROTECTION DISTRICT (EXPANSION), AND CITY OF REDLANDS (REDUCTION)**

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 amendments (expansions/reduction) 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 his 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 December 21, 2022 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 the sphere of influence

## RESOLUTION NO. 3361

amendment is statutorily exempt from CEQA and such exemption was adopted by this Commission on December 21, 2022. 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**, the Commission determined that the proposed sphere of influence amendments, 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. The present and planned land uses in the area, including agricultural and open space lands***

The present and planned land uses are the Mountain View Avenue Bridge and the Santa Ana River Floodplain. The City of San Bernardino designates Mountain View Avenue as a secondary collector roadway between San Bernardino Avenue and Central Avenue. The Santa Ana River is designated as Public-Quasi Public.

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

No public facilities are anticipated. IVDA maintains the Bridge and will continue to do so.

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

IVDA has the long-term responsibility for bridge maintenance and is well-equipped to continue this service.

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

There are no social communities of interest since the affected territory is vacant. The economic community of interest is the Inland Valley Development Agency ("IVDA"). Formed in 1990, the Inland Valley Development Agency (IVDA) is a special military base reuse Joint Powers Authority (JPA) composed of the County of San Bernardino and the Cities of Colton, Loma Linda, and San Bernardino.

***5. The Present and Probable Need for Public Facilities and Services of any Disadvantaged Unincorporated Communities Within the Existing Sphere of Influence for a City/Special District that Provides Public Facilities or Services Related to Sewers, Water, or Fire Protection***

There are no disadvantaged unincorporated communities within the affected territory, which is vacant.



## RESOLUTION NO. 3361

### Additional Determinations

- As required by State Law, notice of the Commission's consideration of this issue has been advertised through publication in *The Sun*, a newspaper of general circulation in the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies wishing mailed notice.
- LAFCO staff has also provided individual notices in conjunction with noticing the proposed reorganization proposal, LAFCO 3258, to landowners and registered voters surrounding the sphere amendment area including the entire reorganization area in accordance with state law and adopted Commission policies.
- The map and legal description for these sphere of influence amendments, was 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 San Bernardino County Fire Protection District shall be limited to the following:

#### **FUNCTION**

#### **SERVICES**

Fire Protection

Structural, watershed, prevention, inspection, suppression, weed abatement, hazardous materials services, rescue, first aid, ambulance transportation, emergency response, and disaster preparedness planning

**WHEREAS**, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it determines to amend the spheres of influence for the City of San Bernardino (expansion), San Bernardino County Fire Protection District (expansion), and the City of Redlands (reduction).

**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 for the City of San Bernardino and San Bernardino County Fire Protection District, and removed from the sphere of influence for the City of Redlands, it being fully understood that the amendments of such spheres 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.

**BE IT FURTHER RESOLVED** that the Local Agency Formation Commission for San Bernardino County, State of California, does hereby determine that the Inland Valley Development Agency, as the applicant, shall indemnify, defend, and hold harmless the Commission from any legal expense, legal action, or judgment arising out of the

**RESOLUTION NO. 3361**

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:**

**ABSTAIN: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

\*\*\*\*\*

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

I, Samuel Martinez, 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 December 21, 2022.

**DATED:**

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**SAMUEL MARTINEZ**  
Executive Officer



LAFCO 3257 – Sphere of Influence Amendment for City of San Bernardino (expansion), San Bernardino County Fire Protection District (expansion) and City of Redlands (reduction)

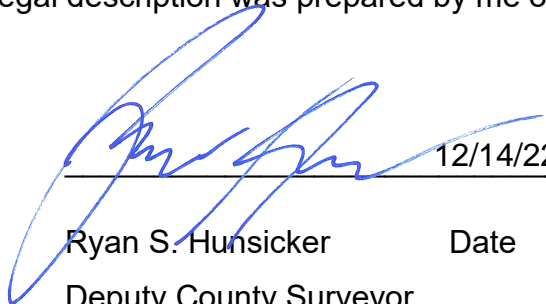
That portion of Section 18, Township 1 South, Range 3 West, S.B.M., in the County of San Bernardino, State of California, lying within the following described boundary:

Commencing at the intersection of Mountain View Avenue and the westerly prolongation of the north line of Parcel 1 of Parcel Map 15049 as per map recorded in Book 183 of Parcel Maps, pages 68 through 69 inclusive, records of said County, said point also being on the boundary line of the City of Redlands per LAFCO 2839D – City of Redlands Annexation No. 76D, also being the **Point of Beginning**:

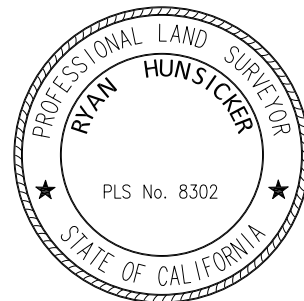
1. Thence leaving said boundary, Northeasterly along a curve, and along the north line of said Parcel 1, a distance of 320.00 feet, more or less to a point that is parallel with and 300.00 feet Easterly, measured at right angles, from the centerline of Mountain View Avenue as shown on said Parcel Map;
2. Thence leaving said north line of Parcel 1, Northerly, parallel with the centerline of Mountain View Avenue, a distance of 940.00 feet, more or less, to the North boundary line of the City of Redlands Per LAFCO 1152 ;
3. Thence Southwesterly along a curve and along said boundary line, a distance of 337.00 feet, more or less, to an intersection with Mountain View Avenue as shown on said Parcel Map;
4. Thence Southerly, along said boundary, a distance of 860.00 feet, more or less, to the **Point of Beginning**.

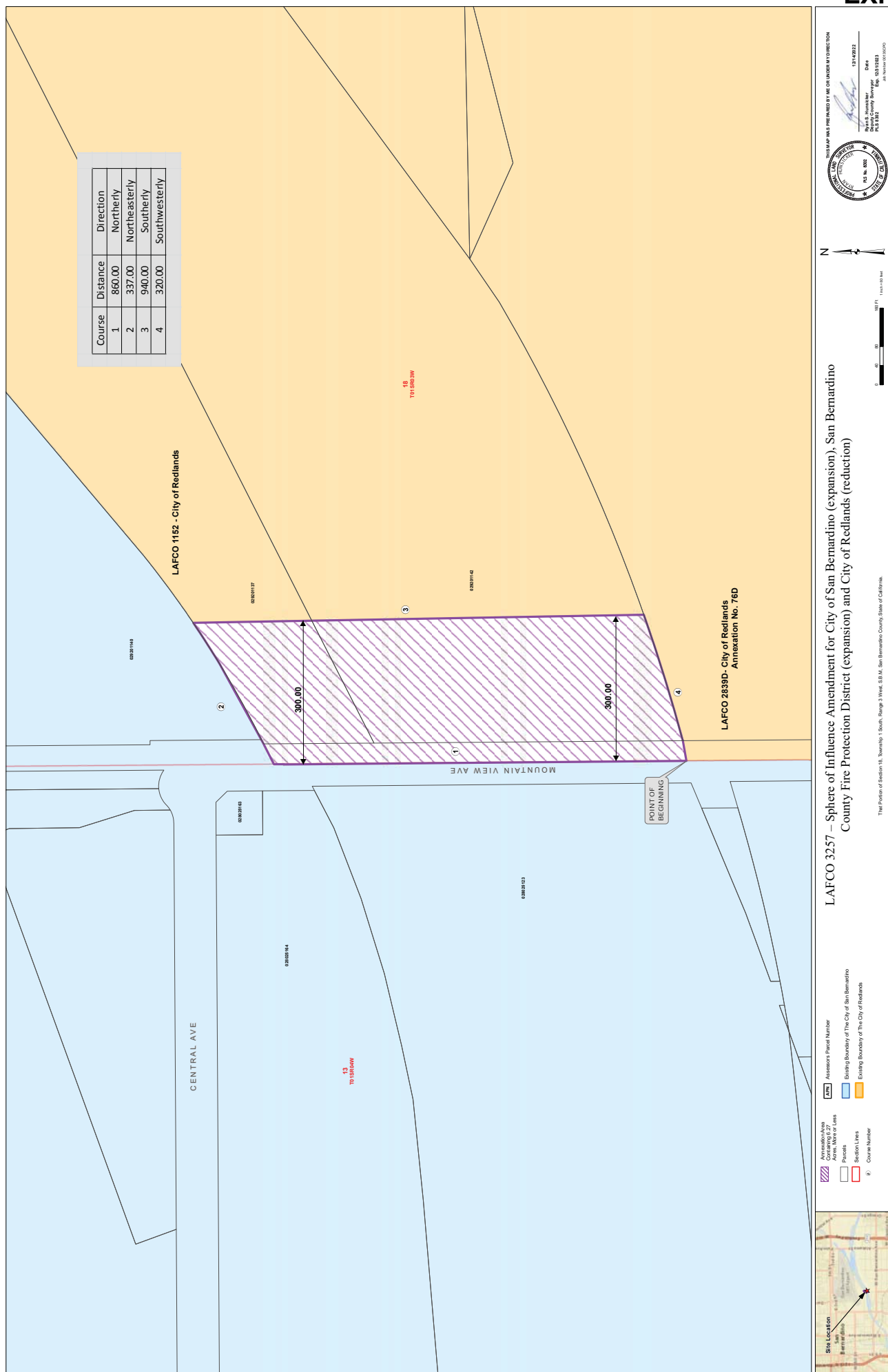
Containing 6.27 Acres more or less

This legal description was prepared by me or under my direction.

 12/14/22  
 Ryan S. Hunsicker                      Date  
 Deputy County Surveyor

PLS 8302, Expiration; December 31, 2023





# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**PROPOSAL NO.: LAFCO 3258**

**HEARING DATE: DECEMBER 21, 2022**

## **RESOLUTION NO. 3362**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3256 - REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF SAN BERNARDINO, SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, ITS VALLEY SERVICE ZONE AND ITS ZONE FP-5, AND DETACHMENT FROM CITY OF REDLANDS**

**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 San Bernardino County 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 his 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 his 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 December 21, 2022 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; 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.

## RESOLUTION NO. 3362

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

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

### **CONDITIONS:**

**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 throughout this proceeding: LAFCO 3258.

**Condition No. 3.** All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of Redlands 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 Inland Valley Development Agency 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 Certification of Completion shall be the effective date of the reorganization.

**Condition No. 7.** The Certificate of Completion shall be held in abeyance for six months subject to County Fire Board action to change the boundaries of its Valley Service Zone and its Service Zone FP-5 to include the reorganization area.

**SECTION 2. DETERMINATIONS.** The following are the factors to be considered in the review of a proposal pursuant to Government Code Section 56668 and Commission policy:

1. The Registrar of Voters has determined that the reorganization study area is legally uninhabited, containing zero (0) registered voters within LAFCO 3258 as of June 1, 2022.
2. Through approval of the companion proposal, LAFCO 3257, the reorganization will not conflict with the sphere of influence of any other entity.

## RESOLUTION NO. 3362

3. The County Assessor has determined that the value of land and improvements within the reorganization area is \$0 due to the floodway parcels being tax exempt property.
2. Legal advertisement of the Commission's consideration has been provided through publication in *the Sun*, a newspaper of general circulation within the reorganization area.
3. In accordance with State law and adopted Commission policies, LAFCO staff has provided individual notice to landowners within and surrounding the reorganization area and to affected and interested agencies, County departments, and those individual and agencies having requested such notice.
6. Pre-zoning is not required since the site consists of the Mountain View Avenue bridge and Santa Ana River floodplain and these uses will not be altered.
7. The Southern California Associated Governments (SCAG) recently adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. The Bridge has been an essential element of the area circulation system for approximately ten years. The Bridge fulfills an important role as a major arterial on the San Bernardino General Plan Circulation Element. Installation of the Mtn. View Avenue Bridge, which connects Mtn. View and Central Avenues (over the Santa Ana River), will serve to relieve traffic congestion on Tippecanoe Avenue about one-mile to the west. LAFCO 3258 has no direct impact on SCAG's Sustainable Communities Strategy.
8. The City of San Bernardino adopted an updated Local Hazard Mitigation Plan (LHMP) in October 2016 (Resolution No. 2016-209), which was developed by County Fire, the City's fire service provider. County Fire also has its Multi-Jurisdictional Hazard Mitigation Plan that was approved by FEMA in July 2017.
9. Staff recommends that this proposal is 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; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b)(3). Staff recommends that the Commission adopt the Exemption and direct its Executive Officer to file a Notice of Exemption within five (5) days. A copy of the environmental recommendation is included as Attachment #3 to this report.
10. The local agencies currently serving the area are:
  - City of Redlands
  - County of San Bernardino
  - Inland Empire Resource Conservation District
  - Inland Valley Development Agency
  - San Bernardino Valley Municipal Water District
  - San Bernardino Valley Water Conservation District

The other agencies are not affected by this reorganization as they are either regional in nature or identified for other services to a specific area.

## RESOLUTION NO. 3362

11. Plans for service were prepared to the reorganization area, as required by law. The Plans for Service indicates that the City of San Bernardino and County Fire can maintain and/or improve the level of service currently available to the area. A copy of these plans are included as a part of Attachment #2 to this report.

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

12. The reorganization proposal complies with Commission policies and directives and State law that indicate the preference for areas proposed for urban intensity development to be included within a City so that the full range of municipal services can be planned, funded, extended, and maintained.
13. The reorganization area can benefit from the availability and extension of municipal services, as evidenced by the Plans for Service.
14. This proposal will not affect the fair share allocation of the regional housing needs assigned to the County of San Bernardino through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) process.
15. With respect to environmental justice, the reorganization places the entirety of the bridge under one land use jurisdiction. The reorganization will not result in the unfair treatment of any person based upon race, culture or income.
16. The County of San Bernardino, the City of San Bernardino, and the City of Redlands adopted property tax resolutions, as required by law, outlining there will be no exchange of property tax as a result of the reorganization. This fulfills the requirement of Section 99 of the Revenue and Taxation Code.
17. The maps and legal descriptions are in substantial compliance with LAFCO and State standards.

**SECTION 3.** 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 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 (Part 4, commencing with Government Code Section 57000) and set the matter for consideration of the protest proceedings, providing notice of hearing pursuant to Government Code Sections 57025 and 57026.

**RESOLUTION NO. 3362**

**SECTION 6.** Upon conclusion of the protest proceedings, the Executive Officer shall adopt a resolution setting forth his 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:**  
**ABSTAIN: COMMISSIONERS:**  
**ABSENT: COMMISSIONERS:**

\*\*\*\*\*

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

I, SAMUEL MARTINEZ, 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 December 21, 2022.

**DATED:**

\_\_\_\_\_  
**SAMUEL MARTINEZ**  
Executive Officer

**LAFCO 3258 – Reorganization to Include Annexation to the City of San Bernardino, San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and Detachment from City of Redlands**

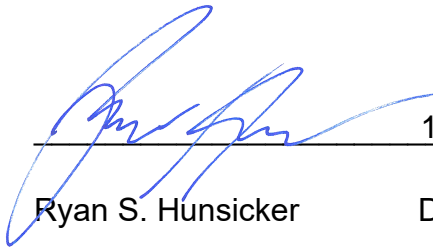
That portion of Section 18, Township 1 South, Range 3 West, S.B.M., in the County of San Bernardino, State of California, lying within the following described boundary:

Commencing at the intersection of Mountain View Avenue and the westerly prolongation of the north line of Parcel 1 of Parcel Map 15049 as per map recorded in Book 183 of Parcel Maps, pages 68 through 69 inclusive, records of said County, said point also being on the boundary line of the City of Redlands per LAFCO 2839D – City of Redlands Annexation No. 76D, also being the **Point of Beginning**:

1. Thence leaving said boundary, Northeasterly along a curve, and along the north line of said Parcel 1, a distance of 320.00 feet, more or less to a point that is parallel with and 300.00 feet Easterly, measured at right angles, from the centerline of Mountain View Avenue as shown on said Parcel Map;
2. Thence leaving said north line of Parcel 1, Northerly, parallel with the centerline of Mountain View Avenue, a distance of 940.00 feet, more or less, to the North boundary line of the City of Redlands Per LAFCO 1152 ;
3. Thence Southwesterly along a curve and along said boundary line, a distance of 337.00 feet, more or less, to an intersection with Mountain View Avenue as shown on said Parcel Map;
4. Thence Southerly, along said boundary, a distance of 860.00 feet, more or less, to the **Point of Beginning**.

Containing 6.27 Acres more or less

This legal description was prepared by me or under my direction.

  
 12/14/22  
 Ryan S. Hunsicker      Date  
 Deputy County Surveyor  
 PLS 8302, Expiration; December 31, 2023





