

**PROPOSAL NO.: LAFCO 3107**

**HEARING DATE: July 21, 2010**

**RESOLUTION NO. 3093**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3107 – A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE CRESTLINE-LAKE ARROWHEAD WATER AGENCY (affirmation of the existing sphere of influence as shown on the attached map).**

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

**WHEREAS**, a service review mandated by Government Code 56430 and a sphere of influence update mandated by Government Code Section 56425 have been conducted by the Local Agency Formation Commission of the County of San Bernardino (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

**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**, a public hearing by this Commission was called for June 16, 2010 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 and proposed changes of organization, 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;

**WHEREAS**, a statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that this service review and sphere of influence update are statutorily exempt from CEQA and such exemption was adopted by this Commission on July 21, 2010.

**RESOLUTION NO. 3093**

The Executive Officer was directed to file a Notice of Exemption within five working days of its adoption;

**WHEREAS**, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it is determined that the existing sphere of influence for the Crestline-Lake Arrowhead Water Agency (hereafter shown as the “Agency”) shall be affirmed as depicted on the map attached hereto as Exhibit “A”,

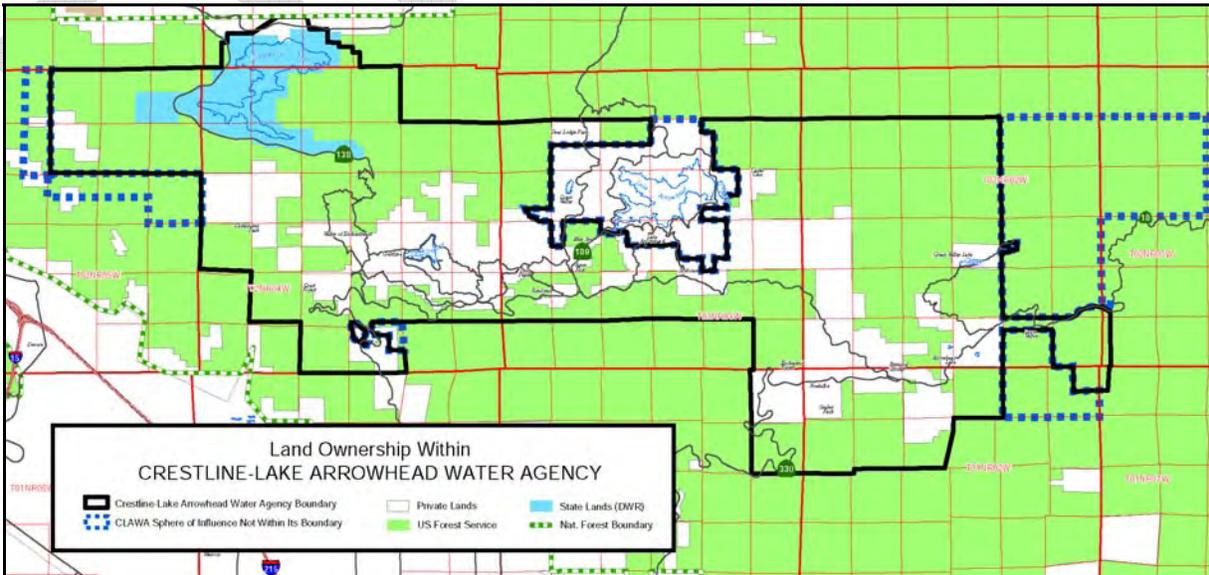
**WHEREAS**, the determinations required by Government Code Section 56430 and local Commission policy are included in the report prepared and submitted to the Commission dated July 12, 2010 and received and filed by the Commission on July 21, 2010, a complete copy of which is on file in the LAFCO office. The determinations of the Commission are:

**1. Growth and population projections for the affected area:**

Development in the San Bernardino Mountains is naturally constrained by rugged terrain, limited access, and lack of support infrastructure, as well as by planning and environmental policies which place much of the area off limits to significant development. The land ownership distribution and breakdown within the District’s boundary are identified on the table below. Roughly two-thirds of CLAWA's area is within the San Bernardino National Forest (owned by the federal government), which are devoted primarily to resource protection and recreational use. However, one of the largest development components in this portion of the mountains, Arrowhead Woods, is not a part of the District or its growth projections. Maximum build-out potential is constrained substantially by the slope-density standards and fuel modification requirements of the County General Plan Fire Safety Overlay.

| Land Owner              | Boundary (sq miles) | Sphere – outside boundary (sq miles) | Total (sq miles) | %             |
|-------------------------|---------------------|--------------------------------------|------------------|---------------|
| State (Silverwood Lake) | 5.0                 | 0.0                                  | <b>5.0</b>       | <b>4.6%</b>   |
| US Forest Service       | 54.7                | 17.2                                 | <b>71.9</b>      | <b>65.1%</b>  |
| Private                 | 25.9                | 7.7                                  | <b>33.6</b>      | <b>30.3%</b>  |
| <b>Total</b>            | <b>85.6</b>         | <b>25.0</b>                          | <b>110.6</b>     | <b>100.0%</b> |

Source: County of San Bernardino Information Services Department



**RESOLUTION NO. 3093**

In general, the San Bernardino Mountains is one of the most densely populated mountain areas within the country, and is the most densely populated urban forest west of the Mississippi River. The CLAWA service area includes commercial uses oriented to tourists and seasonal residents as well as year-round residents. However, development in CLAWA is primarily single-family residential with roughly 93 percent of all homes being single-family dwellings. CLAWA currently has an estimated permanent population of approximately 36,000 (with 11,961 registered voters as of May 2008). However, there is a large seasonal population component as well as a substantial influx of visitors to the mountain resort areas. The seasonal population and visitors are not reflected in available demographic statistics, which count only year-round residents. It is estimated that the seasonal factors can approximately double the peak population to an estimated 69,000.

For population projections for the boundary and sphere, two data sources are utilized, as shown on the figures below. Since the CLAWA boundary generally encompasses three of the four Community Plan areas of the mountain region, the first data source is the population total of all three Community Plan areas. The second data source is the CLAWA 2005 Urban Water Management Plan. The two data sources have statistically differing figures up until 2015 but are statistically similar from 2015 to the 2030 planning horizon of this service review. By 2030, the permanent population is estimated to reach over 46,000. This figure does not take into account seasonal population and tourism. Even with the large increase in population, the area is not anticipated to reach its build-out population by the 2030 horizon of the service review.

| <b>Community Plan</b>   | <b>2000</b>   | <b>2005</b>   | <b>2010</b>   | <b>2015</b>   | <b>2020</b>   | <b>2025</b>   | <b>2030</b>   | <b>2000 to 2030 growth rate</b> |
|-------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------------------------|
| Crest Forest            | 10,606        | 11,295        | 12,030        | 12,812        | 13,644        | 14,531        | 15,592        | 47.0%                           |
| Hilltop                 | 6,026         | 6,508         | 7,029         | 7,591         | 8,198         | 8,854         | 9,683         | 60.7%                           |
| Lake Arrowhead          |               |               |               |               |               |               |               |                                 |
| Arrowhead Woods         | 8,275         | 9,173         | 10,168        | 11,271        | 12,494        | 13,850        | 15,353        | 85.5%                           |
| Remainder of Comm. Plan | 4,398         | 4,894         | 5,446         | 6,061         | 6,744         | 7,505         | 8,156         | 85.5%                           |
| <b>TOTAL</b>            | <b>29,305</b> | <b>31,871</b> | <b>34,673</b> | <b>37,735</b> | <b>41,081</b> | <b>44,740</b> | <b>48,784</b> | <b>66.5%</b>                    |

| <b>Community Plan</b>   | <b>Build-out</b> | <b>2030 as % of Build-out</b> |
|-------------------------|------------------|-------------------------------|
| Crest Forest            | 25,257           | 62%                           |
| Hilltop                 | 27,376           | 35%                           |
| Lake Arrowhead          |                  |                               |
| Arrowhead Woods         | 42,333           | 36%                           |
| Remainder of Comm. Plan | 22,794           | 36%                           |
| <b>TOTAL</b>            | <b>117,760</b>   | <b>41%</b>                    |

Source: County of San Bernardino 2007 Community Plans; LAFCO

Notes: Does not include seasonal population or visitors

Italicized figures are calculated by LAFCO staff

Hilltop Community Plan represents Arrowbear/Green Valley Lake/Running Springs

| <b>UWMP</b> | <b>2000</b> | <b>2005</b> | <b>2010</b> | <b>2015</b> | <b>2020</b> | <b>2025</b> | <b>2030</b> | <b>2000 to 2030 growth rate</b> |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|---------------------------------|
| CLAWA       | 32,500      | 34,500      | 37,000      | 39,000      | 41,000      | 43,500      | 46,110      | 41.9%                           |

source: CLAWA 2005 UWMP; LAFCO

note: italicized figures are calculated by LAFCO staff.

## RESOLUTION NO. 3093

### 2. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies:

CLAWA provides retail and wholesale water within its boundaries utilizing waters transported from Silverwood Lake. CLAWA Law also allows it to perform the following services, although authorization to perform the services would be subject to LAFCO approval:

- Power generation – Hydroelectric power generation
- Recreation – Operation of public recreational facilities appurtenant to reservoirs
- Reclamation – Treatment and reclamation of sewage and storm water. However, within its boundaries and sphere of influence, there are three agencies that provide this service within the region: Crestline Sanitation District, Running Springs Water District (through a JPA with Arrowbear Park and CSA 79), and Lake Arrowhead Community Services District.

#### Supply

CLAWA's sole source of supply for wholesale and retail service is surface water from Silverwood Lake, which is part of the East Branch of the California State Water Project ("SWP"). The waters of Silverwood Lake come primarily from the SWP with additional incoming flow from Houston Creek. CLAWA does not currently use any groundwater, nor are there any projected future plans for CLAWA to use groundwater. In addition to the water annually imported by CLAWA, water purveyors in the CLAWA service area produce approximately 1200-1600 acre-feet annually from local groundwater sources.

#### *State Water Project*

CLAWA is one of 29 state water contractors and has entered into a contract with the Department of Water Resources for the availability to import up to 5,800 acre-feet of water per year from the SWP (also known as "Table A" water). CLAWA Law and its contract with the Department of Water Resources prohibit CLAWA from delivering any portion of its imported water supply for use outside of its boundaries.

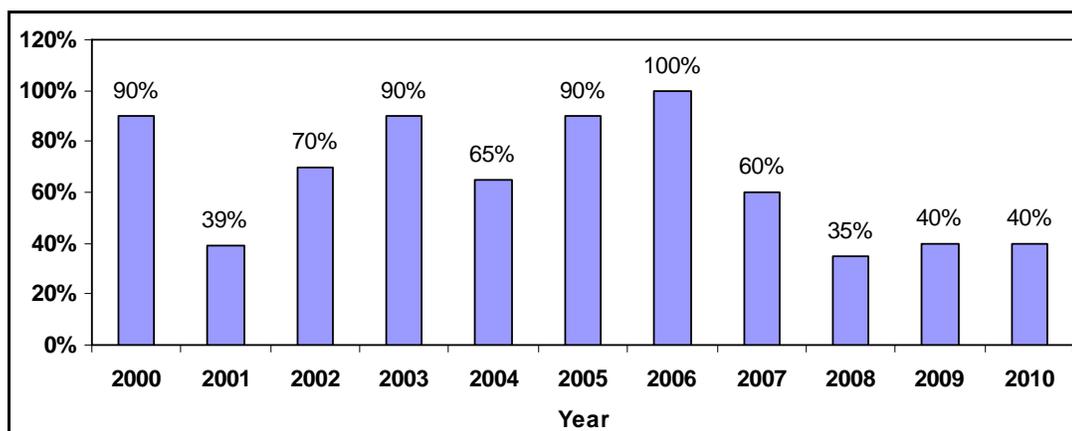
The most significant regional issue is present and future water supply. The *2007 State Water Project Delivery Reliability Report* indicates that SWP deliveries will be impacted by two significant factors. First, it is projected that climate change is altering hydrologic conditions in the State. Second, a ruling by the Federal Court in December 2007 imposed interim rules to protect delta smelt which significantly affects the SWP. Further, the *Report* shows, "...a continued eroding of SWP delivery reliability under the current method of moving water through the Delta" and that "annual SWP deliveries would decrease virtually every year in the future..." The *Report* assumes no changes in conveyance of water through the Delta or in the interim rules to protect delta smelt.

The figure below shows the allocation percentage that State Water Contractors have been allowed to purchase since 1998. For example, CLAWA is entitled to purchase up to 5,800 acre-feet of imported water per year. As of May 4, 2010, the allocation percentage for 2010 is 40%; therefore, CLAWA can purchase up to 2,320 acre-feet. This sharp reduction in supplemental water supply will reduce the amount of water that CLAWA can deliver to its retail and wholesale customers. This prompts water purveyors to scale back consumption annually, to aggressively promote water conservation measures, and to buy more expensive imported water. Finding efficiencies in managing limited supply sources is critical for the future of the community.

#### **Department of Water Resources State Water Project**

## RESOLUTION NO. 3093

### Allocation Percentages Statewide (2000-2010)



Source: Department of Water Resources

To date, CLAWA has indicated that the SWP allocation reductions have not adversely impacted the agency's ability to serve its retail and wholesale customers. CLAWA's retail deliveries averaged roughly 270 acre-feet/year for the past 10 years, which is a fraction of total water deliveries (16% of total deliveries to CLAWA from Lake Silverwood). Wholesale deliveries comprise the majority of CLAWA's water deliveries and the local retailers use this water to supplement their own local groundwater resources. Information is not available from CLAWA's retail customers to break down each purveyor's local groundwater supply. However, CLAWA staff indicates that the local groundwater supply has been sufficient to date to satisfy local demand. Given this, retail and wholesale demand has not exceeded CLAWA's SWP allocation to date.

However, conditions could change which would hinder local and imported supply. Multiple dry years would affect local supply. Multiple dry years in Northern California and/or additional judicial rulings limiting pumping of SWP water would reduce imported supply. Occurrence of either of these scenarios would increase reliance on and challenge CLAWA's imported supply. The Department of Water Resources has assured that water requests by CLAWA for SWP water would be honored to a minimum of 1,950 acre-feet per year even during extended droughts for domestic, health/safety, and fire fighting purposes. Assuming a worst-case scenario that no local water supplies are available, this is the estimated total worst-case water supply projection.

CLAWA's SWP contract allows it to carry-over the unused portion of its allocation in the San Luis Reservoir in Merced County for use by CLAWA in a later year. The carry-over of water is subject to Department of Water Resources determining that there is adequate storage space in the reservoir. Anticipating that local and imported supply is not static, CLAWA has indicated that as of March 2010, it had 2,398 acre-feet of accumulated carry-over water at San Luis Reservoir for use in subsequent years if needed, dependent upon storage space in the reservoir.

The importance of supplemental water to this area of the mountain top is not limited to residential water. The overall Crestline-Lake Arrowhead area has experienced large fires within the past few decades and these fires directly affected the water supply. The Panorama Fire in 1980 was fought with 12.3 acre-feet of CLAWA water, the Old Fire in 2003 was fought with 61.4 acre-feet, and the Grass Valley and Slide Fires were fought with 36.8 acre-feet.

*Houston Creek*

## RESOLUTION NO. 3093

The secondary water source is Houston Creek, which also flows into Silverwood Lake. The reliability of supply from Houston Creek is dependent upon local precipitation, surface water management, and possibly groundwater production by others. Prior to 1991, the water from Houston Creek was un-appropriated. In that year, CLAWA applied for, and received, appropriative rights (diversion permits) up to 1,302 acre-feet/year, as issued by the State Water Resources Control Board. Average Houston Creek allocations over the past 15 years are approximately 424 acre-feet/year.

Water from Houston Creek in conjunction with the SWP deliveries creates an additional source and lessens reliance solely on the SWP. Due to the recent reductions in SWP deliveries, CLAWA has been able to use water from Houston Creek to supplement its supply.

### *Water Supply Projections*

CLAWA's 2005 Urban Water Management Plan assumes that the SWP will be able to allocate an average of 70% per year. However, the recent federal judicial rulings and environmental concerns have reduced the allocation to 35%, 40%, and 40% for the past three years. Continued reduction of SWP allocations coupled with the anticipated population growth will challenge CLAWA's ability to provide wholesale and retail water in the future.

### *Conservation and Emergency*

Water shortages at the state level have the potential to disrupt CLAWA's water supply. In response to previous SWP allocation reductions, CLAWA's Board has adopted Water Conservation Ordinances to prohibit certain water wasting uses during shortage conditions for its retail customers, and if necessary to allocate its available supplies among its customers. In 1991, CLAWA adopted Ordinance Nos. 44 & 45 which established a water conservation plan (Appendix E of 2005 Urban Water Management Plan). These ordinances prohibit water waste during times of water shortage and discourage excessive water use at any time, including, but not limited to washing of autos or buildings. The ordinances also include surcharges for water use in excess of a basic allocation. Also in 1991, CLAWA submitted a comprehensive conservation plan to the State Water Resources Control Board (Appendix F of 2005 Urban Water Management Plan). These ordinances and conservation plan remain in effect today and CLAWA's Board can implement the provisions of those plans as necessary.

The most likely events which could cause CLAWA to sustain a catastrophic interruption in water supply are wildland fires, earthquakes, and system failure. CLAWA has recently prepared emergency response plans and participated in the preparation of a regional hazard mitigation plan. Each of these plans attempts to mitigate the effects of these catastrophic interruptions in water supply.

The primary effect of fires and earthquakes on water supply is the interruption of power throughout the San Bernardino Mountains. During the 2003 "Old Fire", most of CLAWA's service area was without power for approximately two weeks. CLAWA was able to successfully mitigate this situation by installing permanent standby generators at each of its main treatment, pumping, and operations facilities. The primary concern related to earthquakes is the potential damage to CLAWA's treatment, storage and distribution facilities. In order to minimize system damage during an earthquake, CLAWA's facilities have been designed in accordance with current safety requirements and have generally been constructed with multiple units to minimize the system disruption if a single unit is damaged.

## RESOLUTION NO. 3093

CLAWA may implement water conservation measures, development conditions, and similar regulations only with respect to the water users that CLAWA directly serves on a retail basis. The water purveyors who purchase water from CLAWA may undertake their own water management and conservation programs, which would apply to their direct customers.

### Demand

Within CLAWA there are more than twenty public and private water purveyors and camps depending on wholesale supplemental water from CLAWA, along with approximately 1,200 retail customers within four improvement districts with a direct connection to CLAWA.

CLAWA pumps surface water from Silverwood Lake, treats and disinfects the water at a “multi-barrier” treatment plant located near the south shore of the Lake, then pumps the treated water uphill to CLAWA’s storage and pipeline distribution system which extends from Job’s Peak, near Cedarpines Park, eastward to Green Valley Lake. Once the water is treated and pumped up the mountain, it can then be delivered to its wholesale purveyors and retail customers. However, some retail water purveyors may provide additional treatment for their own local water supplies and blend the supplemental supply with their groundwater resources. A review of the 2007, 2008, and 2009 Water Quality Reports does not identify any contaminant violations.

### *Retail Connections*

According to CLAWA, there are approximately 14,750 active service connections within its boundaries. Of this figure, approximately 92 percent are served retail water by CLAWA’s purveyor customers. The remaining 1,210 connections are served directly by CLAWA to an estimated population of 2,750 permanent residents, although the seasonal population of CLAWA’s retail customers can increase to approximately 5,500 due to the vacation or second home nature of much of the community. CLAWA indicates that its retail connections have increased only slightly within the past 10 years. The population growth in CLAWA has been within the service areas of the other retail water providers rather than CLAWA’s retail improvement districts.

Ninety-three percent (93%) of CLAWA’s retail service is classified as general or residential. The remaining seven percent is comprised of commercial, agricultural/irrigation, and camps. CLAWA does not have any industrial connections.

The CLAWA original concept was to sell treated water only on a wholesale basis to retail purveyors within CLAWA’s service area, and only on a supplemental basis as needed to supplement water produced from local wells. In subsequent years, some of the retail purveyors experienced financial difficulties and there were no other public water providers in the area at that time. As a result CLAWA formed Improvement Districts "A", "B" "C" and "D" in order to improve the respective facilities and provide retail water. Within each of these improvement districts, CLAWA agreed to assume operation of the retail systems from a private or mutual water company provided that the cost of upgrading those systems to agency standards were borne by the customers in those areas. Each of the improvement districts is treated by CLAWA as if it was a separate water purveyor, with water sold from the CLAWA’s general system to each improvement district at the standard rate for wholesale water, and with rates and charges within each improvement district adjusted as necessary to pay that improvements district’s costs. CLAWA maintains separate accounting records for each improvement district. Retail water is currently provided by CLAWA to the following areas:

- Improvement District A - Little Bear (55 connections)

## RESOLUTION NO. 3093

On June 15, 1972, an agreement was signed with Little Bear Canyon Park, creating Improvement District "A". In consideration of CLAWA providing retail water facilities, \$11,400 was paid by the Water Company as a contribution in aid of construction for the necessary distribution system. A review of the California Secretary of State and Department of Corporations websites does not identify Little Bear Canyon Park as an active entity.

- Improvement District B - Great View (22 connections), Horseshoe Bend (44), Arrowhead Highlands (145), Strawberry Flats (186), Cottage Grove (46), Blue Jay (46), Burnt Mill (63), and Lake Arrowhead Crest Estates (102)

Improvement District B consists of several small and distinct water systems that were privately owned, which the owners asked the Agency to take over between 1972 and 1977. Additionally, the Blue Jay, Strawberry Flat and Lake Arrowhead Crest Estates Water Systems were transferred from Improvement District A to Improvement District B as of July 1, 1977. On June 2, 1977, Improvement District B was formed by the agency to accept *Safe Drinking Water Act* funding from the State of California, to utilize such funding for the rebuilding of retail water distribution facilities within the improvement district and to establish a fiscal structure for repayment of such funding over an extended period. At a special election on July 12, 1977, the voters of Improvement District B authorized the acceptance of a \$1,250,000 loan from the State of California Safe Drinking Water Bond Fund and a tax rate not to exceed \$1.75 per \$100 assessed valuation within the district to repay the loan.

During the fiscal year ended June 30, 1978, the Agency entered into agreements with four additional water service entities within the boundaries of Improvement District B, whereby certain funds and their entire water systems were donated to the agency and the agency assumed the obligation of providing water service to these areas.

- Improvement District C – Meadowbrook/Crest Park (190 connections)

CLAWA entered into an agreement with Meadowbrook Water Company on April 3, 1982, accepting the transfer of their water system and assuming the obligation for providing water service and improving the water system to the extent possible from funds derived from operation of the system or assessments levied upon the property. On June 3, 1982, Improvement District C was formed to provide public funding for the rebuilding of these water facilities and establish a fiscal structure for repayment of such funding. A review of the California Secretary of State and Department of Corporations websites does not identify Meadowbrook Water Company as an active entity.

On November 1, 1983, CLAWA executed a contract with the State of California Department of Water Resources under the *California Safe Drinking Water Bond Law of 1976* (Proposition 3), for a loan in the amount of \$721,906 to assist in financing construction of the "Meadowbrook Project".

- Improvement District D – Grandview (153 connections)

Improvement District D was formed by CLAWA Board resolution on August 4, 1988, to finance and construct water storage, transmission and distribution facilities within the Grandview service area. Water rates for retail water service and capital facility charges to be collected in the Grandview service area are used to refund monies advanced by the agency's general fund and finance additional construction in the improvement district's service area. At that time, and presently, Improvement Zone D is partially within the boundaries of Lake Arrowhead Community

**RESOLUTION NO. 3093**

Services District. Why the choice of CLAWA was made over Lake Arrowhead Community Service District was made is not known.

*Past and Current Demand*

The agency's average demand over the past 15 years has been approximately 1,500 acre-feet per year (26% of SWP amount) and peaked at 2,563 acre-feet (43% of SWP amount) in 2004.

Ninety-two percent of the customers within CLAWA's service area are served by other retail water purveyors but approximately 65 to 75 percent of CLAWA's water is delivered to its wholesale customers. This is due to the fact that each of CLAWA's retail customers has their own source of local supply and utilizes CLAWA's water as supplemental to their own local supply. Information is not available from CLAWA's purveyor customers to break down each purveyor's water use by customer.

TABLE 8  
CLAWA's 2003 Water Deliveries by Customer Category

| CUSTOMERS                | CLAWA's 2003 WATER DELIVERIES |                                 |
|--------------------------|-------------------------------|---------------------------------|
|                          | Water Deliveries (ac-ft)      | Percent of Water Deliveries (%) |
| Improvement District "A" | 10                            | 0.5                             |
| Improvement District "B" | 173                           | 8.4                             |
| Improvement District "C" | 29                            | 1.4                             |
| Improvement District "D" | 135                           | 6.5                             |
| Wholesale Customers      | 1,617                         | 78.1                            |
| Other Retail Customers   | 107                           | 5.1                             |
| Total Water Use          | 2,071                         | 100                             |

Source: Albert A. Webb Associates (2003 Annual Report to CDHS)

Source: 2005 Urban Water Management Plan

The "Other Retail Customers" shown in the chart above are comprised of 158 connections to the various camps, Forest Service facilities and small private or mutual water companies within the District. A complete listing of these service connections is on file in the LAFCO office.

Seasonal changes in water demand in the CLAWA area are quite different from the normal seasonal variation in water use by customers of average water purveyors, which reflect monthly changes in water use for landscape irrigation, swimming pools, car washing, space cooling, etc. The CLAWA area experiences huge seasonal swings in the number of people it serves with peaks in both summer and winter due to the second home/resort nature of many of its communities. CLAWA must be able to reasonably project and accommodate these varying water demands in order to serve its retail and wholesale customers.

*Future Demand*

## RESOLUTION NO. 3093

The State Water Project allocation as of May 2010 is 40%, which permits CLAWA 2,320 acre-feet. This amount, when combined with the average Houston Creek allocation over the past 15 years of 424 acre-feet totals 2,744 acre-feet. For 2008 and 2009, total deliveries by CLAWA were 1,886 acre-feet and 1,629 acre-feet, respectively. Recent demand has been less than the available supply due to favorable local supply conditions. In turn, wholesale demand from CLAWA has been reduced. However, continued reduction of SWP allocations coupled with the anticipated population growth will challenge CLAWA's ability to provide the wholesale and retail water in the future.

### *Water Rates*

All of the separate retail water purveyors within CLAWA's boundaries are charged the same rate for wholesale water service no matter where they are located. The wholesale water rate has not been adjusted for over 15 years and is \$1,150 per acre-foot. A sampling of the residential retail water rates of the larger agencies within the CLAWA service area is identified in the chart below.

**Residential Water Rate Comparison (2010)**  
(rates measured in units, or one hundred cubic feet)

| Agency   | Water Use Rate |          |            |           | Monthly Meter Charge (3/4" Meter) | Monthly Avg. Cost (20 units of water) |
|--|----------------|----------|------------|-----------|-----------------------------------|---------------------------------------|
|  | Tier One       | Tier Two | Tier Three | Tier Four |                                   |                                       |
| Alpine Water Users Association   | \$3.30         | 6.60     | -          | -         | \$30.00                           | \$112.50                              |
| Arrowbear Park County Water District   | -              | 4.90     | -          | -         | 19.50                             | 88.10                                 |
| Cedar Pines Park Mutual Water Co.  | 5.50           | 7.00     | 10.00      | -         | 30.76                             | 179.76                                |
| County Service Area 70 Zone CG   | 4.69           | 5.21     | 5.73       | 6.30      | 61.80                             | 158.72                                |
| Crestline-Lake Arrowhead Water Agency (Improvement Districts A & C) <sup>1</sup> | -              | \$7.25   | -          | -         | 15.00                             | 141.88                                |
| Crestline-Lake Arrowhead Water Agency (Improvement District B) <sup>1</sup>      | -              | \$5.00   | -          | -         | 10.00                             | 97.50                                 |
| Crestline-Lake Arrowhead Water Agency (Improvement District D) <sup>1,2</sup>    | -              | \$7.25   | -          | -         | 25.00                             | 151.88                                |
| Crestline Village Water District   | 4.20           | 6.30     | -          | -         | 19.75                             | 118.45                                |
| Green Valley Mutual Water Company  | 2.40           | 7.75     | -          | -         | 30.50                             | 137.35                                |
| Lake Arrowhead Community Services District (Arrowhead Woods)                     | 0.68           | 1.74     | 6.21       | 12.93     | 20.60                             | 79.27                                 |
| Lake Arrowhead Community Services District (Deer Lodge Park)                     | 3.27           | 3.90     | -          | -         | 22.52                             | 94.22                                 |
| Running Springs Water District   | 3.26           | -        | -          | -         | 18.15                             | 83.35                                 |

Rates rounded to the nearest hundredth

<sup>1</sup> CLAWA retail rates are for 5/8" meter  
<sup>2</sup> \$25 monthly meter charge includes \$10 charge for loan repayment

### Facilities

CLAWA has stated that the condition of its water system facilities (transmission and retail systems) is very good; and the agency provides both routine and major maintenance to its facilities, as required to extend infrastructure life and to provide a reliable level of service. The initial water

## RESOLUTION NO. 3093

transmission system extending from Lake Silverwood was constructed between 1967 and 1972, utilizing the proceeds of a \$7,500,000 bond issue approved by the voters. In 1971 the supplemental water deliveries of the State Water Project commenced through the completion and filing of Silverwood Lake by the Department of Water Resources. The pipelines, as originally sized and constructed, can deliver the ultimate design capacity of 5,800 acre-feet/yr (the SWP contract entitlement amount) where necessary across CLAWA's service area. The wholesale water system also delivers water to CLAWA's retail water systems through master meter turnouts. Maintenance, replacements and capital additions to CLAWA's water transmission infrastructure (Phased Program) for their water treatment plant, booster stations, storage reservoirs, etc. will be funded when required by a combination of grants, debt, reserves, and operating revenues. However, additions are planned and constructed whenever additional capacity is required for CLAWA's Water Treatment Plant, booster stations, storage reservoirs, etc. There are no physical inter-ties with other agencies for emergency purposes. During the processing of this service review, Agency staff informed LAFCO staff that potentially the Agency could take water back from retail purveyors in an emergency but it would require plumbing modifications and California Department of Public Health approval. All water served by the Agency comes from Lake Silverwood and is fully treated before being pumped to customers.

CLAWA's retail systems (Improvement Districts A, B, C & D) were constructed between 1977 and 1987, utilizing grants, loans and bond funds approved by the voters/customers within each improvement district. CLAWA owns and operates the retail water systems comprising their Improvement Districts, including pipelines, fire hydrants, metered services, reservoirs and appurtenant facilities.

CLAWA also maintains approximately 250 fire hydrants across its boundaries. Many of the hydrants are on land otherwise inaccessible by water pipelines (forest land, etc.). As a result of these hydrants, CLAWA provides the mountain communities with an added source of fire protection.

### Arrowhead Woods and Contract with Lake Arrowhead CSD and San Bernardino Valley Municipal Water District

When CLAWA was originally proposed for formation in the State Legislature, its boundaries included Lake Arrowhead and the surrounding community of Arrowhead Woods. At the last minute, however, the major property owner of Lake Arrowhead elected to exclude the Lake Arrowhead community (Arrowhead Woods) from CLAWA's boundaries, confident that local water supplies in Lake Arrowhead would be sufficient to satisfy the consumptive needs of that community. The amended legislation excluded the Lake Arrowhead community but the original State Water Project entitlement amount (Table A water) of 5,800 acre-feet/year remained. The result through the years has been a lesser population repaying the debt service of the original 5,800 acre-feet/year entitlement.

During the recent period of drought, the level of Lake Arrowhead dropped dramatically causing many of the Arrowhead Woods residents to complain. As a result of inquiries made regarding the extraction of water from the Lake, the Department of Water Resources reconfirmed its original permit and ordered that the level of the lake be maintained for recreational uses, restricting the extractions for water consumption. The lake level was determined to be set at a specific elevation point. This prompted the Lake Arrowhead Community Services District (as the water purveyor for the area) to scale back consumption, to aggressively promote water conservation measures, and to find efficiencies in managing the limited supply. However, Arrowhead Woods is not within the boundaries of CLAWA, and pursuant to CLAWA Law and its contract with the State, the agency could not provide supplemental water outside of its boundaries.

## RESOLUTION NO. 3093

To address water shortage concerns in Lake Arrowhead while also strengthening the reliability of CLAWA's supply to its own customers, in 2005 CLAWA entered into short term agreements with San Bernardino Valley Municipal Water District ("Muni") and with the Lake Arrowhead Community Services District ("LACSD") for the purchase of water from Muni, treatment and transportation of that water through CLAWA's transmission system (as capacity may be available in the CLAWA's system during periods of off-peak demands) for delivery of that treated water into the LACSD's system for its use in lieu of water from Lake Arrowhead. A significant element of the arrangement is that CLAWA has pre-purchased 7,600 acre-feet of water from Muni, which will be taken from Muni's future allocations of imported water from the State Water Project. During August 2005, and in accordance with the agreement, CLAWA paid to Muni the total sum of \$4,006,680 as full payment for the Exchange Water, approximately \$527 per acre foot. This amount is shown in CLAWA's financial statements as "Pre-purchased Banked Water" in the Consolidated Statements of Net Assets.

This arrangement does not involve the delivery of any portion of CLAWA's State Water Project water, since the water comes from Muni, but it commits virtually all of CLAWA's off-peak treatment and transmission system capacity for the delivery of treated water to LACSD. The term of the arrangement is for approximately ten to fifteen years, or until the total of 7,600 acre-feet of water purchased from Muni has been delivered to LACSD. However, the arrangement has produced only a temporary solution to the water supply issues confronting the Lake Arrowhead area. CLAWA anticipates that the parties may wish to extend the short-term arrangement into a long-term arrangement designed to address the water shortage concerns in the Arrowhead Woods area.

The total charge to LACSD is roughly \$2,627 per acre-foot (subject to annual adjustment) for purchase, treatment, pumping, storage, transportation, and delivery of the supplemental water. As of June 30, 2009, LACSD has purchased 1,221.59 acre-feet from CLAWA, at an estimated cost of \$2,787.83 per acre-foot. A summary of the LACSD purchases of Exchange Water is shown in the figure below:

| Year Ending<br>June 30 | Lake Arrowhead CSD Purchase |             | Exchange Water<br>Remaining |
|------------------------|-----------------------------|-------------|-----------------------------|
|                        | acre-feet                   | cost        |                             |
| 2007                   | 81.49                       | \$230,012   | 7,518.51                    |
| 2008                   | 970.52                      | \$2,716,345 | 6,547.99                    |
| 2009                   | 169.58                      | \$459,237   | 6,378.41                    |

Source: Financial Statements for FY 2007-08 and FY 2008-09

### 3. Financial ability of agencies to provide services:

The Agency has been operating with an annual positive change in net assets since at least 2006, with net assets increasing by roughly \$2.3 million for the past two audits fiscal years. Not including capital assets value and debt, the Agency has \$23.9 million in restricted and unrestricted net assets. Of this amount \$15.9 million is unrestricted. CLAWA's long-term debt is relatively low in comparison with other water agencies and in comparison with total assets and annual cash flow. The combined outstanding balances for bonds related to two retail improvement districts total \$505,000 as of June 30, 2009. Both bonds are schedule to mature in 2014.

In reviewing the financial documents, the agency has been operating with an annual positive change in net assets since at least 2006. For FY 2007-08 and FY 2008-09, net assets increased by

## RESOLUTION NO. 3093

\$2,107,206 and \$165,183, respectively. As of June 30, 2009, CLAWA had \$51 million in net assets broken down as follows:

1. Invested in Capital Assets – Net of Debt: \$27.1 million

This balance is a combination of capital assets (\$27.15 million) minus outstanding balance of the Water Refunding Bonds (\$0.5 million).

2. Restricted: \$8.0 million

The agency has restricted net assets of \$8.0 million, which consists of two components. The first component represents tax proceeds that were levied for State Water Project payments which totals \$7.7 million. This reserve is maintained to absorb temporary increases in charges from the Department of Water Resources and thus to help stabilize CLAWA tax rates. The second component pertains to Improvement District C and represents tax proceeds levied for the repayment of Water Refunding Bonds. The balance restricted for Improvement District C was \$325,000 at June 30, 2009.

3. Unrestricted: \$15.9 million

CLAWA had unrestricted Net Assets of \$15.9 million at June 30, 2009. The Board of Directors has established policies and guidelines outlining specific needs and objectives of the agency for which the unrestricted net assets will be utilized.

### Revenues

Revenues are derived primarily from 1) water sales, 2) stand-by charges, 3) share of the one percent general levy, 4) tax rates set by CLAWA to pay its obligations of the State Water Contract, and 5) taxes levied on improvement districts.

1. Water sales

The wholesale water rate charged to purveyors can be adjusted as needed. The current water rate charged to purveyors is \$1,150 per acre foot, and has not been adjusted in more than 15 years. Retail water rates are analyzed annually and the revenues derived from each of the four improvement zones are separately accounted.

CLAWA's annual operating revenue, which represents water sales, decreased by \$2.8 million or 54% from FY 2007-08 to FY 2008-09 due primarily to a decrease in water sales to Lake Arrowhead Community Services District.

2. Stand-by charges

The current standby charge, adopted by CLAWA, is charged on the annual tax bill and is assessed by parcel or possessory interest and is calculated as \$30 for the first acre and \$5 for each additional acre. The standby availability charge can be increased subject to the procedures set forth in the Uniform Standby Charge Procedures Act and Proposition 218. Pursuant to existing CLAWA policies:

**RESOLUTION NO. 3093**

- Properties connected to CLAWA’s retail water system or are located within the boundaries of a retail water purveyor which has a wholesale connection from CLAWA are charged the standby charge annually.
- Properties not connected to a water system are not charged for the annual standby charge; however, the charges are accrued and are deferred. At the time a water connection is provided, all deferred standby charges become due and payable immediately and the property is required to begin paying the annual standby charge thereafter.

3. Share of the one percent general tax levy

In 1977-78, before Proposition 13, all landowners within the boundaries of CLAWA paid a tax rate of \$1.62 per \$100 of assessed valuation, as identified in the County’s 1977-78 tax rate book, for the purpose of paying all obligations of the agency. This single rate funded the agency’s obligations for repayment of the State Water Project and to provide for administration of the agency.

Following Proposition 13, the Legislature enacted statutes to implement its provisions. Under these statutes, a local government’s share of the one percent general levy was based on the share of the property tax going to that local government before Proposition 13 (excluding bond debt). Currently, all landowners within CLAWA pay two taxes defined by CLAWA as follows:

- *General Tax Levy (Share of the one percent ad valorem)* - CLAWA receives a share of the one percent ad valorem property tax, \$759,000 for FY 2008-09. In contrast to other areas of the county, assessed valuations within CLAWA have increased each of the past four fiscal years, rising 4% - 12% annually.
- *CLAWA Department of Water Resources Contract – Tax rates set by CLAWA to pay debt service for the State Water Contract*

The tax rate for debt service of the State Water Contract can be adjusted on an annual basis and is contingent on the projected State Water Project costs and assessed property values. During FY 2008-09 CLAWA levied property taxes of \$0.05 per \$100 of assessed valuation for the State Water Contract. The tax rate for the State Water Contract debt service was decreased beginning FY 2004-05 and has remained unchanged to date. The table below is from the FY 2008-09 Financial Statement and shows the assessed valuation and tax rates for the past five years.

|                 | 2008-09                | 2007-08                | 2006-07                | 2005-06                | 2004-05                |
|-----------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| Net secured     | \$2,753,262,073        | \$2,651,736,087        | \$2,418,204,317        | \$2,143,350,764        | \$1,926,131,433        |
| Net unsecured   | 30,271,299             | 25,544,468             | 24,433,981             | 22,019,557             | 20,388,452             |
| <b>Total</b>    | <b>\$2,783,533,372</b> | <b>\$2,677,280,555</b> | <b>\$2,442,638,298</b> | <b>\$2,165,370,321</b> | <b>\$1,946,519,885</b> |
| <b>Tax Rate</b> | <b>\$ .050</b>         |

4. Tax Levied on Improvement Districts – Taxes are levied on Improvement Districts B and C for debts incurred to build the systems. Improvement Districts A and D do not have any incurred debts.

**RESOLUTION NO. 3093**

- o An additional ad valorem property tax was approved by the voters within Improvement District B on July 2, 1977 (pre-Prop 13). The tax rate can differ from year to year, based on changes in assessed value. This levy was \$0.0477 per \$100 assessed valuation for debt service on the Water Refunding Bond, approximately \$80,000 for FY 2008-09.
- o A special tax of \$175 per parcel was approved by the voters within Improvement District C in 1982/1983 (post-Prop 13). This levy is for debt service on the Water Refunding Bond, approximately \$63,500 for FY 2008-09. The District provides for an annual appropriation limit for this special tax.

To illustrate the revenues generated, the chart below showing the amounts and respective percentages of the revenue categories for the past two audited fiscal years. As shown on the chart for FY 2007-08 and FY 2008-09, wholesale water sales decreased dramatically from roughly \$4.55 million to \$1.79 million. This decrease is due primarily to a reduction in water sales to Lake Arrowhead Community Services District from \$2.72 million to \$460,000.

|                                | FY 2007-08                |                    | FY 2008-09                |                    |
|--------------------------------|---------------------------|--------------------|---------------------------|--------------------|
|                                | Amount                    | Perc. of Total     | Amount                    | Perc. of Total     |
| <b>Operating Revenue:</b>      |                           |                    |                           |                    |
| Water sales - wholesale        | \$4,549,973               | 48%                | \$1,787,631               | 28%                |
| Water sales - retail           | 674,740                   | 7%                 | 624,898                   | 10%                |
| Other services                 | 7,950                     | 0%                 | 14,150                    | 0%                 |
|                                | <u>5,232,663</u>          | <u>56%</u>         | <u>2,426,679</u>          | <u>37%</u>         |
| <b>Non-Operating Revenues:</b> |                           |                    |                           |                    |
| Interest                       | 742,231                   | 8%                 | 424,217                   | 7%                 |
| Property tax - debt service    | 1,635,057                 | 17%                | 1,766,387                 | 27%                |
| Property tax - 1% general      | 766,638                   | 8%                 | 769,022                   | 12%                |
| Water standby charges          | 1,001,556                 | 11%                | 967,731                   | 15%                |
| Other activities               | 8,402                     | 0%                 | 15,217                    | 0%                 |
|                                | <u>4,153,884</u>          | <u>44%</u>         | <u>3,942,574</u>          | <u>61%</u>         |
| <b>Contributions:</b>          |                           |                    |                           |                    |
| Capacity charges               | 31,171                    | 0%                 | 31,067                    | 0%                 |
| In aid of construction         | 0                         | 0%                 | 97,869                    | 2%                 |
|                                | <u>31,171</u>             | <u>0%</u>          | <u>128,936</u>            | <u>2%</u>          |
| <b>TOTAL</b>                   | <u><u>\$9,417,718</u></u> | <u><u>100%</u></u> | <u><u>\$6,498,189</u></u> | <u><u>100%</u></u> |

source: CLAWA FY 2008-09 Financial Statement, pg 8-9.; Percents calculated by LAFCO staff.

*Deferred Revenue*

CLAWA provides exchange water to Lake Arrowhead Community Services District (“LACSD”) under an agreement which requires LACSD to purchase a minimum number of acre-feet of such water each year. Revenue from the sale of exchange water is recognized at the time when the exchange water is delivered. CLAWA has \$1.8 million of deferred revenue at June 30, 2009 under the agreement, for exchange water to be delivered to LACSD.

Expenditures

## RESOLUTION NO. 3093

To illustrate CLAWA's expenses, the chart below shows the amounts and respective percentages of the expenditure categories for the past two fiscal years. As with operating revenues, operating expenses decreased from 2008 primarily to a decrease in water sales to Lake Arrowhead Community Services District. Information explaining the increases in Administrative and transmission and distribution costs were not provided.

|                                | FY 2007-08                |                    | FY 2008-09                |                    |
|--------------------------------|---------------------------|--------------------|---------------------------|--------------------|
|                                | Amount                    | Perc. of Total     | Amount                    | Perc. of Total     |
| <b>Operating Expenses:</b>     |                           |                    |                           |                    |
| Source of supply               | \$1,402,914               | 19%                | \$1,046,124               | 17%                |
| Pumping                        | 1,770,056                 | 24%                | 1,067,505                 | 17%                |
| Water treatment                | 1,063,974                 | 15%                | 759,068                   | 12%                |
| Transmission & distribution    | 414,855                   | 6%                 | 514,498                   | 8%                 |
| Customer accounts              | 3,749                     | 0%                 | 6,128                     | 0%                 |
| Admin & general                | 1,502,242                 | 21%                | 1,699,446                 | 27%                |
| Depeciation, amortization      | 1,088,029                 | 15%                | 1,187,250                 | 19%                |
|                                | <u>7,245,819</u>          | <u>99%</u>         | <u>6,280,019</u>          | <u>99%</u>         |
| <b>Non-Operating Expenses:</b> |                           |                    |                           |                    |
| Interest on debt               | 43,927                    | 1%                 | 38,600                    | 1%                 |
| Other                          | 20,766                    | 0%                 | 14,387                    | 0%                 |
|                                | <u>64,693</u>             | <u>1%</u>          | <u>52,987</u>             | <u>1%</u>          |
| <b>TOTAL</b>                   | <u><u>\$7,310,512</u></u> | <u><u>100%</u></u> | <u><u>\$6,333,006</u></u> | <u><u>100%</u></u> |

source: CLAWA FY 2008-09 Financial Statement, pg 8-9.; Percents calculated by LAFCO staff.

### Long-Term Debt

CLAWA's long-term debt, outside its obligation for the SWP, consists of Water Refunding Bonds within Improvement Districts B and C. The combined outstanding balances total \$505,000 as of June 30, 2009. In FY 2008-09, principal payments were made on the two loans of \$42,845 and \$39,514, respectively. Both bonds are schedule to mature in 2014.

### Commitments and Agreements

#### *State Department of Water Resources Commitments*

On June 22, 1963, CLAWA entered into a contract with the State Department of Water Resources to receive an annual entitlement for water from the State Water Project. The agency assumed a proportionate share of capital costs and minimum operations, maintenance, power and replacement costs of the State facilities, in addition to paying variable operations, maintenance, power and replacement costs on a per-acre-foot charge for water deliveries received. CLAWA's future commitment for State Water Project costs over the years 2009 to 2035, according to payment schedule dated June 30, 2009, is estimated as follows:

## RESOLUTION NO. 3093

|   |               |
|---|---------------|
| Transportation charge:  |               |
| Capital cost component  | \$ 4,338,429  |
| Minimum operations, maintenance, power and replacement component  | 12,691,289    |
| Variable operations, maintenance, power and replacement component | 23,657,542    |
|   | <hr/>         |
|   | 40,687,260    |
| Delta water charges   | 5,857,327     |
| Water system revenue bond surcharge                               | 2,442,526     |
|   | <hr/>         |
| Total   | \$ 48,987,113 |

Source: FY 2008-09 Financial Statement

### *Purchased Water Agreements*

During August 2005, and in accordance with the agreement between CLAWA, San Bernardino Valley Municipal Water District, and Lake Arrowhead Community Services District, CLAWA paid to San Bernardino Valley Municipal Water District the total sum of \$4,006,680 as full payment for the Exchange Water. This amount is currently shown on the Consolidated Statements of Net Assets as Pre-purchased Banked Water. Concurrently, on July 7, 2005, CLAWA entered into an agreement to provide for the treatment, delivery and sale of 7,600 acre-feet of Exchange Water to the Lake Arrowhead Community Services District through the year ended December 31, 2020.

### *Post-Employment Benefits*

A review of the financial statements for the past three years identifies a zero net obligation for both pensions and other post-employment benefits.

### Additional Information

#### *CLAWA Budgets*

In reviewing the agency's budgets submitted for this review, the budgets do not have actual data (year-end final figures) for previous year activity. The Commission recommends that the budgets include at least one year's worth of actual financial data, as recommended by the *Best Practices* of the Government Finance Officers Association.

#### *Regular Audits*

Government Code Section 26909 requires all districts to provide for regular audits; the Agency conducts annual audits and meets this requirement. Section 26909 also requires districts to file a copy of the audit with the State Controller and county auditor within 12 months of the end of the fiscal year. According to a review of records from the State Controller, there is no record of an audit being filed. According to records from the County Auditor, the last audit received was for FY 2007-08 on December 17, 2008. The Commission recommends that the Agency forward a copy of its most recent audit to the State Controller and County Auditor.

#### *Appropriations (GANN) Limit*

Under Article XIII B of the California Constitution (the Gann Spending Limitation Initiative), CLAWA is subject to the Gann limit. Therefore, an agency is restricted as to the amount of annual expenditures from the proceeds of taxes, and if proceeds of taxes exceed allowed appropriations, the excess must either be refunded to the State Controller or returned to the taxpayers through

## RESOLUTION NO. 3093

revised tax rates, revised fee schedules of other refund agreements. A review of the financial statements for the fiscal years ended June 30, 2008 and 2009 show that proceeds of taxes did not exceed appropriations and the agency's expenditures did not exceed its adopted appropriation limit.

#### 4. Status of, and opportunities for, shared facilities:

All of the water supplied by CLAWA is treated to the California Department of Public Health standards at the agency's Silverwood Water Treatment Plant. This eliminates the need for each separate retail water purveyor within the agency to construct and operate their own treatment plant; however, some retail water purveyors may need some level of water treatment for their own local water groundwater supplies.

CLAWA has entered into short term agreements with San Bernardino Valley Municipal Water District ("Muni") and with the Lake Arrowhead Community Services District ("LACSD") for the purchase of water from Muni, then treatment and transportation of that water through CLAWA's transmission system (as capacity may be available in the Agency's system during periods of off-peak demands) for delivery of that treated water into the LACSD's system for its use in lieu of water from Lake Arrowhead.

CLAWA does not have any physical inter-ties with other agencies for emergency water delivery. During the processing of this service review, Agency staff informed LAFCO staff that potentially the Agency could take water back from retail purveyors in an emergency but it would require plumbing modifications and California Department of Public Health approval. All water served by the Agency comes from Lake Silverwood and is fully treated before being pumped to customers.

#### 5. Accountability for community service needs, including governmental structure and operational efficiencies:

##### Local Government Structure and Community Service Needs

CLAWA is an independent special district governed by a five-member board of directors each representing a division. Members are either selected by vote of the electorate at the November consolidated election in odd numbered years or are appointed in-lieu of election by the County Board of Supervisors to four-year staggered terms. According to records of the San Bernardino County Registrar of Voters since 1996, the last election for the CLAWA board of directors was November 2003. The current board has been appointed in-lieu of election, and their division, positions, and terms of office are shown below:

| Board Member     | Division | Title          | Term |
|------------------|----------|----------------|------|
| Thomas Sutton    | 1        | Director       | 2011 |
| Norman Meek      | 2        | Treasurer      | 2013 |
| Stephan Pleasant | 3        | President      | 2011 |
| Bruce Risher     | 4        | Vice-President | 2013 |
| Kenneth Eaton    | 5        | Director       | 2011 |

Regular Board meetings occur on the first Thursday of each month. Notice of each Board meeting is posted for public review and on the agency website at least 72 hours in advance and is also mailed to anyone who may have requested notice in writing. Once each year the Board also conducts a public hearing on its annual water standby charges as well as its budget. CLAWA's office is located in Crestline and is open Monday through Friday 8:00 a.m. to 5:00 p.m. In addition,

## RESOLUTION NO. 3093

CLAWA maintains an answering service to respond to reports of emergencies outside of normal business hours.

### Operational Efficiency

Operational efficiencies are realized through several joint agency practices, for example:

- CLAWA is one of 29 State Water Contractors who have entered into a contract with the State Department of Water Resources to receive an annual entitlement for water from the State Water Project. As such, CLAWA assumed a proportionate share of capital costs and minimum operations, maintenance, power and replacement costs of the State facilities, in addition to paying variable operations, maintenance, power and replacement costs on a per-acre-foot charge for water deliveries received.
- CLAWA has also become a member of the California Urban Water Conservation Council by executing the Memorandum of Understanding Regarding Urban Water Conservation in California. The Council is a voluntary organization whose members agree to implement reasonable water conservation measures. The Memorandum of Understanding identifies specific Best Management Practices (BMPs) for water conservation. All signatory agencies have agreed to make a good faith effort to implement these BMPs.
- CLAWA participates in the California Public Employees Retirement System (PERS), a cost-sharing multiple-employer public employee defined benefit pension plan. PERS provides retirement, disability benefits, and death benefits to plan members and beneficiaries. PERS acts as a common investment and administrative agent for participating public entities within the State of California. Each agency's contribution rates is determined annually by PERS.
- CLAWA participates in a joint venture under a joint powers agreement (JPA) with the Association of California Water Agencies Joint Powers Insurance Authority (Authority). The Authority is a risk-pooling self-insurance authority created under the provisions of California Government Code Section 6500 et seq. The purpose of the Authority is to arrange and administer programs of insurance for the pooling of self-insured losses and to purchase excess insurance coverage.
- CLAWA has entered into short term agreements with San Bernardino Valley Municipal Water District ("Muni") and with the Lake Arrowhead Community Services District ("LACSD") for the purchase of water from Muni, then treatment and transportation of that water through CLAWA's transmission system (as capacity may be available in the Agency's system during periods of off-peak demands) for delivery of that treated water into the LACSD's system for its use in lieu of water from Lake Arrowhead.

### Government Structure Options

There are two types of government structure options:

1. Areas served by the agency outside its boundaries through "out-of-agency" service contracts;
2. Other potential government structure changes such as consolidations, reorganizations, dissolutions, etc.

*Out-of-Agency Service Agreements:*

## RESOLUTION NO. 3093

CLAWA Law and its contract with the State Department of Water Resources prohibit CLAWA from delivering any portion of its imported water supply for use outside of its boundaries. There is a three-party agreement between CLAWA, San Bernardino Valley Municipal Water District ("Muni"), and the Lake Arrowhead Community Services District ("LACSD") for the purchase of water from Muni, treatment and transportation of that water through the CLAWA's transmission system (as capacity may be available in CLAWA's system during periods of off-peak demands) for delivery of that treated water into the LACSD's system for its use in lieu of water from Lake Arrowhead.

### *Government Structure Options:*

While the discussion of some government structure options may be theoretical, a service review should address possible options.

- Annexation of areas within its sphere of influence. CLAWA, residents, or landowners could submit an application to expand the boundaries of CLAWA to annex territory that is within its existing sphere of influence. CLAWA would then be responsible for extending its services to the area. Any additional customers within CLAWA's boundaries would add demand against its set supply from Silverwood Lake and Houston Creek.

While CLAWA is willing to continue cooperation with the Lake Arrowhead Community Services District to assist in delivering supplemental water obtained by alternative means, CLAWA's Board strongly opposes annexation of the Arrowhead Woods area. CLAWA staff has provided two main reasons for the opposition to annexation of the Arrowhead Woods area. First, imported water supply may not be sufficient to satisfy existing and anticipated demand for supplemental water and the agency would not be comfortable adding demand with no additional supplemental supply. Second, the additional population would alter the board representation with the Lake Arrowhead community possibly comprising two of the five board memberships.

Should Arrowhead Woods ever be annexed into CLAWA, the board divisions would need to be realigned to allow for proportional representation. All levels of public agencies are evolving entities and boundary and representation modifications are a common occurrence.

A 2003 study funded by CLAWA indicates that if Arrowhead Woods were to be annexed to the agency, the annexation fee to be paid to CLAWA would be approximately \$39.7 million. This figure was based upon CLAWA's rules and regulations, which state that an annexation fee shall equal the sum of back property taxes and back standby charges. With roughly 9,500 parcels composing the Arrowhead Woods area, the average annexation fee to CLAWA would be roughly \$4,200. Additionally, this figure was derived in 2003 and would increase each year as property taxes and standby charges are levied. However, according to CLAWA's FY 2008-09 Financial Statements, CLAWA's future commitment for State Water Project costs over the years 2009 to 2035 is estimated at \$49.9 million. For illustrative purposes, by simply adjusting the 2003 estimated \$39.7 million annexation fee for inflation, the Arrowhead Woods area would be charged \$47.0 million in 2010. Therefore, the general statement can be made that annexation of Arrowhead Woods to CLAWA along with the annexation fees would roughly equal CLAWA's commitment for State Water Project costs through 2035 and remove that obligation from CLAWA's current residents and landowners. If such annexation were to be proposed, an improvement district could be formed to isolate the Arrowhead Woods area, much like Improvement Districts A, B, C and D, to be responsible for the future State Water Project costs. This scenario would afford the Arrowhead Woods with accessibility to supplemental water and substantially reduce or even eliminate the future State Water Project costs that those currently

## RESOLUTION NO. 3093

within CLAWA's boundaries pay. No opinion regarding this possibility has been received by LAFCO from either CLAWA or those representing the Arrowhead Woods area.

- Consolidation with a bordering State Water Contractor. A second scenario would be to consolidate CLAWA with the State Water Contractors abutting its boundary and sphere. These agencies are the Mojave Water Agency and the San Bernardino Valley Municipal Water District. Even though economies of scale could be achieved, there is no apparent rationale to support such an action. First, the boundaries and spheres of these three agencies are generally divided by either hydrological divides or the National Forest boundary. Second, each agency has its own unique water needs and methods of storage. Third, neither Mojave Water Agency nor San Bernardino Valley Municipal Water District provides retail water. However, should consolidation be desired, it would require an application to LAFCO with a plan outlining the terms of the consolidation and a financial feasibility report which would be reviewed by the Commission.
- Consolidation of all public water agencies and/or service areas. Another scenario would be to consolidate all of the public water agencies providing retail water service within CLAWA's boundaries. These agencies include Arrowbear Park County Water District, County Service Area 70 Zone CG, CLAWA, Crestline Village Water District, Lake Arrowhead Community Services District, and Running Springs Water District. This option could reduce duplication of administrative efforts and provide the opportunity for economies of scale. Further, it would provide a single voice for this part of the mountain region regarding water issues. This option could also alleviate the need for short-term solutions for water delivery. This is a viable option, and appears more practical for the Crest Forest and Lake Arrowhead communities. However the details of a possible consolidation would need to consider the other services provided by the agencies and if annexation of additional territory would be included.
- Regional cooperation for distributing reclaimed and/or recycled water. CLAWA does not perform reclamation services; although CLAWA Law allows for it to perform reclamation services (treatment and reclamation of sewage and storm water) within its boundaries and the request for authorization to perform the services would be subject to LAFCO approval. However, within its boundaries and sphere of influence there are three agencies that provide this service: Crestline Sanitation District (collection and treatment), Running Springs Water District (collection and treatment; also a JPA with Arrowbear Park Water District and CSA 79), and Lake Arrowhead Community Services District (collection and treatment).

As a regional agency, in cooperation with other water entities CLAWA is responsible for managing the water resources within its boundaries to ensure a sustainable supply of water for the benefit of its constituents. As such, CLAWA could help coordinate a regional plan for distribution of reclaimed water in the mountains. Such a structure could reduce duplication of planning efforts and provide the opportunity for economies of scale while maintaining the independence of each district.

- Transfer of Retail Water Service. At the time that CLAWA created Improvement Districts A, B, C, and D there was no other public water agency available to provide the service. However, in 1983, the Lake Arrowhead CSD was expanded to include the boundaries of the Lake Arrowhead Sanitation District and assumed that agency's services. LACSD currently provides water service to the Arrowhead Woods area (its original service area) and the territory within Deer Lodge Park. It could assume the retail responsibility for Improvement District A and C, the majority of Improvement District B and the developed portions of Improvement District D. Such reorganization would allow for CLAWA to maintain its primary purpose, the delivery of

## RESOLUTION NO. 3093

supplemental water to this portion of the Mountain Region.

- Maintenance of the status quo. Maintenance of the existing organizational structure will maintain the delivery of supplemental water in the area and provide for the provision of continuing retail water service through CLAWA. This is the position supported by CLAWA staff.

**WHEREAS**, the following determinations are made in conformance with Government Code Section 56425 and local Commission policy:

### 1. Present and Planned Uses:

Development in the San Bernardino Mountains is naturally constrained by rugged terrain, limited access, and lack of support infrastructure, as well as by planning and environmental policies which place much of the area off limits to significant development. The land ownership distribution and breakdown within the District's boundary are identified on the table below. More than two-thirds of CLAWA's service area is within the San Bernardino National Forest. Forest lands are devoted primarily to resource protection and recreational use. Maximum build-out potential is constrained substantially by the slope-density standards and fuel modification requirements of the County General Plan Fire Safety Overlay.

| Land Owner              | Boundary (sq miles) | Sphere – outside boundary (sq miles) | Total (sq miles) | %             |
|-------------------------|---------------------|--------------------------------------|------------------|---------------|
| State (Silverwood Lake) | 5.0                 | 0.0                                  | 5.0              | 4.6%          |
| US Forest Service       | 54.7                | 17.2                                 | 71.9             | 65.1%         |
| Private                 | 25.9                | 7.7                                  | 33.6             | 30.3%         |
| <b>Total</b>            | <b>85.6</b>         | <b>25.0</b>                          | <b>110.6</b>     | <b>100.0%</b> |

Source: County of San Bernardino Information Services Department

In general, the San Bernardino Mountains is one of the most densely populated mountain areas within the country, and is the most densely populated urban forest west of the Mississippi River. The CLAWA service area includes commercial uses oriented to tourists and seasonal residents as well as year-round residents. However, development in CLAWA is primarily single-family residential with roughly 93 percent of all homes being single-family dwellings, many of which are second or vacation homes.

### 2. Present and Probable Need for Public Facilities and Services:

The State Water Project allocation as of May 2010 is 40%, which permits CLAWA 2,320 acre-feet for 2010. This amount, when combined with the average Houston Creek allocation over the past 15 years of 424 acre-feet totals 2,744 acre-feet. For 2008 and 2009, total deliveries by CLAWA were 1,886 acre-feet and 1,629 acre-feet, respectively. Recent demand has been less than the available supply due to favorable local supply conditions. In turn, wholesale demand from CLAWA has been reduced. However, continued reduction of SWP allocations coupled with the anticipated population growth will challenge CLAWA's ability to provide the wholesale and retail water in the future.

The present and probable need for supplemental water service in the Arrowhead Woods area (7.4 square miles) of CLAWA's sphere has been addressed through the three-party agreement between CLAWA, San Bernardino Valley Municipal Water District ("Muni"), and the Lake Arrowhead Community Services District ("LACSD") for the purchase of water from Muni, then treatment and transportation of that water through the CLAWA's transmission system (as capacity may be

## RESOLUTION NO. 3093

available in CLAWA's system during periods of off-peak demands) for delivery of that treated water into the LACSD's system for its use in lieu of water from Lake Arrowhead. However, the three-party agreement is a short-term solution with the contract expiring in 2020. Further, there are no known discussions on providing a long-range and comprehensive solution to the water challenges in the mountain area after 2020. For the balance of CLAWA's sphere, there is no known present or probable need for CLAWA's water service.

### 3. Present Capacity of Public Facilities and Adequacy of Public Services

The present capacity of CLAWA's water system facilities is sufficient to reliably meet existing water demands/services, operating with acceptable load factors. The ultimate design capacity of CLAWA's water transmission system is compatible with their contract with Department of Water Resources for an imported water supply of up to 5,800 acre-feet per year from the State Water Project. CLAWA has stated that the condition of its water system facilities (transmission and retail systems) is very good; and the agency provides both routine and major maintenance to its facilities, as required to extend infrastructure life and to provide reliable level of service. However, CLAWA does not have any physical inter-ties with other agencies for emergency water delivery.

To date, CLAWA has indicated that the SWP allocation reductions have not adversely impacted the agency's ability to serve its residential and wholesale customers. CLAWA's retail deliveries averaged roughly 270 acre-feet/year for the past 10 years, which is a fraction of its SWP allocation. Wholesale deliveries comprise the majority of CLAWA's water deliveries and the local retailers use this water to supplement their own local well water. The local well supply has been sufficient to date to satisfy local demand. Therefore, retail and wholesale demand has not exceeded CLAWA's SWP allocation to date.

All of the water supplied by CLAWA is treated to the California Department of Public Health standards at the agency's Silverwood Water Treatment Plant. This eliminates the need for each separate retail water purveyor within the agency to construct and operate their own treatment plant; however, some retail water purveyors may need some level of water treatment for their own local groundwater supplies.

### 4. Social and Economic Communities of Interest:

CLAWA includes most of the Community Plan areas identified for Crest Forest, Lake Arrowhead, and Hilltop and a small section of the eastern portion of the Community Plan area identified for Bear Valley. Within CLAWA's sphere of influence outside of its boundaries is the community known as Arrowhead Woods. Within its sphere of influence and boundaries are three main clusters of unincorporated communities:

- In the western area are the communities of Crestline, Skyland, Valley of Enchantment, Lake Gregory, Valley of the Moon, Arrowhead Highlands, Valley View Park, and Cedarpines Park.
- In the central area are the communities of, Rimforest, Twin Peaks, Blue Jay, Crest Park (Meadowbrook), Skyforest, Cedar Glen, Deer Lodge Park, and Lake Arrowhead.
- In the eastern area are the communities of Running Springs, Fredalba, Smiley Park, Arrowbear Lake, and Green Valley Lake.

**RESOLUTION NO. 3093**

The economic communities of interest include the mountain resorts, lakes, and the related commercial activities and businesses.

**5. Additional Determinations**

- As required by State Law notice of the hearing was provided through publication in a newspaper of general circulation, the *Alpenhorn News*. Individual notice was not provided as allowed under Government Code Section 56157 as such mailing would include more than 1,000 individual notices. As outlined in Commission Policy #27, in-lieu of individual notice the notice of hearing publication was provided through an eighth page legal ad.
- As required by State law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice.
- Comments from landowners/registered voters and any affected agency will need to be reviewed and considered by the Commission in making its determinations.

**WHEREAS**, pursuant to the provisions of Government Code Section 56425(i) the range of services provided by the Crestline-Lake Arrowhead Water Agency shall be limited to the following:

| <b>FUNCTIONS</b> | <b>SERVICES</b>                          |
|------------------|--|
| Water            | Acquisition, wholesale, retail, domestic |

**WHEREAS**, having reviewed and considered the findings as outlined above, the Commission affirms the existing sphere of influence of the Crestline-Lake Arrowhead Water Agency, and;

**NOW, THEREFORE, BE IT RESOLVED** by the Local Agency Formation Commission of the County of San Bernardino, State of California, that this Commission shall consider this to be the sphere of influence for the Crestline-Lake Arrowhead Water Agency; it being fully understood that establishment of such a sphere of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants;

**BE IT FURTHER RESOLVED** that the Local Agency Formation Commission of the County of San Bernardino, State of California, does hereby determine that the Crestline-Lake Arrowhead Water Agency shall indemnify, defend, and hold harmless the Local Agency Formation Commission of the County of San Bernardino from any legal expense, legal action, or judgment arising out of the Commission's affirmation of the sphere of influence, including any reimbursement of legal fees and costs incurred by the Commission.

**THIS ACTION APPROVED AND ADOPTED** by the Local Agency Formation Commission of the County of San Bernardino by the following vote:

|                |                       |
|----------------|-----------------------|
| <b>AYES:</b>   | <b>COMMISSIONERS:</b> |
| <b>NOES:</b>   | <b>COMMISSIONERS:</b> |
| <b>ABSENT:</b> | <b>COMMISSIONERS:</b> |

\*\*\*\*\*

RESOLUTION NO. 3093

STATE OF CALIFORNIA            )  
  ) ss.  
COUNTY OF SAN BERNARDINO    )

I, KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of July 21, 2010

DATED:

\_\_\_\_\_  
KATHLEEN ROLLINGS-McDONALD  
Executive Officer

DRAFT



# LAFCO 3107 - CRESTLINE-LAKE ARROWHEAD WATER AGENCY SPHERE OF INFLUENCE

-  CLAWA Boundary
-  CLAWA Sphere of influence

