

PROPOSAL NO.: LAFCO SC#355

HEARING DATE: SEPTEMBER 15, 2010

RESOLUTION NO. 3108

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO SC#355 – COUNTY SERVICE AREA 42 OUT-OF-AGENCY SERVICE AGREEMENT FOR WATER AND SEWER SERVICES (APN 0468-241-01, ORO GRANDE SCHOOL DISTRICT)

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/or sphere of influence; and,

WHEREAS, an application for the proposed service extension in the County of San Bernardino 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 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 order or orders continuing the hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written protests; 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 of the County of San Bernardino does hereby determine, find, resolve and order as follows:

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DETERMINATIONS:

SECTION 1. FINDINGS. The following findings are noted in conformance with Commission policy:

1. The project area, identified as Assessor Parcel Number (APN) 0468-241-01, is generally bordered by National Trails Highway (existing County Service Area 42 boundaries/sphere) on the east, and parcel lines on the south, west, and north. This parcel is being developed as a junior high and high school and is anticipated to become a part of County Service Area 42 (CSA 42) through approval of LAFCO 3146 (sphere expansion) and completion of LAFCO 3147 (reorganization to annex to CSA 42). The application requests authorization to receive water and sewer service from CSA 42 pursuant to Government Code Section 56133 (c) in order to alleviate any potential threat to the health and safety of the public.
2. The Agreement being considered is for the provision of water and sewer service by CSA 42 to APN 0468-241-01. The contract was signed by the property owner on August 4, 2010 and was approved by the County Board of Supervisors, acting as CSA 42's ex-officio Board of Directors on September 14, 2010. This contract will remain in force in perpetuity for said parcel until such time as the sphere expansion (LAFCO 3146) is approved and the reorganization proposal (LAFCO 3147) is completed.
3. The total estimated fees charged by CSA 42 for the extension of water and sewer service to the parcel are estimated at \$413,141.63 (a breakdown of charges is on file in the LAFCO office). At present, it is not known what portions of the fees were paid for the existing service. In addition, the School District will be responsible for all costs related to the construction and installation of a new water well, a sewer lift station, and all other on-site and off-site water and sewer improvements.
4. The Local Agency Formation Commission has determined that this service contract is statutorily exempt from environmental review since it does not have the potential for causing a significant effect on the environment, directly or ultimately (Section 15061(b)(3) of the State California Environmental Quality Act Guidelines). Therefore, this proposal 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 Statutory Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.

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

1. There is a threat to the health and safety of the public since the operation of the school is contingent upon the provision of water and sewer service; and,
2. There is no public (or private) water and/or sewer service provider in the area other than CSA 42.

Therefore, the Commission does hereby authorize the provision of water and sewer service by CSA 42 to APN 0468-241-01, located outside its jurisdictional boundaries and outside its sphere of influence, to respond to a potential health and safety threat to the public.

