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LAFCO
San Bernardino County

OFFICE OF THE CITY ATTORNEY
CITY OF SAN BERNARDINO

JAMES F. PENMAN
CITY ATTORNEY

January 4, 2011

Kathleen Rollings-McDonald
Executive Officer
Local Agency Formation Commission (LAFCO)
215 North "D" Street, Suite 204
San Bernardino, CA 92415-0490

Re: January 19, 2011 LAFCO Public Hearing
Agenda Item No. 11, Islands Annexation Policies and Commission Directives on
Implementation of Island Policies

Dear Ms. Rollings-McDonald:

Your letter dated December 10, 2010, requested the City of San Bernardino's input on LAFCO's Island Annexation Policies, which will be discussed at the above-referenced Public Hearing.

Any LAFCO Policy regarding Island Annexations must exempt the City of San Bernardino in accordance with the August 13, 2010 Stipulated Judgment and Court Order in Susan Hulse v. LAFCO, et al, San Bernardino Superior Court Case No. CIVDS 1002077 (copy attached), which states, at Page 8, Section 5, the following:

Unless and until the California Legislature substantially revises Section 56375.3 and/or the LAFCO Act to allow annexations of territories that comprise less than an entire unincorporated island, LAFCO agrees it shall not condition any annexations requested by the City on the City's additional annexation of areas that comprise less than the entire unincorporated island of which they are a part. In addition, LAFCO further agrees that it will not withhold approval of annexations requested by the City because island annexations of less than an entire unincorporated island cannot be so conditioned.

As you know, in Hulse v. LAFCO, et al, the plaintiff was successful in reversing six Island Annexations which LAFCO forced the City of San Bernardino to accept during processing of the

F:\EMPEN\Letters - Misc\Ltr to Rollings-McDonald LAFCO 1-4-11.wpd

Page 2

Re: January 19, 2011 LAFCO Public Hearing
Agenda Item No. 11, Islands Annexation Policies and Commission Directives on
Implementation of Island Policies
January 4, 2011

City's application for the Arrowhead Springs area annexation; and the plaintiff obtained \$100,000 from LAFCO and the City as reimbursement for the plaintiff's attorneys fees and costs of litigation.

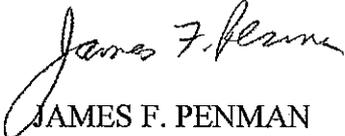
During the pendency of the Hulse v. LAFCO, et al lawsuit, as well as in July 2006, when the Mayor and Council considered Resolution No. 2006-247, the San Bernardino City Attorney's Office opined that LAFCO's Island Annexation policies violate Government Code Section 56375.3(b)(1) and (2). Section 56375.3(b)(1) requires that the territory (area) to be annexed "constitutes the entire island," and Section 56375.3(b)(2) requires that "The territory constitutes an entire unincorporated island located within the limits of a city" Government Code Section 56375.3 does not permit LAFCO to split up county unincorporated islands which exceed 150 acres, into smaller segments of 150 acres or less for annexation and thereby avoid landowner/voter protest proceedings. This opinion is supported by a 1980 California Attorney General Opinion, 63 Ops.Cal.Atty.Gen 343, and Schaeffer v. County of Santa Clara (1984) 155 Cal.App.3d 901, and Fig Garden Park No. 2 v. Local Agency Formation Commission of Fresno County (1984) 162 Cal.App.3d 336. Although this Attorney General's Opinion and these two appellate court decisions involve the predecessor statute to Government Code Section 56375.3, the operative language in the statute remains substantially the same.

Clark Alsop, of Best, Best & Krieger, LAFCO's General Counsel, has previously informed our office that one-half of the LAFCO attorneys in California agree with our legal opinion regarding Government Code Section 56375.3.

At the request of California State Senator Gloria Negrete McLeod (letters attached), the California Attorney General's Office is currently working on Opinion Request No. 10-902, which concerns these same issues regarding Government Code Section 56375.3.

We respectfully request that LAFCO suspend the implementation and the amendment of any LAFCO Policy regarding Island Annexations under Government Code Section 56375.3 until after the California Attorney General's Opinion is issued.

Very truly yours,


JAMES F. PENMAN
City Attorney

cc: Mayor and Councilmembers, City Clerk, City Manager

STATE CAPITOL, ROOM 2059
SACRAMENTO, CA 95814
TEL (916) 651-4032
FAX (916) 445-0128

DISTRICT OFFICES
4959 PALO VERDE STREET
SUITE 100B
DUNCLAIR, CA 91763
TEL (909) 621-7831
FAX (909) 621-7483

357 W SECOND STREET
SUITE 1
SAN BERNARDINO, CA 92401
TEL (909) 381-3832
FAX (909) 381-0739

WWW.SFN.CA.GOV/NEGRETE
SENATOR.MCLEOD@SENATE.CA.GOV

California State Senate

SENATOR
GLORIA NEGRETE MCLEOD
THIRTY-SECOND SENATE DISTRICT



CHAIR
BUSINESS, PROFESSIONS AND
ECONOMIC DEVELOPMENT
SELECT COMMITTEE ON
ALAMEDA CORRIDOR
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GROUNDWATER AND
PERCHLORATE CONTAMINATION

MEMBER
BUDGET AND FISCAL REVIEW
GOVERNMENTAL ORGANIZATION
HEALTH
VETERANS AFFAIRS

SUBCOMMITTEE
BUDGET SUBCOMMITTEE #4

September 3, 2010

The Honorable Jerry Brown
Attorney General, State of California
Office of the Attorney General
Opinion Unit

ATTN: Ms. Susan Lee, Supervising Deputy Attorney General
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102

**Re: Resubmittal of Opinion 10-505, pertaining to Local Agency Formation
Commission annexation powers, which was cancelled due to pending litigation.**

Dear Attorney General Brown:

In March, I submitted an opinion request concerning Local Agency Formation Commission annexation powers (see attached letter dated March 19, 2010). In May, I was informed that this request was assigned to Deputy Attorney General Marc J. Nolan, and was given Opinion Number 10-505.

In early August, I received a letter from your office that this opinion was cancelled because of an action filed by Sue Hulse in Superior Court raising similar issues. The letter went on to state that if the issues were not resolved by the litigation, you would entertain another request on this issue.

I have since been informed that a stipulated settlement was reached between the parties of the legal action in question. I have attached a copy of this settlement. Although a settlement was reached, the underlying legal questions were not resolved. I am therefore re-submitting my original request, and asking that an opinion be issued on the questions raised in my March 19th letter.

Should you have any questions about this request, please feel free to contact Vincent D. Marchand in my office at (916) 651-4032. Thank you for your attention to this matter.

Respectfully,

A handwritten signature in cursive script that reads "Gloria Negrete McLeod".

GLORIA NEGRETE McLEOD
32nd Senate District

Nolan 10-0505

STATE CAPITOL, ROOM 2089
SACRAMENTO, CA 95814
TEL (916) 651-4032
FAX (916) 445-0128

DISTRICT OFFICE
4959 PALO VERDE STREET
SUITE 100B
MONTCLAIR, CA 91763
TEL (909) 621-7833
FAX (909) 621-7833

957 W. SECOND STREET
SUITE 1
SAN BERNARDINO, CA 92401
TEL (909) 381-3632
FAX (909) 381-0799

WWW.SEN.CA.GOV/NEGRETE
SENATOR.MCLEOD@SENATE.CA.GOV

California State Senate

SENATOR
GLORIA NEGRETE MCLEOD
THIRTY-SECOND SENATE DISTRICT



CHAIR
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MEMBER
BUDGET AND FISCAL REVIEW
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HEALTH
VETERANS AFFAIRS

SUBCOMMITTEE
BUDGET SUBCOMMITTEE #4

March 19, 2010

The Honorable Jerry Brown
Attorney General, State of California
Office of the Attorney General
Opinion Unit
ATTN: Ms. Susan Lee, Supervising Deputy Attorney General
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102

Re: **Local Agency Formation Commission annexation powers pertaining to substantially surrounded islands of unincorporated territory.**

Dear Attorney General Brown:

Pursuant to Government Code section 12519, I respectfully request an opinion from this Office concerning the following question:

QUESTION PRESENTED

Does Opinion No. 80-223, 63 Ops. Cal. Atty. Gen 343, issued on April 25, 1980, still apply to the application of the successor statute to Government Code Section 35150, now codified as Government Code 56375.3?

Specifically,

- A. Does Section 56375.3, pertaining to the annexation of substantially surrounded islands of unincorporated territory require annexation of the "entire unincorporated island" as set forth in subdivision (b) (1) and (2) of Section 56375.3?
- B. May a Local Agency Formation Commission split up county unincorporated islands which exceed 150 acres into smaller segments of 150 acres or less for annexation and thereby avoid landowner/voter protest proceedings pursuant to Section 56375.3(a)?

DISCUSSION

In my district, the San Bernardino County Local Agency Formation Commission (LAFCO) recently approved the City of San Bernardino's annexation of several unincorporated "island"

parcels. The LAFCO required the City of San Bernardino to annex these island parcels as a condition for approving the city's request to annex a much larger and more desirable parcel of land.

In order to accomplish the annexation of the island parcels, the LAFCO divided larger island parcels in excess of 150 acres into several smaller ones, each smaller than 150 acres. By creating several islands of less than 150 acres out of larger island parcels, the LAFCO was able to utilize the authority granted in Government Code Section 56375.3, which allows the LAFCO to waive certain protest proceedings.

These actions raise the question of whether dividing larger islands into smaller ones subverts the spirit of Government Code 56375.3, which among other conditions requires that the area "constitutes the entire island."

I have included as an attachment the San Bernardino County LAFCO's staff report on the island annexations in question, as well as Opinion No. 80-223, 63 Ops. Cal. Atty. Gen 343, issued on April 25, 1980. Should you have any questions about this request, please feel free to contact Vincent D. Marchand in my office at (916) 651-4032. Thank you for your attention to this matter.

Respectfully,



GLORIA NEGRETE McLEOD
32nd Senate District

COPY

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
SEAN P. O'CONNOR, Cal. Bar No. 155940
3 MARGUERITE P. BATTERSBY, Cal. Bar No. 115422
DANIEL P. BANE, Cal. Bar No. 251144
4 650 Town Center Drive, 4th Floor
Costa Mesa, California 92626-1993
5 Telephone: 714-513-5100
Facsimile: 714-513-5130
6 Attorneys for Plaintiff, Susan Hulse

FILED-Central District
SUPERIOR COURT
SAN BERNARDINO COUNTY

AUG 13 2010

By *Stephanie Chandra*
Deputy

7
8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN BERNARDINO
11

12 SUSAN HULSE, an Individual
13 Plaintiff,

14 v.

15 ALL PERSONS INTERESTED IN THE
16 MATTER OF LOCAL AGENCY
FORMATION COMMISSION FOR SAN
BERNARDINO COUNTY ("LAFCO") 3067
17 A-F (RESOLUTION NOS. 3071 (LAFCO
3067A); 3072 (LAFCO 3067B); 3073 (LAFCO
18 3067C); 3074 (LAFCO 3067D); 3075 (LAFCO
3067E); and 3076 (LAFCO 3067F)
19 APPROVED ON NOVEMBER 18, 2009,
WITH RECONSIDERATION DENIED ON
20 FEBRUARY 17, 2010; SAN BERNARDINO
COUNTY LOCAL AGENCY FORMATION
21 COMMISSION; CITY OF SAN
BERNARDINO; and DOES 1-100, inclusive,
22 Defendants.
23

Case No.: CIVDS 1002077
(CEQA)

Assigned for all purposes to:
Hon. Judge Donald R. Alvarez
Dept. S36

STIPULATION FOR ENTRY OF
JUDGMENT; [PROPOSED] ORDER AND
JUDGMENT THEREON

Complaint Filed: February 25, 2010

24
25 It is hereby stipulated, by and between Plaintiff SUSAN HULSE ("Plaintiff") and
26 Defendants LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO
27 COUNTY ("LAFCO") and CITY OF SAN BERNARDINO ("City"), as follows:
28

RECITALS

1
2 WHEREAS, on or about November 18, 2009, LAFCO considered and approved San
3 Bernardino Annexation No. 361/LAFCO 3067A-F (LAFCO Resolution Nos. 3071-3076)
4 (hereinafter, the "Island Annexations");

5 WHEREAS, on or about November 19, 2009, LAFCO filed Notices of Exemption
6 regarding the Island Annexations with the Clerk of the Board of Supervisors of San Bernardino
7 County;

8 WHEREAS, on or about December 17, 2009, Plaintiff Susan Hulse ("Plaintiff") filed one
9 or more requests for reconsideration with LAFCO, pursuant to Government Code Section 56895,
10 seeking reconsideration of the Island Annexations;

11 WHEREAS, on or about February 17, 2010, LAFCO denied Plaintiff's requests for
12 reconsideration regarding the Island Annexations;

13 WHEREAS, on or about February 22, 2010, LAFCO executed and recorded Certificates of
14 Completion for the Island Annexations;

15 WHEREAS, upon the recordation of the Certificates of Completion, the Island
16 Annexations were deemed to be completed and in existence;

17 WHEREAS, on February 25, 2010, Plaintiff filed and served her Complaint to Invalidate
18 Unlawful Island Annexations Approved Pursuant to Government Code Section 56375.3; for
19 Violations of the California Environmental Quality Act ("CEQA"); and for Declaratory and
20 Injunctive Relief, which complaint was brought pursuant to Code of Civil Procedure Sections 800
21 *et seq.* as a "reverse validation" action (hereinafter, the "Action");

22 WHEREAS, to date, no interested parties have answered or otherwise intervened in the
23 Action;

24 WHEREAS, on or about April 6, 2010, Plaintiff filed and served her First Amended
25 Complaint to Invalidate Unlawful Island Annexations Approved Pursuant to Government Code
26 Section 56375.3, for Violations of CEQA, and for Declaratory and Injunctive Relief (hereinafter,
27 "Complaint");
28

1 WHEREAS, Plaintiff's Complaint alleges that the Island Annexations were unlawfully
2 approved, pursuant to Government Code Section 56375.3 and CEQA; and Defendant LAFCO
3 disputes these allegations; and

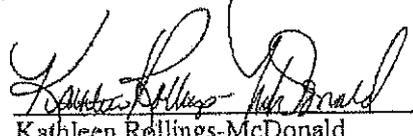
4 WHEREAS, the parties enter into this Stipulated Judgment for the purpose of avoiding any
5 additional costs of litigation, and without any admission of wrongdoing or violation of law;

6 **AGREEMENT**

7 Based on the Recitals set forth above, which are incorporated herein, and in consideration
8 therefore, the parties agree that a Stipulated Judgment in the form and manner set forth below (see
9 Exhibit "A" to the attached Order and Judgment) shall be submitted to and may be made and
10 entered by the Court with respect to the rights and obligations of the parties to this Stipulated
11 Judgment.

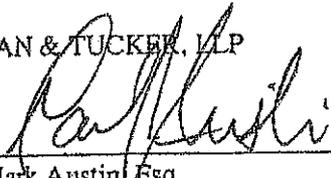
12 DATED: August 5, 2010

13 LOCAL AGENCY FORMATION
14 COMMISSION FOR SAN BERNARDINO
15 COUNTY

16 By 
17 Kathleen Rollings-McDonald
18 Executive Officer

19 APPROVED AS TO FORM:

20 RUTAN & TUCKER, LLP

21 By: 
22 Mark Austin, Esq.
23 Special Counsel to the LAFCO, Defendant
24
25
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1 WHEREAS, Plaintiff's Complaint alleges that the Island Annexations were unlawfully
2 approved, pursuant to Government Code Section 56375.3 and CEQA; and Defendant LAFCO
3 disputes these allegations; and

4 WHEREAS, the parties enter into this Stipulated Judgment for the purpose of avoiding any
5 additional costs of litigation, and without any admission of wrongdoing or violation of law;

6 **AGREEMENT**

7 Based on the Recitals set forth above, which are incorporated herein, and in consideration
8 therefore, the parties agree that a Stipulated Judgment in the form and manner set forth below (see
9 Exhibit "A" to the attached Order and Judgment) shall be submitted to and may be made and
10 entered by the Court with respect to the rights and obligations of the parties to this Stipulated
11 Judgment.

12 DATED: August 5, 2010

13 LOCAL AGENCY FORMATION
14 COMMISSION FOR SAN BERNARDINO
15 COUNTY

16 By 
17 Kathleen Rollings-McDonald
18 Executive Officer

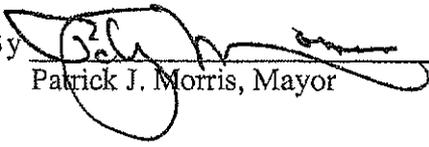
19 APPROVED AS TO FORM:

20 RUTAN & TUCKER, LLP

21 By: _____
22 Mark Austin, Esq.
23 Special Counsel to the LAFCO, Defendant

1 DATED: August 12, 2010

CITY OF SAN BERNARDINO

By 
Patrick J. Morris, Mayor

6 APPROVED AS TO FORM:
7 JAMES F. PENMAN, CITY ATTORNEY

8
9 By: 
10 Henry Empeño, Jr., Senior Deputy
11 City Attorney for the City of
San Bernardino, Defendant

12 DATED: August 12, 2010

SUSAN HULSE

16 By: 
SUSAN HULSE, Plaintiff

18 APPROVED AS TO FORM:
19 SHEPPARD MULLIN RICHTER & HAMPTON, LLP

20 By: 
21 Marguerite P. Battersby, Esq.
22 Daniel P. Bane, Esq.
Attorneys for Susan Hulse, Plaintiff

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[PROPOSED] ORDER AND JUDGMENT

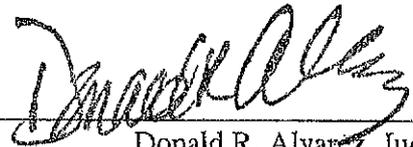
Based on the foregoing Recitals, and the attached Stipulated Judgment (Exhibit "A"), and with good cause appearing therefore:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that judgment in this matter shall be entered in accordance with the Stipulated Judgment, attached hereto as Exhibit "A" and incorporated herein in full.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction over this matter until such time as the Island Annexations (LAFCO 3067A-F) have been detached from the City of San Bernardino, and payment in full has been made to Plaintiff, as set forth in the Stipulated Judgment.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

DATED: AUG 13 2010 , ~~2010~~



Donald R. Alvarez, Judge

1 EXHIBIT "A"

2 STIPULATED JUDGMENT

3 1. Promptly upon entry of this Stipulated Judgment by the Court, the San Bernardino
4 Local Agency Formation Commission ("LAFCO") shall take the following actions to effect the
5 rescission of LAFCO Resolution Nos. 3071 (LAFCO 3067A), 3072 (LAFCO 3067B), 3073
6 (LAFCO 3067C), 3074 (LAFCO 3067D), 3075 (LAFCO 3067E), and 3076 (LAFCO 3067F)
7 (collectively, the "Resolutions") approving the annexation of six (6) unincorporated San
8 Bernardino County islands pursuant to Government Code § 56375.3 ("Section 56375.3")
9 (collectively, the "Island Annexations"):

10 A. The Certificates of Completion for the Island Annexations, issued by the
11 LAFCO Executive Officer on February 22, 2010, and recorded that same day as document
12 numbers 2010-0067724, 2010-0067725, 2010-0067726, 2010-0067727, 2010-0067728, and 2010-
13 0067729, shall be effectively rescinded by the LAFCO Executive Officer's recordation, at
14 LAFCO's expense, of six (6) new certificates of completion confirming the restoration of the
15 *status quo ante* the Island Annexations. LAFCO shall exercise its best efforts to record the new
16 certificates of completion not later than four (4) calendar days following Court approval of this
17 Stipulated Judgment.

18 B. The new certificates of completion shall reflect the following actions
19 regarding the Island Annexations:

20

<u>Area</u>	<u>Agency And Action Taken</u>
LAFCO 3067A	City of San Bernardino – <i>Detached From</i> San Bernardino County Fire Protection District (SBCFPD) – <i>Annexed to</i> SBCFPD Valley Service Zone – <i>Annexed to</i> SBCFPD Service Zone PM-2 – <i>Annexed to</i> County Service Area 70 – <i>Annexed to</i> County Service Area SL-1 – <i>Annexed to</i>

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1	LAFCO 3067B	City of San Bernardino -- <i>Detached From</i>
2		San Bernardino County Fire Protection District (SBCFPD) – <i>Annexed to</i>
3		SBCFPD Valley Service Zone – <i>Annexed to</i>
4		SBCFPD Service Zone PM-2 – <i>Annexed to</i>
5		County Service Area 70 – <i>Annexed to</i>
6		County Service Area SL-1 – <i>Annexed to</i>
7	LAFCO 3067C	City of San Bernardino -- <i>Detached From</i>
8		San Bernardino County Fire Protection District (SBCFPD) – <i>Annexed to</i>
9		SBCFPD Valley Service Zone – <i>Annexed to</i>
10		SBCFPD Service Zone PM-2 – <i>Annexed to</i>
11		County Service Area 70 – <i>Annexed to</i>
12		County Service Area SL-1 – <i>Annexed to</i>
13	LAFCO 3067D	City of San Bernardino -- <i>Detached From</i>
14		San Bernardino County Fire Protection District (SBCFPD) – <i>Annexed to</i>
15		SBCFPD Valley Service Zone – <i>Annexed to</i>
16		SBCFPD Service Zone PM-2 – <i>Annexed to</i>
17		County Service Area 70 – <i>Annexed to</i>
18		County Service Area SL-1 – <i>Annexed to</i>
19	LAFCO 3067E	City of San Bernardino -- <i>Detached From</i>
20		San Bernardino County Fire Protection District (SBCFPD) – <i>Annexed to</i>
21		SBCFPD Valley Service Zone – <i>Annexed to</i>
22		SBCFPD Service Zone PM-2 – <i>Annexed to</i>
23		County Service Area 70 – <i>Annexed to</i>
24		County Service Area SL-1 – <i>Annexed to</i>
25	LAFCO 3067F	City of San Bernardino -- <i>Detached From</i>
26		San Bernardino County Fire Protection District (SBCFPD) – <i>Annexed to</i>
27		SBCFPD Valley Service Zone – <i>Annexed to</i>
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SBCFPD Service Zone PM-2 – <i>Annexed to</i>
County Service Area 70 – <i>Annexed to</i>
County Service Area SL-1 – <i>Annexed to</i>

2. Upon the entry of this Stipulated Judgment by the Court and LAFCO's completion of the actions set forth hereinabove, LAFCO shall promptly notify all affected public agencies, and all property owners/residents in the affected areas through correspondence sent by regular mail using a mailing list provided by the City, that the Island Annexations have been rescinded. Additionally, LAFCO shall immediately notify the appropriate taxing authorities that any property tax and subvention revenue designations affecting the San Bernardino County Fire Protection District ("SBCFPD"), SBCFPD Valley Service Zone, SBCFPD Service Zone PM-2, County Service Area 70, and/or County Service Area SL-1, and any other affected agencies, made as a result of the Island Annexations, must be returned to the *status quo ante* the Island Annexations.

3. The City of San Bernardino ("City") shall repeal City Resolution Nos. 2006-247 and 2006-348 at its next regularly scheduled meeting of the City Council following entry of this Stipulated Judgment by the Court. All parties agree that the Arrowhead Springs Annexation was not (and shall not be) conditioned on the annexation of the six (6) areas identified as LAFCO 3067A-F, or the five (5) additional areas referenced in City Resolution No. 2006-348.

4. The City shall not initiate any further island annexations pursuant to Section 56375.3 in which the area sought to be annexed comprises less than an entire unincorporated island, unless and until the California Legislature substantially revises Section 56375.3 and/or the Cortese-Knox-Hertzberg Act (Government Code Sections 56000 *et seq.*) (hereinafter, the "LAFCO Act") specifically to allow such annexations.

5. Unless and until the California Legislature substantially revises Section 56375.3 and/or the LAFCO Act to allow annexations of territories that comprise less than an entire unincorporated island, LAFCO agrees it shall not condition any annexations requested by the City on the City's additional annexation of areas that comprise less than the entire unincorporated island of which they are a part. In addition, LAFCO further agrees that it will not withhold

1 approval of annexations requested by the City because island annexations of less than an entire
2 unincorporated island cannot be so conditioned.

3 6. Any "interested persons," as that term is used in Code of Civil Procedure §§ 860 *et*
4 *seq.*, failing to timely respond to the Complaint, are in default, and this Stipulated Judgment may
5 be entered against them pursuant to Code of Civil Procedure Section 585, subdivision (c).

6 7. LAFCO and the City shall, within ten (10) calendar days following receipt of
7 notice that the Court has approved and signed this Stipulated Judgment, reimburse Plaintiff's
8 attorneys' fees and costs of litigation in this matter as follows:

9 A. The City shall be liable to Plaintiff for, and shall reimburse Plaintiff for,
10 \$66,667.00, and no more; and

11 B. LAFCO shall be liable to Plaintiff for, and shall reimburse Plaintiff for,
12 \$33,333.00, and no more.

13 C. The foregoing amounts represent two separate liabilities for which the City
14 and LAFCO are not jointly or severally liable. Under no circumstances shall LAFCO be required
15 to pay the amount owed by the City, or the City be required to pay the amount owed by LAFCO.

16 8. Plaintiff's recovery of attorneys' fees and litigation costs in connection with this
17 Action are limited to the amounts set forth in Paragraph 7 above. Plaintiff shall not be entitled to
18 recover any further attorneys' fees and/or costs from either the City or LAFCO that relate in any
19 manner to the Action, the Resolutions, or the Island Annexations (including but not limited to fees
20 and costs incurred before the Action was initiated), except for the amounts set forth in Paragraph 7
21 above. Any party who is required to bring a post-judgment enforcement action on, or defend any
22 challenge to, this Stipulated Judgment may recover their fees and costs if they are the prevailing
23 party, as determined by the Court.

24 9. The City and LAFCO shall each pay their own respective attorneys' fees and costs
25 of litigation in this matter, including any fees and costs incurred in complying with this Stipulated
26 Judgment. Neither the City nor LAFCO shall seek reimbursement nor recovery from the other for
27 their attorneys' fees and/or costs of litigation in this matter.
28

1 10. The Court shall retain jurisdiction over this matter until such time as the Island
2 Annexations (LAFCO 3067A-F) have been detached from the City of San Bernardino and
3 payment in full has been made to Plaintiff, as set forth in this Stipulated Judgment.
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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

3 I am employed in the County of San Bernardino, State of California. I am over the age of 18
4 and not a party to the within action; my business address is 300 No. "D" Street, Rm 668, San
Bernardino, California.

5 On August 13, 2010, I served the foregoing document described as: **STIPULATION**
6 **FOR ENTRY OF JUDGMENT; [PROPOSED] ORDER AND JUDGMENT THEREON** on
the persons set forth below as follows:

7 Marguerite P. Battersby, Esq.,
8 Sheppard, Mullin, Richter & Hampton
650 Town Center Drive, 4th Floor,
9 Costa Mesa, CA 92626
714.513.5100 office; 714.513.5130 fax
(Attorneys for Plaintiff, HULSE)

10 Mark J. Austin, Esq.
11 RUTAN & TUCKER
611 Anton Blvd., 14th Floor
12 Costa Mesa, CA 92626-1931
(714) 641-5100; (714) 546-9035
13 (Attorneys for Defendant, SAN BERNARDINO COUNTY LOCAL AGENCY FORMATION
COMMISSION)

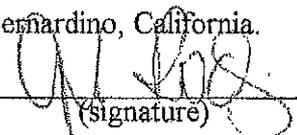
14
15 *(BY UNITED STATES MAIL) I enclosed the documents in a sealed envelope or
16 package addressed to the persons at the above listed addresses. By placing the envelope
17 for collection and mailing following our ordinary business practices. I am readily familiar
18 with this business's practice for collecting and processing correspondence for mailing. On
the same day that correspondence is placed for collection and mailing, it is deposited in the
ordinary course of business with the United States Postal Service in a sealed envelope with
postage fully prepaid.

19 (STATE) I declare under penalty of perjury under the laws of the State of California
20 that the above is true and correct.

21 (FEDERAL) I declare that I am employed in the office of a member of the bar of this
court at whose direction the service was made.

22 Executed on August 13, 2010, at San Bernardino, California.

23 Angela Rodriguez
24 Legal Secretary
City Attorney's Office
300 N. D Street
25 San Bernardino, CA 92418


(signature)