

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #8 (Supplemental) – LAFCO 3192 – Sphere of Influence
Amendment for the Chino Basin Water Conservation District

RECOMMENDATION:

LAFCO staff recommends that the Commission recognize that the contracts between the Chino Basin Water Conservation District and the Inland Empire Utilities Agency comply with the exemption criteria within Government Code Section 56133 Subsection (e) and, therefore, does not require Commission approval to continue or proceed.

BACKGROUND:

In May 2015, the Commission considered the service review for Water Conservation in the Valley Region. As an outgrowth of that review, the Commission determined that Chino Basin Water Conservation District ("District") was not in compliance with being formally determined by LAFCO to be exempt from Government Code Section 56133 in regards to its contracts with the Inland Empire Utilities Agency ("IEUA").

Pursuant to Government Code Section 56133, LAFCO is charged with the responsibility for reviewing and taking action on any city or district contract to extend service outside of its jurisdiction. However, the law provides for exemptions and one such exemption is for contracts or agreements solely involving two or more public agencies.

The contracts between the two agencies have been in existence since September 2010, January 2011, December 2012, and September 2013. Since the contracts have been in existence for some time, this sphere of influence amendment (LAFCO 3192), which is an outgrowth of the May 2015 service review, provides a mechanism to recognize that these contracts exist, are exempt as outlined in Section 56133(e); and no further consideration is necessary under 56133 and Commission policies.

After reviewing the contracts, it is staff's position that the exemption applies to the contracts between the District and IEUA, and therefore should be recognized as being exempt from further LAFCO review on the basis of the following facts:

1. The existing contracts for service are between Chino Basin Water Conservation District and the Inland Empire Utilities Agency, two public agencies.
2. The public service provided includes landscape auditing, residential landscape training, landscape water budgeting, and water education and demonstration. These services are outlined in detail in contracts 4600001872, 4600000861, 4600001296, and 4600001531, respectively. The services provided by the District are an alternative to the IEUA providing the service on its own.
3. IEUA is contracting for the District to provide these services at the District's facility for the constituents of the IEUA and payment has been provided.
4. The level of service provided through the contracts are consistent with the level of service contemplated by the IEUA, existing service provider, as negotiated in the contracts for service.

Pursuant to Commission Policy, any and all future contracts for service within the District's sphere of influence would be administratively reviewed without requirement for placement on a Commission agenda as the services to be provided would not facilitate development.

CONCLUSION:

On the basis of the facts outlined above, LAFCO staff recommends that the Commission recognize that pursuant to Government Code Section 56133 Subsection (e), the existing contracts for water conservation services between Chino Basin Water Conservation District and the Inland Empire Utilities Agency are exempt; and all future contracts for service are to be submitted to LAFCO for approval under 56133 or for an exemption as authorized by subsection (e) of 56133.

KRM/MT

Attachments:

1. [Contract 4600001872 with most recent amendment](#)
2. [Contract 4600000861 with most recent amendment](#)
3. [Contract 4600001296 with most recent amendment](#)
4. [Contract 4600001531 with most recent amendment](#)