

BAKER COMMUNITY SERVICES DISTRICT

**2006 Response from CSD Regarding Road
Service**

Attachment 2c

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

175 West Fifth Street, Second Floor
San Bernardino, CA 92415-0490 • (909) 387-5866 • Fax (909) 387-5871
E-mail: lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: JANUARY 9, 2006
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: ITEM #10 -- INVENTORY OF SERVICES AND FUNCTIONS FOR
COMMUNITY SERVICES DISTRICTS**

RECOMMENDATION:

1. Note receipt of staff report and outline of active services of Community Services Districts within San Bernardino County as required by Government Code Section 61002(h).
2. Direct the Executive Officer to include this information in future municipal service review/sphere of influence updates for affected Community Services Districts (CSDs).

BACKGROUND:

In 2004 the Chair of the Senate Local Government Committee, Senator Christine Kehoe, convened a working group of advisors to rewrite Community Services District Law. This working group drafted legislation which became SB 135, which was approved by the Legislature and Governor in 2005 and became effective January 1, 2006. This rewrite of Community Services District law has simplified the over 300 sections of the former law into a comprehensive statute and attempts to synchronize them with other statutory and constitutional provisions, among which is the Cortese-Knox-Hertzberg Local Government Reorganization Act.

One of the new provisions pertains to latent powers for CSDs. Pursuant to Government Code Section 61002(h), the term "latent powers" is described as follows:

“Latent power” means those services and facilities authorized by Part 3 (commencing with Section 61100) that the local agency formation commission has determined, pursuant to subdivision (h) of Section 56425, that a district did not provide prior to January 1, 2006.

In order to be able to address the specific requirement listed, staff has contacted each of the nine CSDs in the County and requested that they review the listing of LAFCO authorized functions and services (copy included as Attachment #1) and provide a response as to those which are currently active. Eight of the nine CSDs have responded to this request (copies included as Attachment #2 to this report). As of the preparation of this report, the Big River CSD has not responded to the staff's letter. Of the eight responding, they have indicated their active powers are as follows:

BAKER

ACTIVE: Water, Sewer, Fire Protection, Park and Recreation, Streetlighting, Health Services (should be corrected to list Ambulance), TV Translator, and Solid Waste.

The District has indicated that a Court has indicated that it has the ability to construct and maintain roadways to the “extent necessary to carry out its other purposes”. LAFCO staff will clarify this during the District's service review/sphere update.

BARSTOW HEIGHTS

ACTIVE: Park and Recreation.

District has indicated that Water service currently listed is not active; therefore, it should become a latent power. No further information is identified for the “administering of road assessment”. LAFCO staff will clarify this during the District's service review/sphere update.

BIG BEAR CITY

ACTIVE: Water, Sanitation (Sewer), Streetlighting, Fire Protection, Ambulance, Rubbish (should be identified as Solid Waste), and Park and Recreation.

The District has indicated that the services of Library, Transportation and Mosquito Abatement are not actively provided



BAKER COMMUNITY SERVICES DISTRICT

P.O. BOX 590 72730 BAKER BLVD. BAKER, CA 92309
PH. 760-733-4402 FAX 760-733-4661

December 12, 2005

Kathleen Rollings-McDonald
Executive Officer, L.A.F.C.O.
175 West 5th Street, Second Floor
San Bernardino, CA 92415-0490

RECEIVED
DEC 14 2005

LAFCO
San Bernardino County

Greetings:

We are in receipt of your letter dated December 6, 2005 regarding "latent powers" of Baker Community Services District.


Your assessment of our active powers is correct with a couple of minor notations, and one significant addition.

Our minor notations are: First - Under Park and Recreation, we also operate a public swimming pool. Secondly - We draw no distinction between the categories of "Sanitation" and "Sewer" shown in your letter.

Under significant additions: Baker Community Services District has the inherent power to construct and maintain roadways to the extent necessary to carry out its other purposes. (Court of Appeal, Fourth District, Division Two, March 17, 2005)

Should you have questions, please contact us.

Best Regards,

Le Hayes 
General Manager