

Draft LAFCO Resolution #3192

Attachment 4

PROPOSAL NO.: LAFCO 3180

HEARING DATE: OCTOBER 22, 2014

RESOLUTION NO. 3192

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3180 – REORGANIZATION TO INCLUDE ANNEXATIONS TO COUNTY SERVICE AREA 54, DETACHMENT FROM COUNTY SERVICE AREA SL-1 AND DISSOLUTION OF COUNTY SERVICE AREA 73 AND ZONE A OF COUNTY SERVICE AREA 53 (STREETLIGHT REORGANIZATION FOR THE MOUNTAIN REGION). The reorganization area includes eight separate areas encompassing a total of approximately 8,462 acres generally located within the mountain communities of Crest Forest, Lake Arrowhead, Hilltop, and Bear Valley. Area 1 is an area being detached from CSA SL-1 and annexed into CSA 54. Area 2 contains the boundaries for CSA 73, which is being dissolved and annexed into CSA 54. Areas 3, 4, and 5 comprises the total area for CSA 53-A, which is also being dissolved and annexed into CSA 54. And finally, Areas 6, 7, and 8 are areas that are simply being annexed into CSA 54.

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

WHEREAS, an application for the proposed dissolution 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 called for May 21, 2014 at the time and place specified in the notice of public hearing and continued to July 16, 2014, to September 17, 2014, and to October 22, 2014 at the time and place specified in the order continuing the hearing; and,

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WHEREAS, at the hearing, this Commission heard and received all oral and written support and/or opposition; 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.

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

DETERMINATIONS:

SECTION 1. The proposal is approved subject to the terms and conditions hereinafter specified:

CONDITIONS:

Condition No. 1. The boundaries of this change of organization are approved as set forth in Exhibits "A" and "A-1" attached;

Condition No. 2. The following distinctive short-form designation shall be used through this proceeding: LAFCO 3180;

Condition No. 3. The effective date of this dissolution shall be the date of issuance of the Certificate of Completion;

Condition No. 4. As successor agency for County Service Areas 53-A and 73, County Service Area 54 will receive all property tax revenues attributable to both entities per the County Board of Supervisors' Resolution No. 2014-58. In addition, any and all other collections or assets for both County Service Areas 53-A and 73 shall accrue and be transferred to County Service Area 54;

Condition No. 5. As a function of the dissolution of County Service Area 53A, all streetlights currently the responsibility of County Service Area 53A shall be transferred to County Service Area 54. The County Special Districts Department shall sign the authorization form requesting Bear Valley Electric to transfer the streetlights to County Service Area 54 upon successful completion of the reorganization;

Condition No. 6. As a function of the dissolution of County Service Area 73, all streetlights currently the responsibility of County Service Area 73 shall be transferred to County Service Area 54. The County Special Districts Department shall sign the authorization form requesting Southern California Edison to transfer the streetlights to County Service Area 54 upon successful completion of the reorganization;

Condition No. 7. As a function of the detachment of the portion of County Service Area SL-1 in the Lake Arrowhead area, all streetlights currently within said portion of County Service Area SL-1 shall be transferred to County Service Area 54. The County Special Districts Department shall sign the authorization form requesting Southern California Edison to transfer the streetlights to County Service Area 54 upon successful completion of the reorganization;

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Condition No. 8. The appropriation limit currently assigned to County Service Areas 53A and 73, shall be added to that of County Service Area 54.

Condition No. 9. All previously authorized charges, fees, assessments, and/or taxes of County Service Area 17 shall be continued and assumed by the Town of Apple Valley, as the successor agency, in the same manner as provided in the original authorization pursuant to the provisions of Government Code Section 56886(t).

Condition No. 10. Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts.

Condition No. 11. The County of San Bernardino, applicant, shall indemnify, defend, and hold harmless the Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

SECTION 2. DETERMINATIONS. The following determinations are required to be provided by Commission policy and Government Code Section 56668:

1. The reorganization area is legally inhabited, containing 774 registered voters as determined by the County Registrar of Voters Office as of April 29, 2014 (for Areas 1 thru 5) and subsequently on October 14, 2014 (for Areas 6 through 8).

Area 1 -- 6 registered voters
Area 2 -- 387 registered voters
Area 3 -- 376 registered voters
Area 4 -- 5 registered voters
Area 5 -- 0 registered voters
Area 6 -- registered voters
Area 7 -- registered voters
Area 8 -- registered voters

2. The County Assessor has determined that the total assessed value of land and improvements within the reorganization area is \$328,576,853. The breakdown of assessed value of land and improvements for each of the eight separate areas are as follows:

Area 1 -- \$	3,646,663	(land - \$	1,103,369; improvements - \$	2,543,294)
Area 2 -- \$	93,313,285	(land - \$	24,543,752; improvements - \$	68,769,533)
Area 3 -- \$	217,322,556	(land - \$	100,408,660; improvements - \$	116,913,896)
Area 4 -- \$	1,428,899	(land - \$	167,462; improvements - \$	1,261,437)
Area 5 -- \$	0	(land - \$	0; improvements - \$	0)
Area 6 -- \$	519,870	(land - \$	82,285; improvements - \$	437,585)
Area 7 -- \$	13,774,479	(land - \$	2,606,929; improvements - \$	11,167,550)
Area 8 -- \$	0	(land - \$	0; improvements - \$	0)

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3. The reorganization area is within the sphere of influence assigned for County Service Area 54 through approval of LAFCO 3179.
4. Notice of Commission review of this proposal has been advertised in The Sun, a newspaper of general circulation within the reorganization area. Individual notice has been provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notification. Comments received have been reviewed and considered by the Commission in making its determination.

In addition, individual notice of the original May 21, 2014 LAFCO hearing was provided to landowners and registered voters within the original area for LAFCO 3180 totaling 3,811 notices.

5. The County's land use designations for the reorganization area include a mix of residential, commercial, industrial, institutional, and resource conservation.

Pursuant to the provision of Government Code Section 56668(g), this reorganization proposal has no direct effect on the Southern California Associated Governments (SCAG) adopted Regional Transportation Plan and Sustainable Community Strategy nor does it have any direct effect on the County's General Plan land use designations assigned for the area.

6. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from environmental review. This recommendation is based on the finding that the Commission's approval of the reorganization has no potential to cause any adverse effect on the environment. The reorganization proposal will support existing streetlights by consolidating the entities into a single county service area to oversee long-term management of existing and/or future streetlighting in the mountain region.; therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061 (b) (3). The Commission directs its Executive Officer to file a Notice Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

7. The areas within the reorganization area are served by the following local agencies: County of San Bernardino, Inland Empire Resource Conservation District, Mojave Desert Resource Conservation District, San Bernardino County Fire Protection District and its Mountain Service Zone, Crestline-Lake Arrowhead Water Agency, Rim of the World Recreation and Park District, Lake Arrowhead Community Services District, Crestline Village Water District, Crestline Sanitation District, Crest Forest Fire Protection District, Arrowbear Park County Water District, San Bernardino Mountains Community Healthcare District, Big Bear Lake Fire Protection District, Big Bear Municipal Water District, Big Bear Valley Recreation and Park District, Big Bear Airport District, Bear Valley Community Healthcare District, County Service Area SL-1 (Lake Arrowhead portion), County Service Area 73, County Service Area 53 and its Zones A, B, and C, County Service Area 54, County Service Area 70 Zone D-1, and County Service Area 70 (multi-function).

The agencies directly affected by this proposal are County Service Area 53 Zone A, County Service Area 54, County Service Area 73, and County Service Area SL-1. None of the other agencies will be affected by this proposal.

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8. The County of San Bernardino, through its Special Districts Department, has submitted a plan for services for the provision of streetlighting services through County Service Area 54. This plan is attached for Commission review, and it indicates that the range and level of such services can be maintained following the reorganization.
9. The area in question can benefit, and has benefited, from the provision of streetlighting services and will continue to do so following the transfer of responsibility to County Service Area 54 as outlined in the plan for services at current service levels.
11. This reorganization proposal and its anticipated effects conform with adopted Commission policies and directives of state law that promote the simplification of the government.
12. Pursuant to the provision of Government Code Section 56668(o), the reorganization proposal to consolidate streetlighting services within the entire mountain region will not result in the unfair treatment of any person, based upon race, culture or income.
13. The County Board of Supervisors has successfully concluded the property tax negotiations required by Section 99 of the Revenue and Taxation Code.
14. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

SECTION 3. Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization 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 4. 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.

SECTION 5. The Commission hereby directs that, following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer is hereby directed to initiate protest proceedings in compliance with this resolution and State law.

SECTION 6. Upon conclusion of the protest proceedings, the Executive Officer shall adopt a resolution setting forth her determination on the levels of protest filed and not withdrawn and setting forth the action on the proposal considered.

SECTION 7. Upon adoption of the final resolution by the Executive Officer, either a Certificate of Completion or a Certificate of Termination, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204, shall be prepared and filed for the proposal.

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

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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 for San Bernardino County, 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 22, 2014.

DATED:

KATHLEEN ROLLINGS-McDONALD
Executive Officer

