

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

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**DATE: JUNE 9, 2008**

**FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer**

**TO: LOCAL AGENCY FORMATION COMMISSION**

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**SUBJECT: Agenda Item #6 – Discussion of Letter from Bloomington  
Incorporation Commission Inc. (BIC)**

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**RECOMMENDATION:**

That the Commission determines to waive its Incorporation Policy related to sphere of influence determinations allowing for the concurrent submission of an application for incorporation of the Bloomington community and sphere of influence reductions for the Cities of Rialto and Fontana.

**BACKGROUND:**

The Bloomington Incorporation Commission Inc. (hereafter "BIC") has submitted a formal request by letter dated May 14, 2008 that the Commission consider the following items:

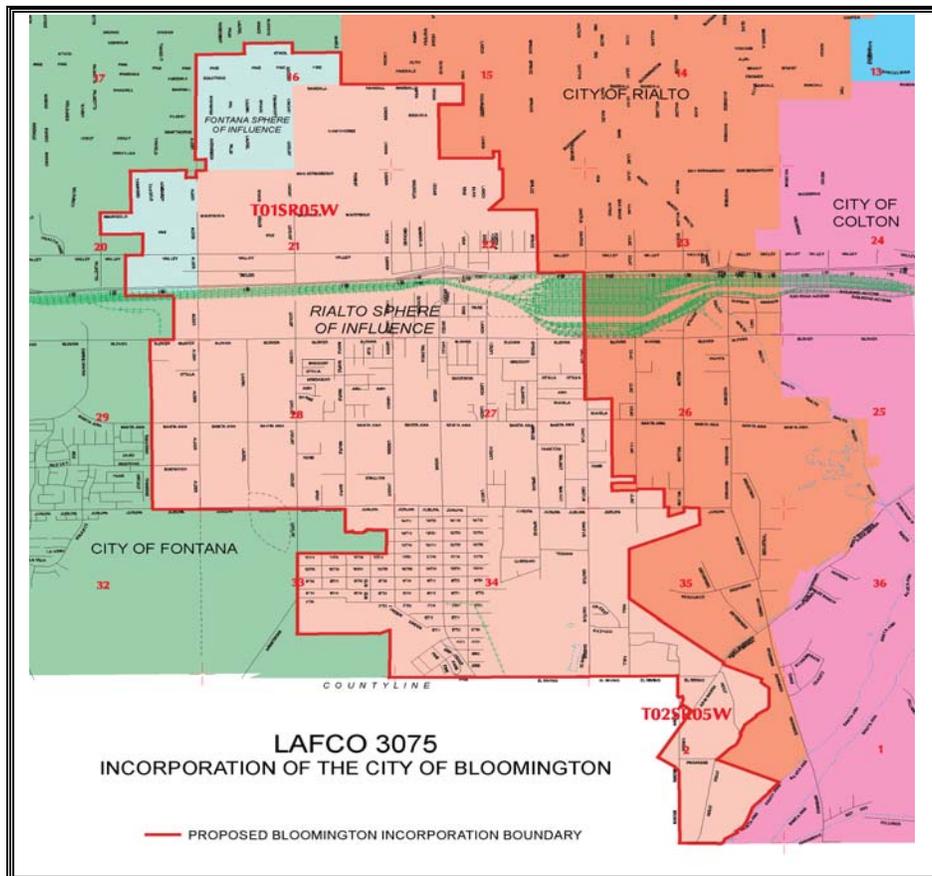
1. Waiver of the Commission's Policy #25 (Incorporation Policies) Subsection (a) which reads as follows:
  - a. *Incorporation proposals involving land within an existing city sphere of influence will not be accepted for filing. If a cityhood proposal would conflict with an established city's sphere of influence, the incorporation proponents must first initiate, and the Commission must approve, a sphere of influence amendment to exclude the study area from that sphere prior to circulation of formal incorporation petitions.*
2. Accept the petitions submitted for consideration of LAFCO 3075, eliminating the signatures within the areas annexed to the Cities of Rialto and Fontana.

LAFCO Staff's response to each of the requests is outlined below:

**REQUEST #1:**

While LAFCO staff disagrees with the statements made in the May 14 BIC letter Item (a) regarding the discussion being a “charade”, we are recommending that the Commission waive its policy requirement that the sphere of influence amendment be submitted and processed prior to the submission of an incorporation proposal. This position is taken in acknowledgement of the prior position of the Commission in addressing the Bloomington community to allow for the concurrent processing of the two applications.

However, staff would note that the unincorporated area available for consideration of a Bloomington cityhood proposal includes sphere territory of both the City of Rialto and City of Fontana and would again require a review of reductions to both of these agencies. The map below identifies the sphere areas from the prior cityhood application:



In addition, the letter states that BIC will work with the City of Rialto and return to the Commission at a later date with a proposal for reduction. This again does not address

the sphere of influence assigned the City of Fontana and staff would hope that BIC would include the City of Fontana in these discussions.

In addition, it must be reiterated that the sole authority for a sphere of influence determination rests with the Commission and in order for the incorporation to move forward a sphere of influence amendment would need to be approved prior to or as a part of the incorporation consideration.

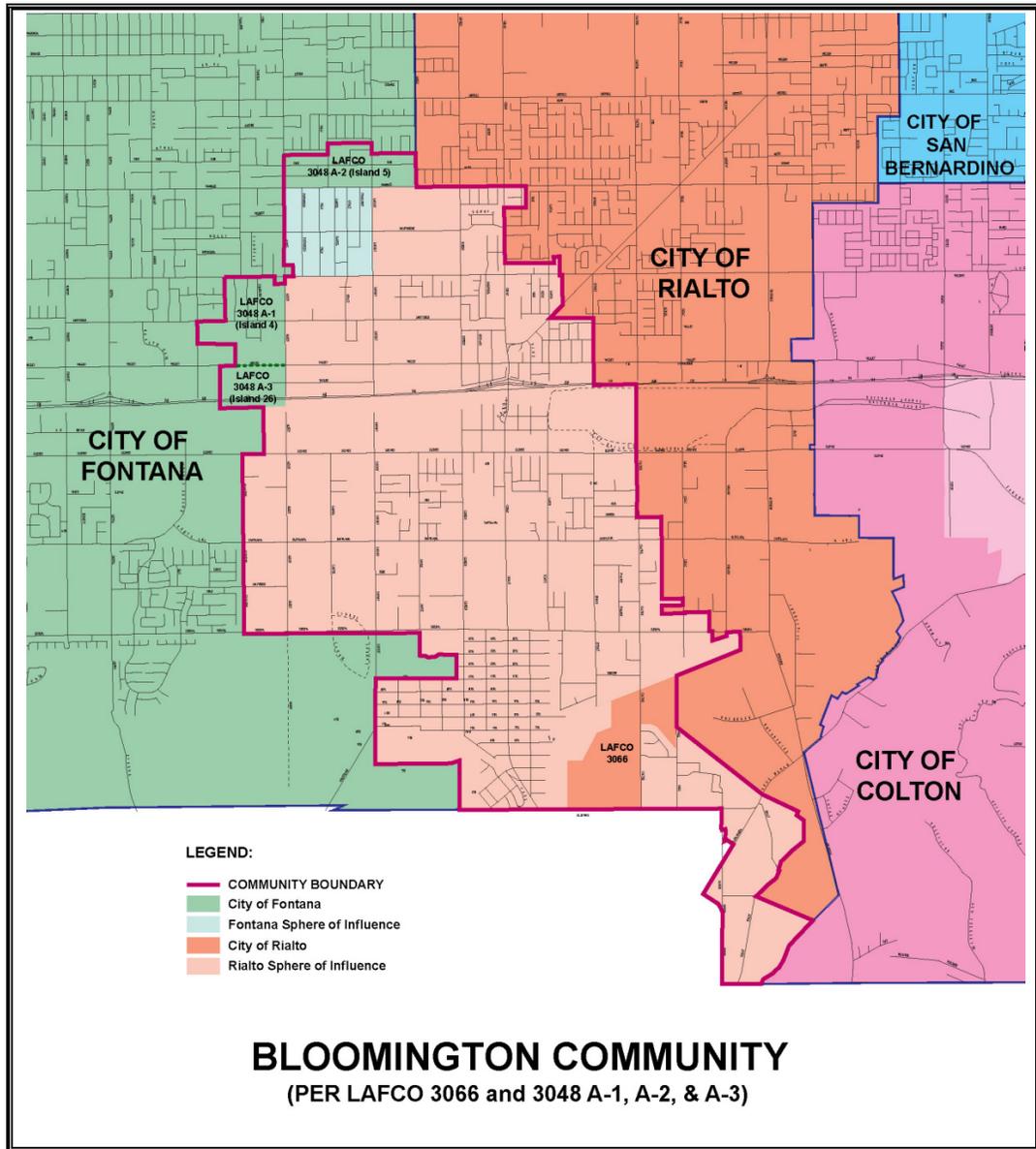
**REQUEST #2:**

BIC has requested that the Commission determine that its prior petition signatures be utilized as the initiating documents for a new incorporation proposal. LAFCO staff has responded to this request previously indicating:

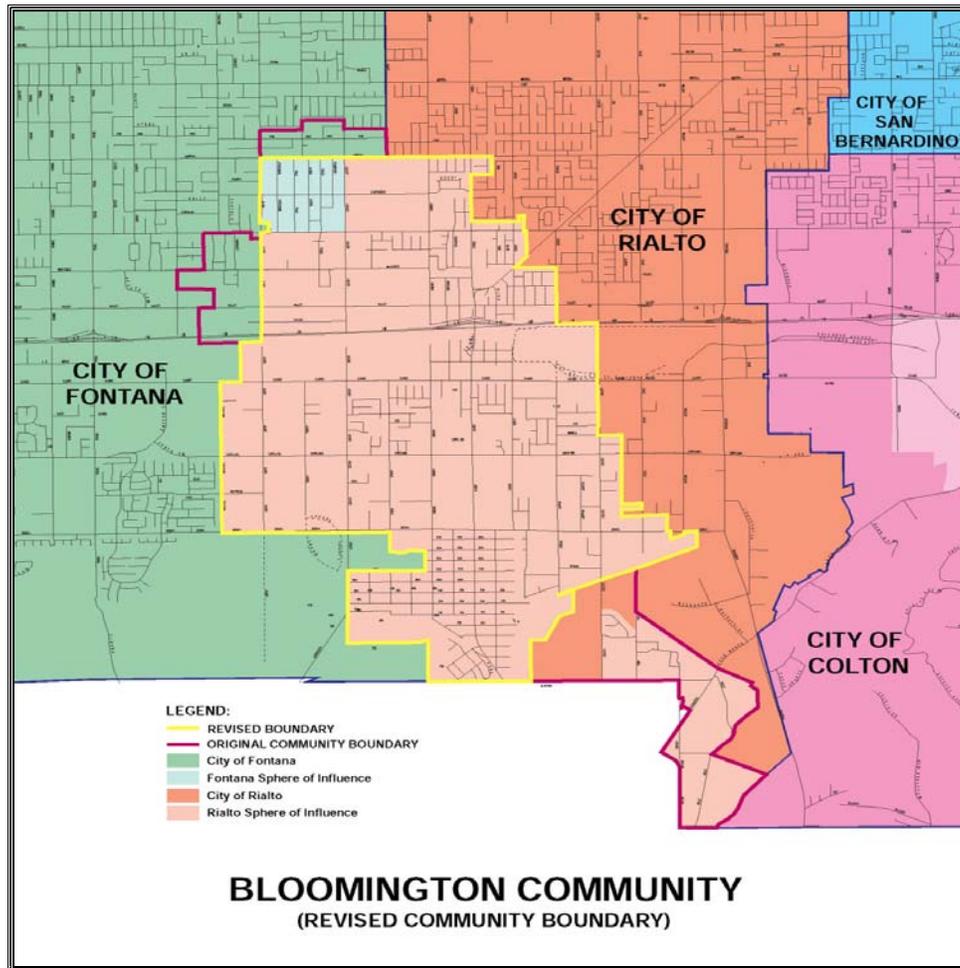
1. The prior incorporation proposal petitions were submitted during September 2006, verified during October 2006, and LAFCO 3075 was closed as a public record following the March 21, 2007 determination of the Commission to deny BIC's request for extension for payment of the filing fees (See Attachment #2 for copies of closure letters). Since this proposal was officially closed, staff does not believe that it can be resurrected 15 months later.

Therefore, it is the staff position that the Commission cannot legally grant Request #2. In order for the incorporation proposal to be reviewed by the Commission the options for initiation are limited to:

- a. Circulation of a new petition and the gathering of signatures in excess of 25% of the registered voters within the new incorporation boundary as shown above; or,
  - b. An affected agency within the incorporation boundary can initiate incorporation by resolution of application.
2. In addition, the incorporation proposal to be submitted is substantially different in land area from its previous application. These boundary changes have occurred through annexations by both the City of Fontana (three islands) and City of Rialto (LAFCO 3066). The map below identifies the revised boundaries for both Cities as they relate to the former incorporation boundary:



Therefore a new map and legal description will be required; a new feasibility study will need to be prepared addressing the new boundaries including a discussion of new revenue and expenditures estimates. This will constitute a complete new application for the area outlined in yellow below:



Based upon the positions outlined above, staff recommends that the Commission indicate it will override its Incorporation Policy and allow the submission of the concurrent sphere of influence amendments and incorporation application and that the initiation of the application must be submitted as required by law through submission of an incorporation petition or through adoption of a resolution of initiation.

/krm

Attachments:

1. Letter Dated May 14, 2008 from BIC
2. LAFCO E-mail Response to Information Request of BIC With Copies of Closure Letters Attached