

PROPOSAL NO.: LAFCO 3084

HEARING DATE: FEBRUARY 17, 2010

RESOLUTION NO. 3089

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3084 AND APPROVING THE HI-DESERT WATER DISTRICT EXPANSION OF AUTHORIZED SERVICES TO INCLUDE COLLECTION, TREATMENT, RECLAMATION, AND DISPOSAL UNDER ITS AUTHORIZED SEWER FUNCTION.

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

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

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

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

WHEREAS, the public hearing by this Commission was held upon the date and at the time and place specified in the notice of public hearing and in an order or orders continuing the hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written protests; the Commission considered all plans, 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; and

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

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SECTION 1. The Local Agency Formation Commission of the County of San Bernardino hereby approves the amendment of the Exhibit "A" of its Rules and Regulations of Special Districts and hereby finds and determines:

1. That the Rules and Regulations affecting the functions and services of Special Districts were originally adopted on November 10, 1976; and,
2. That the Exhibit "A" of the Rules and Regulations lists each special district and its services and functions pursuant to the requirements of Section 6 of the Rules and Regulations; and,
3. That the Board of Directors of the Hi-Desert Water District desires an expansion of authorized services under its authorized sewer function as follows:

FUNCTION	SERVICE
Sewer	Collection, transportation, treatment, reclamation, disposal, planning, and engineering

4. That said Commission proposed to consider the application to amend the Rules and Regulations without reference to a special district advisory committee; and,
5. That said Commission approves the expansion of the authorized services under the authorized sewer function within the boundaries of the Hi-Desert Water District and determines, pursuant to Government Code Section 56824.14, that the Plan for Service combined with the other documents submitted identifies that the revenues shown (anticipated federal and state grant funding, loans from the state revolving fund, Town of Yucca Valley, and Hi-Desert Water District Water Fund; and proposed assessment district) are anticipated to be sufficient for constructing the proposed water reclamation facility, wastewater treatment plant, and sewer collection system in addition to the fee schedules to be developed to provide the funding for the service which includes maintenance and operation.

SECTION 2. FINDINGS. The following findings are noted in conformance with Commission policy and State law:

1. The County Registrar of Voters has determined that they study area contains 10,896 registered voters as of November 5, 2009.
2. The County Assessor has determined that the total assessed value of land and improvements within the study area is \$1,614,663,459 (land - \$469,315,384; improvements - \$1,145,348,075).
3. Notice of the original hearing was advertised as required by State law through publication in the *Hi-Desert Star*, 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 requesting mailed notice.

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4. Comments from the public and any affected local agency have been reviewed and considered by the Commission in making its determination.
5. The proposal does not conflict with the adopted County General Plan adopted for the area.
6. The Hi-Desert Water District, through its environmental consultant, prepared an environmental assessments and Mitigated Negative Declaration as a function of its review of the Hi-Desert Water District Water Reclamation Facility, Wastewater Treatment Plant, and Sewer Collection System Project (State Clearinghouse No. 2009061035), which indicates that approval of its project will not have a significant adverse impact on the environment. The Hi-Desert Water District's Initial Study and Mitigated Negative Declaration has been reviewed by the Commission's staff and found them to be adequate for the Commission's use as a California Environmental Quality Act (CEQA) responsible agency.

The Commission certifies that it has reviewed and considered the Hi-Desert Water District's Final Mitigated Negative Declaration and environmental effects as outlined in the Initial Study prior to reaching a decision on the project and finds the information substantiating the Mitigated Negative Declaration is adequate for its use in making a decision as a CEQA responsible agency. The Commission finds that it does not intend to adopt alternatives or mitigation measures for this application as all changes, alterations and mitigation measures are within the responsibility and jurisdiction of the Hi-Desert Water District and/or others and not the Commission.

The Commission, as responsible agency, notes that this proposal is exempt from Department of Fish and Game fees because the filing fees were the responsibility of the Hi-Desert Water District, as the CEQA lead agency to the Initial Study and Mitigated Negative Declaration. The Commission directs its Executive Officer to file the Notice of Determination within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

7. The area of the Hi-Desert Water District is currently served by the following local agencies:

County of San Bernardino
County Service Area 70 (multi-function unincorporated county-wide) and its
Improvement Zones R-26, R-29, and TV-5
Hi-Desert Memorial Healthcare District
Mojave Desert Resource Conservation District
Mojave Water Agency and its Improvement Zones M and 1
San Bernardino County Fire Protection District and its South Desert Service
Zone
Town of Yucca Valley
Yucca Valley Airport District

None of the agencies are affected by this application.

8. The Plan for Service combined with the other documents submitted by the District as a part of the application has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668 and 56824.12. The Commission finds that such Plan and documents combined conform to those adopted standards and requirements.

DATED:

KATHLEEN ROLLINGS-McDONALD
Executive Officer

DRAFT