

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3254

HEARING DATE: JANUARY 23, 2023

AMENDED RESOLUTION NO. 3364

A RESOLUTION OF THE EXECUTIVE OFFICER OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY ORDERING LAFCO 3254 – REORGANIZATION TO INCLUDE ANNEXATION TO RUNNING SPRINGS WATER DISTRICT, DISSOLUTION OF COUNTY SERVICE AREA 79 AND ITS ZONE R-1, AND FORMATION OF COUNTY SERVICE AREA 70 ZONE R-52

WHEREAS, this action is being taken pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

WHEREAS, by policy adopted on December 20, 2000, and amended on November 21, 2001, the Local Agency Formation Commission for San Bernardino County (“the Commission”) has delegated authority over all protest proceeding functions to the Executive Officer; and,

WHEREAS, on January 30, 2023, Resolution No. 3364, issued by the Executive Officer ordering the reorganization proposal, included exhibits that had missing text. Pursuant to Government Code Section 56883, this inadvertent error has been corrected in this amended resolution.

WHEREAS, the Commission adopted its Resolution No. 3359 on November 16, 2022 making determinations and approving the proposed reorganization subject to the terms and conditions specified therein; and,

WHEREAS, the terms and conditions for LAFCO 3254, as approved by the Commission, on November 16, 2022, are as follows:

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

Condition No. 1. The boundaries are approved as set forth in Exhibits “A”, “A-1”, “B”, and “B-1” attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3254.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by County Service Area 79 shall be assumed by the annexing territory by Running Springs Water District in the same manner as provided

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in the original authorization pursuant to Government Code Section 56886(t). In addition, all previously authorized charges, fees, assessments, and/or taxes currently in effect by County Service Area 79 Zone R-1 shall be assumed by the newly formed County Service Area 70 Zone R-52 in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

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

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

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

SECTION 2. TERMS AND CONDITIONS OF THE APPLICANTS. The resolutions of the County and Running Springs Water District both identify that this proposal be subject to LAFCO's standard terms and conditions as well as 11 additional terms and conditions of their own, outlined below.

- 1) Running Springs Water District will fix the Green Valley Lake community wastewater rates at their current level (Connection Fee \$5,336.22 and User Rate \$65.77 per Equivalent Dwelling Unit per month) for the first five years and account for the area as a separate enterprise fund barring any unforeseen circumstances that would require additional revenue; current wastewater rates for Running Springs Water District are: Connection Fee \$5,815 and User Rates \$54.08 per Equivalent Dwelling Unit per month plus \$0.0105 per cubic foot of water usage);
- 2) Depending on the timing of LAFCO approval of the proposed reorganization, Running Springs Water District will arrange for the Green Valley Lake community wastewater rates to be placed on the San Bernardino County property tax roll at the expense of Running Springs Water District's separate enterprise fund for the Green Valley Lake community;
- 3) After the initial 5 year period, a rate study will be prepared and the Green Valley Lake community will be merged with the existing Running Springs Water District wastewater enterprise such that a uniform wastewater rate will be applied for all wastewater customers of Running Springs Water District at that time;
- 4) Running Springs Water District will not assume any of CSA 79's pension liability. CSA 79 may withhold from transfer to Running Springs Water District a portion of its existing wastewater reserve funds to fund CSA 79's pension liabilities through LAFCO's issuance of the Certificate of Completion for the

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reorganization, with the method of calculation and the amount withheld to be determined and agreed to by both CSA 79 and Running Springs Water District;

CSA 79 has a proportionate share of the County's net pension liability allocated by the San Bernardino County Employees' Retirement Association ("SBCERA"). According to the County, CSA 79's net pension liability as of June 30, 2021 is \$318,808. The exact net pension liability will be recalculated as of the effective date of this reorganization.

- 5) CSA 79 R-1 funds for road services will transfer to the new CSA 70 road district zone, once formed;
- 6) All application fees and any other costs associated with the LAFCO reorganization will be paid for with CSA 79 reserve funds;
- 7) The remaining CSA 79 wastewater reserve funds, not withheld to cover CSA 79's pension liabilities, will be transferred to Running Springs Water District and be placed in a separate enterprise fund;

The County provided a listing of CSA 79's cash balances, lands, and assets, which will all transfer to the successor agency, the Running Springs WD.

- 8) No additional Board of Director seats will be added to Running Springs Water District;
- 9) Running Springs Water District will enter into a new agreement as a permittee for a Special Use Permit with the United States Forest Service (USFS) for encroachment of the gravity sewer line under Green Valley Lake Road within the USFS;

County Land Use Services has a special use permit with the U.S. Forest Service for a main down by the highway. According to the Running Springs WD, there is apparently no successor clause so the District will need to apply for a new USFS Special Use Permit.

- 10) Running Springs Water District acknowledges and agrees to the LAFCO requirement imposing legal indemnification as outlined in Policy 3 of Chapter 2 of the Accounting and Financial Section of its Policy and Procedure Manual;
- 11) Running Springs Water District will continue to provide out of district sewer service to Snow Valley [Ski Area], which is consistent with the sphere of influence, and will be billed based off an equivalent dwelling unit (EDU) count;

Since 1978, CSA 79 has provided service outside of its boundary to the Snow Valley Ski area. The agreement expired in April 2018, and the County and Snow Valley opted not to extend the former contract where Snow Valley was charged based upon flow rate. Rather, in lieu of a contract, Snow Valley is now charged under the same method as CSA 79's other customers, by EDU. Snow Valley is outside the boundaries of the Running Springs WD but within the District's sphere of influence.

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According to the Running Springs WD, it will also need to enter into a new agreement with Snow Valley. Ownership of Snow Valley is currently changing so it is working on coordinating this new agreement.

This reorganization will recognize that the Running Springs WD will succeed to the service that has been provided to Snow Valley since 1978. As long as the service continues, no further LAFCO review is necessary.

WHEREAS, the reason for this proposed reorganization is to reorganize wastewater collection services in the Green Valley Lake area wherein the County is divesting itself of the responsibility for wastewater collection through the dissolution of CSA 79 and for residents to assume local control over this service in their community through the annexation of said area into the Running Springs Water District. In addition, road service provided to a specific area within County Service Area 79 through a zone, CSA 79 Zone R-1, is also being reorganized through dissolution of said zone and formation of a new zone to County Service Area 70, CSA 70 Zone R-52.

WHEREAS, a public hearing on the proposed reorganization was called for and held by the Executive Officer of this Commission on January 23, 2023, at the time and place for which notice was given, and at the hearing the Executive Officer heard and received all oral and/or written protests, objections or evidence which were made, presented or filed;

NOW, THEREFORE, BE IT RESOLVED, that the Executive Officer hereby determines and orders as follows:

SECTION 1. No written protest were filed by registered voters or landowners within the reorganization area during the protest period.

SECTION 2. The Executive Officer, on behalf of the Commission, hereby orders the reorganization as described in Exhibits "A", "A-1", "B", and "B-1" to include the annexation to the Running Springs Water District, dissolution of County Service Area 79 and its Zone R-1, and formation of County Service Area 70 Zone R-52.

SECTION 3. The regular County assessment roll is utilized by the Running Springs Water District.

SECTION 4. The affected territory will not be taxed for existing general bonded indebtedness and/or contractual obligations of the annexing agency, the Running Springs Water District.

SECTION 5. The Executive Officer shall cause to be prepared and filed a Certificate of Completion, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

DATED: FEBRUARY 27, 2023



Samuel Martinez
SAMUEL MARTINEZ
Executive Officer

EXHIBIT A

Reorganization to include Annexation to Running Springs Water District, Dissolution of County Service Area 79 and its Zone R-1, and Formation of County Service Area 70 Zone R-52

Annexation to Running Springs Water District and Dissolution of County Service Area 79

THOSE PORTIONS OF SECTIONS 22, 23, 26, 27 AND 28 TOWNSHIP 2 NORTH RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER OFFICIAL GOVERNMENT SURVEY.

Area A:

THE EAST 1/2 OF THE SOUTHWEST 1/4 AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 2 NORTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER OFFICIAL GOVERNMENT SURVEY.

THE SOUTHERLY BOUNDARY OF WHICH LIES ADJACENT TO THE EXISTING BOUNDARY OF THE ARROWBEAR PARK COUNTY WATER DISTRICT AS ESTABLISHED IN 1953 BY ANNEXATION # 1 CONTAINING 160 ACRES, MORE OR LESS

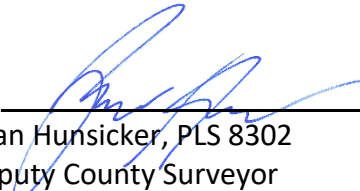
Area B:

ALL OF SECTION 22, THE WEST 1/2 OF SECTION 23, THE NORTHWEST 1/4 OF SECTION 26, THE NORTH 1/2 OF SECTION 27 TOWNSHIP 2 NORTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER OFFICIAL GOVERNMENT SURVEY.

CONTAINING 1,440 ACRES, MORE OR LESS

THE TOTAL COMPUTED ACREAGE CONTAINING 1,600 ACRES OF LAND, MORE OR LESS.

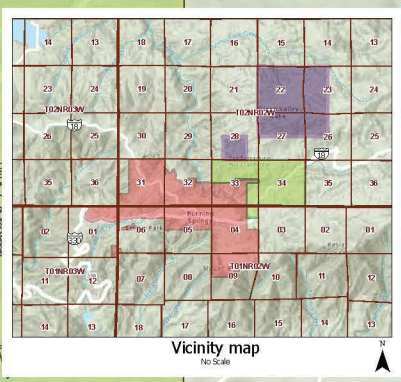
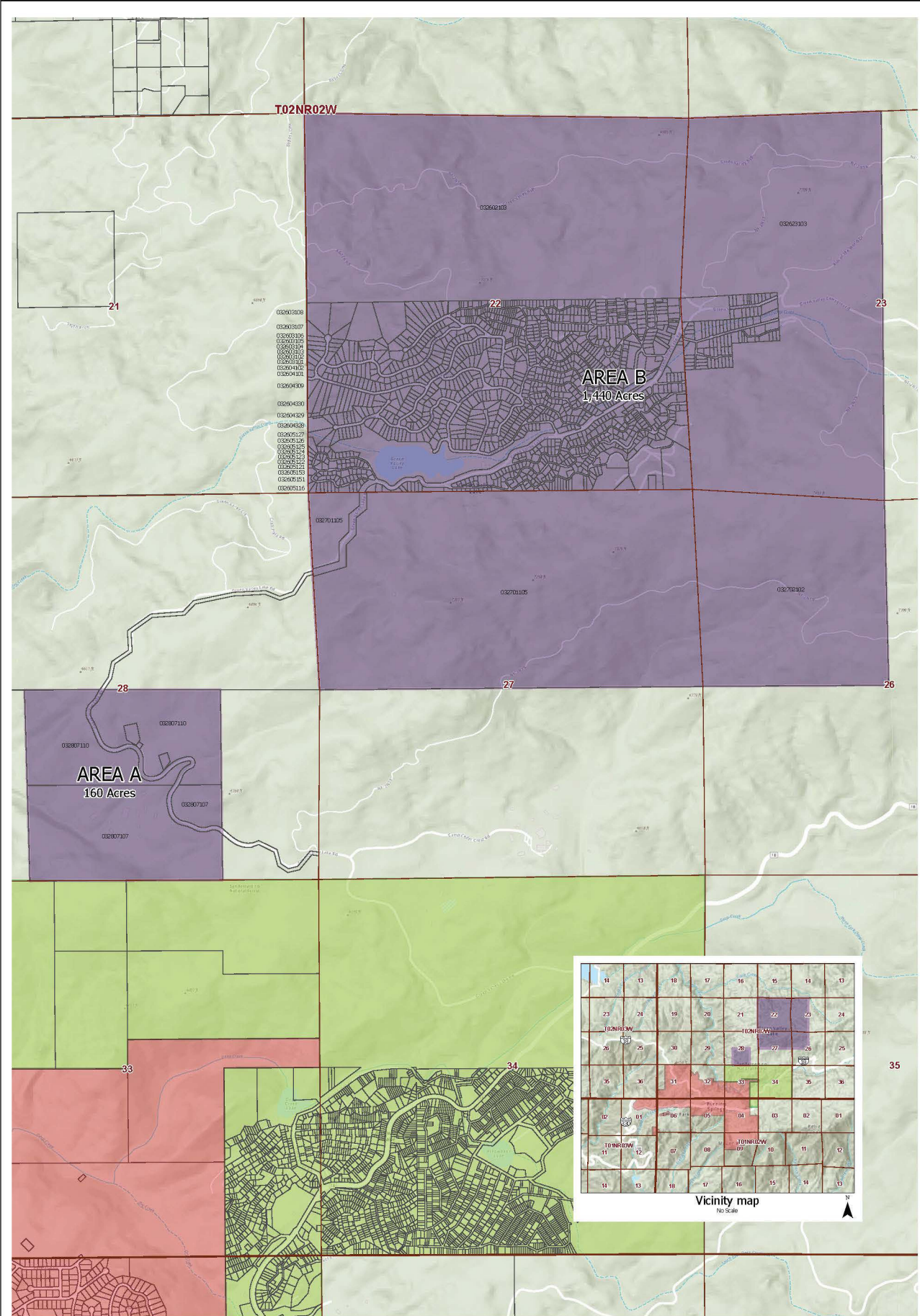
This legal description was prepared by me or under my direction.

By:  09/02/2021
Ryan Hunsicker, PLS 8302 Date
Deputy County Surveyor



FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY

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Legend

- Sections (white box)
- Parcels (thin black outline)
- Township (thick black outline)
- Arrowbear Park County Water District (green box)

Affected Agency

- Running Springs Water District (purple box)
- County Service Area 79 (red box)

0 0.25 0.5 Miles

EXHIBIT A-1
 Reorganization to include Annexation to Running Springs Water District, Dissolution of County Service Area 79 and its Zone R-1, and Formation of County Service Area 70 Zone R-2
 Annexation to Running Springs Water District and Dissolution of County Service Area 79

08/04/2021
 Date
 Deputy County Surveyor

Seal of the State of California, Department of Public Resources, State Lands Division. The seal features a central figure and the text 'STATE OF CALIFORNIA', 'DEPARTMENT OF PUBLIC RESOURCES', and 'STATE LANDS DIVISION'.

EXHIBIT B

Reorganization to include Annexation to Running Springs Water District, Dissolution of County Service Area 79 and its Zone R-1, and Formation of County Service Area 70 Zone R-52

Dissolution of County Service Area 79 Zone R-1 and Formation of County Service Area 70 Zone R-52

That portion of Map of Green Valley Park, in the County of San Bernardino, State of California, as per map recorded in Book 23 of Maps, page 17, records of said County, lying within the following described portion of the Southwest quarter of Section 23, Township 2 North, Range 2 West, San Bernardino Meridian:

Commencing at the West 1/4 corner of said section 23;

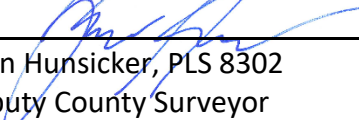
1. Thence $S03^{\circ}20'07''E$ 486.88' along the West line of said section 23 to the Southeasterly right of way line of Green Valley Lake Road also being the **Point of Beginning**;
2. Thence leaving said West line $N26^{\circ}12'40''E$ 54.34' along said right of way line to the North line of Lot 13, Block 5 of said Map of Green Valley Park;
3. Thence leaving said right of way line $N86^{\circ}40'26''E$ 137.57' along the North line of said Lot 13 to the West line of Lot 10, said Block 5;
4. Thence leaving said North line $N03^{\circ}20'07''W$ 110.45' along said West line to the Northwest corner of said Lot 10 said point also being on the North boundary of said map of Green Valley Park;
5. Thence leaving said West line $N86^{\circ}40'26''E$ 350.15' along said North boundary to the Northeast corner of Lot 4, of said Block 5;
6. Thence leaving said North boundary $S03^{\circ}20'07''E$ 70.00' along the East line of said Lot 4 to the South line of the North 70 feet of Lot 3, of said Block 5;
7. Thence leaving said East line $N86^{\circ}40'26''E$ 50.08' along said South line to the West line of Lot 2, of said Block 5;
8. Thence leaving said South line $N03^{\circ}20'07''W$ 70.00' along said West line to the Northwest corner of said Lot 2 said point also being on the said North boundary of said Map of Green Valley Park;
9. Thence leaving said West line $N86^{\circ}40'26''E$ 99.76' along said North boundary to the Northwest corner of Lot 13, Block 2 of said Map of Green Valley Park;
10. Thence leaving said North boundary $N83^{\circ}39'01''E$ 417.06' along the north line of Lots 13, 14, 15, 16, 17 of said Block 2 to the Northwest corner of Lot 18, of said Block 2;

11. Thence leaving said North line of said lots 13, 14, 15, 16, 17 N65°58'08"E, 265.51' along the North line of said lot 18 and lot 19 of said Block 2 to the Northeast corner of said lot 19 said point also being on the most Easterly boundary of said map of Green Valley Park;
12. Thence leaving said North line S03°20'07"E 444.45 along said most Easterly boundary to the Southerly boundary of said map of Green Valley Park;
13. Thence leaving said most Easterly boundary S86°40'26"W 664.48' along said Southerly boundary to the Easterly boundary of said map of Green Valley Park;
14. Thence leaving said Southerly boundary S03°20'07"E 327.62' along said Easterly boundary to the most Southerly boundary of said map of Green Valley Park;
15. Thence leaving said Easterly boundary S86°40'26"W 664.68' along said most Southerly Boundary to the West line of said section 23;
16. Thence leaving said most Southerly Boundary N03°20'07"W 498.47' along said West line to the **Point of Beginning.**

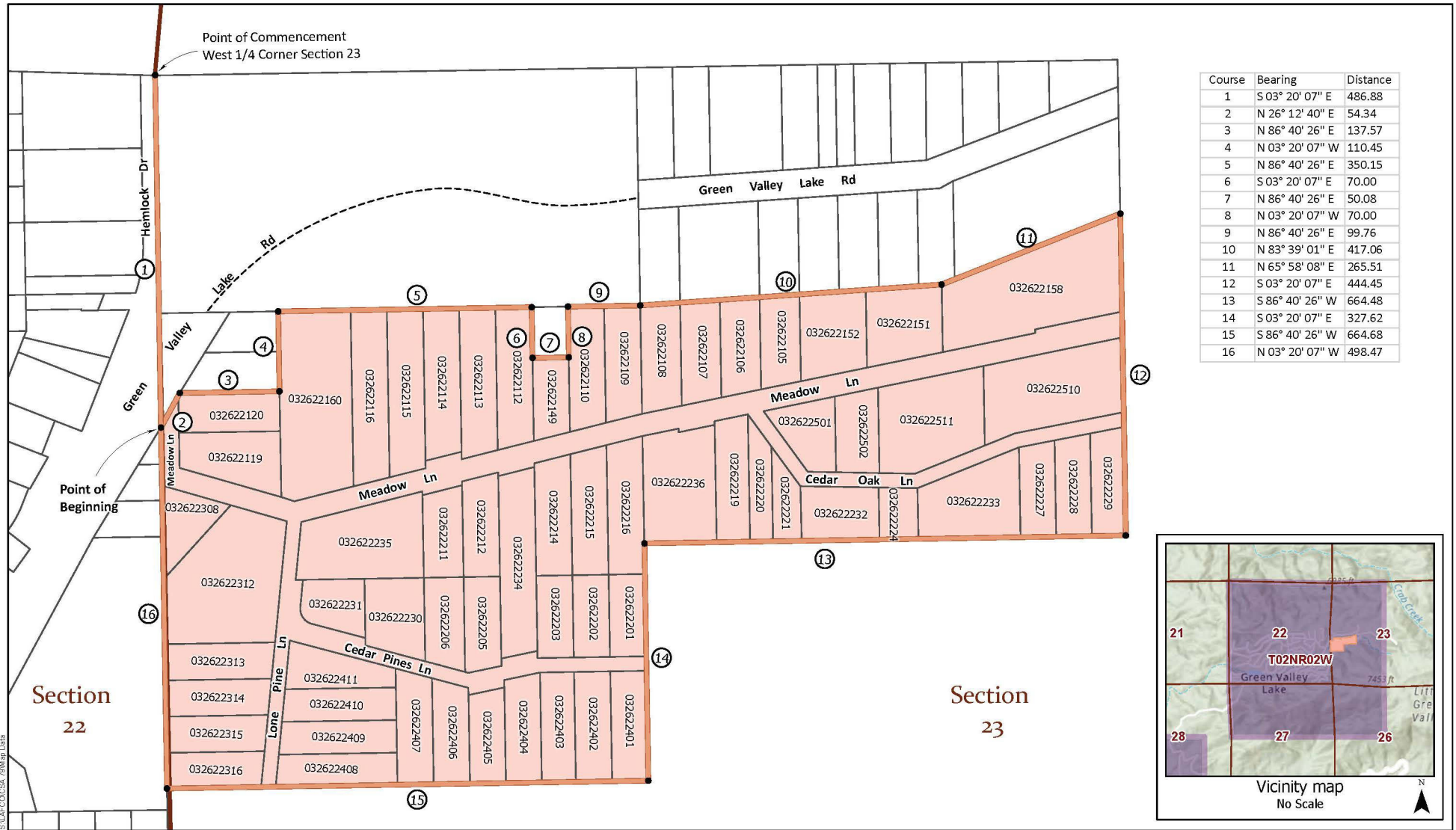
COMPUTED ACREAGE CONTAINING 15 ACRES OF LAND, MORE OR LESS.

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

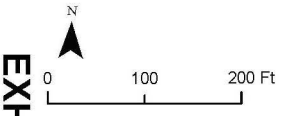


By:  02/07/2022
Ryan Hunsicker, PLS 8302 Date
Deputy County Surveyor

FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY




Course	Bearing	Distance
1	S 03° 20' 07" E	486.88
2	N 26° 12' 40" E	54.34
3	N 86° 40' 26" E	137.57
4	N 03° 20' 07" W	110.45
5	N 86° 40' 26" E	350.15
6	S 03° 20' 07" E	70.00
7	N 86° 40' 26" E	50.08
8	N 03° 20' 07" W	70.00
9	N 86° 40' 26" E	99.76
10	N 83° 39' 01" E	417.06
11	N 65° 58' 08" E	265.51
12	S 03° 20' 07" E	444.45
13	S 86° 40' 26" W	664.48
14	S 03° 20' 07" E	327.62
15	S 86° 40' 26" W	664.68
16	N 03° 20' 07" W	498.47



- Legend**
- CSA79 R1
 - Sections
 - Parcel Lines
 - County Service Area 79

EXHIBIT B-1
 Reorganization to include Annexation to Running Springs Water District, Dissolution of County Service Area 79 and its Zone R-1, and Formation of County Service Area 70 Zone R-52
 Dissolution of County Service Area 79 Zone R-1 and Formation of County Service Area 70 Zone R-52

Affected Agency
 CSA79 R1
 Running Springs Water District

By: 
 Ryan Hunsicker, PLS 8302
 Deputy County Surveyor

Date: 02/02/22



EXHIBIT B-1

EXHIBIT B-1

FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY