

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

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DATE: APRIL 14, 2010
FROM: MICHAEL TUERPE, LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #7: Presentation of Correction to Service Review for the Barstow Fire Protection District

STAFF RECOMMENDATION:

Staff recommends that the Commission note and file this report.

BACKGROUND:

At the February 18, 2009 hearing, the Commission adopted Resolution No. 3050 for the service review as required by Government Code Section 56430 and the sphere of influence update as required by Government Code Section 56425 for the Barstow Fire Protection District (LAFCO 3032). Due to an inadvertent error made by staff in the staff report and resolution, a correction is being made by LAFCO's Executive Officer to Resolution No. 3050 pursuant to the authority provided in Government Code Section 56883 to correct an error which occurred inadvertently without requiring the initiation of a new review process.

Determination No. 5 in the staff report and resolution under Government Structure Options, relating to the qualification of subsidiary status of the District, states that the minimum 70% requirement was met for registered voters but that less than 70% of the District's territory was within the boundaries of the City, and therefore the minimum 70% territory requirement was not satisfied. As required by law, in order for the District to become a subsidiary district of the City, at least 70% of registered voters in the District must reside in the City and at least 70% of the District's territory must also be within the boundaries of the City.

However, a later review at the request of the City of Barstow and the District of the precise overlay of City and District boundaries determined that more than 70% of the District's territory is within the boundaries of the City. The District contains 29,235 acres, and of this amount 22,185 acres is within the boundaries of the City. This equates to 76%; therefore, the minimum requirement of at least 70% of the District's boundaries being within the City is satisfied.

The amendment is a correction to LAFCO Resolution No. 3050 Determination No. 5: Accountability for community service needs, including governmental structure and operational efficiencies. The correction is shown below and is related to Government Structure Options and the qualification of subsidiary status of the District.

- The District becoming a subsidiary district of the City of Barstow (City). Legal requirements for establishment of the District as a subsidiary district of the City are:
 - at least 70% of registered voters in the District must reside in the City; and,
 - at least 70% of the District's territory must also be within the boundaries of the City.

LAFCO staff has verified that both requirements were satisfied in October 2008; therefore, the District is eligible for establishment as a subsidiary district of the City. In order for subsidiary status to be established, an application needs to be submitted to LAFCO requesting such an action be taken along with submission of a plan for services. In this option, the District would continue to exist, the facilities would remain in the name of the District, and the taxes and assessments would still be received by the District. The change comes in the form of governance – the District would be governed by the City Council sitting as the ex-officio members of the Board of Directors.

Attached to this staff report is the Amended Resolution No. 3050, and a copy of the amended resolution will be forwarded to all interested and affected agencies.

MT/

Attachment