

Draft LAFCO Resolution No. 3151

Attachment 6

PROPOSAL NO.: LAFCO 3168

HEARING DATE: OCTOBER 19, 2011

RESOLUTION NO. 3151

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3168 AND APPROVING THE ACTIVATION OF SEWER FUNCTION AND SERVICES FOR THE VICTORVILLE WATER DISTRICT (territory encompasses the boundaries of the Victorville Water District).

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

WHEREAS, an application to expand the authorized function and service for the Victorville Water District in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (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 the Executive Officer has examined the application and executed her certificate in accordance with law, determining and certifying that the filings are sufficient; and,

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

WHEREAS, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, the public hearing by this Commission was held upon the date and at the time and place specified in the notice of public hearing and in an order or orders continuing the hearing;

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; and,

NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby determine, find, resolve, and order as follows:

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DETERMINATIONS:

SECTION 1. The Local Agency Formation Commission for San Bernardino County hereby approves the amendment of the Exhibit "A" of its Rules and Regulations of special Districts and hereby finds and determines:

1. That the Rules and Regulations affecting the functions and services of Special Districts were originally adopted on November 10, 1976;
2. That the Exhibit "A" of the Rules and Regulations lists each special district and its services and functions pursuant to the requirements of Section 6 of the Rules and Regulations;
3. That the Board of Directors of the Victorville Water District desire to active latent powers for the Victorville Water District for the following function: Sewers;
4. That said Commission proposed to consider the proposal without reference to a special district advisory committee; and,
5. That said Commission approves the activation of sewer function and services within the boundaries of the Victorville Water District and determines, pursuant to Government Code Section 56824.14 that the Plan for Service, combined with other information received, identifies that the Water District will be repaid for its costs in operating the SCLA Industrial Waste Water Treatment Plant and that a mechanism for repayment of the funds expended in the construction and development of said facility will be returned to the District. Approval of this action will amend the Exhibit A of the Rules and Regulations to read as follows:

	<u>FUNCTION</u>	<u>SERVICES</u>
Victorville (Subsidiary established 8/15/07)	Water	Retail, agricultural, domestic, replenishment, conservation, reclaimed water for irrigation/cooling towers for power plant
	Sewer	Collect, treat, and/or dispose of sewage, wastewater, recycled water, and storm water

SECTION 2. FINDINGS. The following findings are noted in conformance with Commission policy:

1. The Registrar of Voters Office has determined that the study area contains 40,030 registered voters as of May 6, 2011.
2. The County Assessor's Office has determined that the assessed valuation of land and improvements within the study area is \$6,443,910,175 (\$2,102,331,451 – Land; \$4,341,578,724 – Improvements). The territory includes 44,276 individual parcels.
3. In compliance with the requirements of Government Code Section 56157 and Commission Policy, LAFCO staff has provided for notice through publication of an 1/8th page legal advertisement in the *Daily Press* a newspaper of general circulation within the area in-lieu of individual notice due to the number of landowners and voters exceeding 1,000. Comments from landowners, registered voters and any affected local agency have been reviewed and

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considered by the Commission in making its determination. No protest or expression of opposition to this service expansion has been received.

4. Legal advertisement of the Commission's consideration has been provided through publication in the *Daily Press*, newspaper of general circulation within the study area. Individual notice has been provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notification.
5. The proposal does not conflict with the adopted City of Victorville General Plan or the County of San Bernardino General Plan.
6. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from environmental review. The basis for this determination is that this expansion of function and service authorized the Victorville Water District to include sewer will not alter the area in which the service is provided and can be implemented without causing any identifiable physical changes to the environment or any adverse environmental impacts. Without identifiable physical changes in the environment, approval of this proposal is exempt from environmental review under the provisions of the California Environmental Quality Act (CEQA), Section 21080(b), the State CEQA Guidelines, Section 15268, and the Commission's adopted CEQA Guidelines. The Commission adopted the Statutory Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
7. The area in question is presently served by the following local public agencies: County of San Bernardino, City of Victorville (portion), San Bernardino County Fire Protection District and its North Desert Services Zone (portion), County Service Area 60 (Apple Valley Airport) (portion), County Service Area 70 (multi-function) (portion), Mojave Water Agency, and Mojave Desert Resource Conservation District (portion).

None of the agencies are directly affected by this application. The anticipated transfer of operation of wastewater collection and treatment system from the City of Victorville to the Victorville Water District by lease agreement will not alter the area in which service is currently provided.
8. The Plan for Service, combined with the other documents and information submitted by the Victorville Water District as a part of the application, has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668 and 56824.12. The Plan identifies that the Victorville Water District will assume operation of the wastewater collection system of the City of Victorville through lease arrangements to be completed and the Financial Impact Analysis within the Plan for Service states that the Water District will bill the City for its operation costs and that the District's investment in the SCLA Industrial Wastewater Treatment Plant will be repaid over a number of years. The Commission finds that such Plan and information combined conform to those adopted standards and requirements.
9. LAFCO 3168 complies with Commission policies and directives and State law that require that an entity providing a service shall be authorized to do so under the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the County Water District Law, principle act of the Victorville Water District.

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- 10. This application will have no direct effect on the ability of the County of San Bernardino or the City of Victorville to achieve their fair share of the regional housing needs. The proposal has been requested to clarify existing service delivery issues.
- 11. With respect to environmental justice, the application study area will benefit from the clarification of service responsibilities and facility funding through the cooperative agreements between the City of Victorville and the Victorville Water District, at the same time, will not result in unfair treatment of any person based upon race, culture, or income.

SECTION 3. The reason for this request for activation of sewer function and service is in direct response to determinations made during the LAFCO consideration of the expansion of the City of Victorville and Victorville Water District sphere of influence through LAFCO 3082 to clarify service obligations for the collection and treatment of wastewater generated within the City and the funding of the facilities.

SECTION 4. Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization to activate the sewer function and service for the Victorville Water District in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

SECTION 5. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

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

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:

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 regular meeting of October 19, 2011.

DATED:

KATHLEEN ROLLINGS-MCDONALD
 Executive Officer