

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

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DATE: NOVEMBER 29, 2010

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #5 – REVIEW AND ADOPTION OF RESOLUTION NO. 3113 FOR LAFCO 3082 – SPHERE OF INFLUENCE AMENDMENTS (EXPANSIONS AND REDUCTIONS) FOR THE CITY OF VICTORVILLE AND VICTORVILLE WATER DISTRICT AND (REDUCTION) FOR THE CITY OF ADELANTO

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt Resolution No. 3113 reflecting its determinations for the Service Reviews and Sphere of Influence Amendments for the City of Victorville, Victorville Water District, and City of Adelanto (LAFCO 3082).

BACKGROUND:

At the September 15, 2010 Hearing the Commission reviewed and considered LAFCO 3082 which proposed sphere of influence amendments for the City of Victorville, Victorville Water District and City of Adelanto and included as a part of the consideration a Service Review for the affected agencies. The September hearing culminated a more than three year review process for the application, and identified requests for updated information from the City of Victorville and its subsidiary Victorville Water District as follows:

1. Final information on the amendment to the Desert Gateway Specific Plan to address the concerns expressed regarding mining activities in Section 21 of the proposed sphere expansion area. The City provided information that its Planning Commission at its September 8th hearing had approved an amendment to address concerns expressed by James Hardie Building Products Inc. and the Commission. Attached to this report is a copy of the October 5, 2010 City Council Agenda Item related to the adoption of this amendment (Attachment #1). LAFCO staff has requested that the City provide a copy of the final ordinance to complete the process.
2. The September staff report outlined the staff's concerns regarding the lack of Commission authorization for the Victorville Water District to provide for wastewater (sewer) services. Representatives from the City indicated that an application to address this concern would be forthcoming from the District and City. As of the date

of this report and draft resolution, no application for initiating the activation process has been presented to the City or Water District. LAFCO staff has been made aware that Mr. Reginald Lamson, Executive Director of the Water District, has resigned from his position, effective November 30, 2010, to take a position with the Apple Valley Ranchos Water Company. Staff understands that the processing of this request has now been transferred to the Public Works Director but no submission timeline has been received.

3. LAFCO staff identified in the section of the report identified as "Financial Ability of Agencies to Provide Service" that the Victorville Water District did not adopt an appropriation limit for Fiscal Year 2010-11 as required by the Article XIII B of the State Constitution. To date, no information has been provided by the Victorville Water District that this situation has been rectified allowing it to expend the proceeds of its property tax distribution.
4. In the Financial Ability of Agencies to Provide Service section of the report questions regarding inter-fund loans were outlined. In the interim, these questions have been answered by the City staff. LAFCO staff understands that a number of inter-fund transfers are being converted to loans to clear up the funding issues. However, the leasing of the City of Victorville wastewater operations to the Victorville Water District remains unresolved as of the date of this report and resolution.
5. At the September 15, 2010 hearing Commissioner Cox expressed concern regarding the information provided in the Regional Water Section of the report identifying the need for further information from the Mojave Water Agency (MWA). Following the hearing, LAFCO staff contacted MWA staff to seek additional feedback on the report. The Draft Resolution presented for consideration includes the updated information from MWA staff outlining the information from the State Department of Water Resources adopted the Updated 2009 Reliability Report (August 2010). LAFCO staff's presentation referenced but did not include this information as it was in draft form during the processing of the application.

On November 24 LAFCO staff received the revised maps and legal description for LAFCO 3082. The information outlined on the legal description has revised the acreages of all expansion and reductions to the spheres of influence previously outlined. Pages 2 and 3 of the resolution reflect the corrected acreage figures.

Attached to this report is the draft resolution for LAFCO 3082 outlining the Commission's determinations required by Government Code Section 56430 and 56425 and the approval of LAFCO 3082 as modified at the June and September 2010 hearings. Staff will be happy to answer any questions prior to or at the hearing related to the resolution presented for consideration.

KRM

Attachments:

1. [City Council Agenda Item Dated September 21, 2010 for the Desert Gateway Specific Plan Amendment DEV10-00008](#)
2. [Draft LAFCO Resolution No. 3113 Approving LAFCO 3082 As Modified](#)