

Draft Resolution No. 3214

Attachment 4

PROPOSAL NO.: LAFCO 3194

HEARING DATE: FEBRUARY 17, 2016

RESOLUTION NO. 3214

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3194 AND APPROVING THE REORGANIZATION TO INCLUDE ANNEXATIONS TO THE PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT AND DETACHMENT FROM COUNTY SERVICE AREA 70 ZONE P-6. The reorganization includes three separate areas encompassing a total of approximately 480 acres of non-contiguous, district-owned parcels located in the community of El Mirage.

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 reorganization 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 February 17, 2016 at the time and place specified in the notice of public hearing; and,

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.

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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 3194;

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Phelan Piñon Hills Community Services District (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

Condition No. 4. The Phelan Piñon Hills Community Services District shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County 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.

Condition No. 5. 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. 6. The date of issuance of the Certificate of Completion shall be the effective date of this reorganization.

SECTION 2. The Commission determines that:

- a) this proposal is certified to be legally uninhabited;
- b) it has 100 % landowner consent; and,
- c) no written opposition to a waiver of protest proceedings has been submitted by any subject agency.

Therefore, the Commission does hereby waive the protest proceedings for this action as permitted by Government Code Section 56663(c).

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SECTION 3. DETERMINATIONS. The following determinations are noted in conformance with Commission policy and Government Code Section 56668:

1. The reorganization proposal is legally uninhabited, containing no registered voter within any of the three area as certified by the Registrar of Voters as of August 7, 2015s.
2. The County Assessor's Office has determined that the total assessed value of land and improvements within the reorganization area is \$2,409,948 (land--\$1,660,809; improvements--\$749,139) as of August 10, 2015.
3. Through approval of the companion proposal, LAFCO 3193, the reorganization area will be within the sphere of influence assigned the Phelan Piñon Hills Community Services District.
4. Commission consideration of this proposal has been advertised in *The Daily Press*, a newspaper of general circulation within the reorganization area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
5. In compliance with the requirements of Government Code Section 56157 and Commission policy, individual notice was mailed to surrounding landowners and registered voters (totaling 99 notices) within approximately 1,350 feet of the exterior boundaries of the reorganization area. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination. No expression of support or opposition to this reorganization has been received by the Commission.
6. The County's land use designation for the reorganization proposal is AG (Agriculture). This reorganization proposal has no direct effect on the County's General Plan land use designation assigned for the area.
7. The Southern California Associated Governments (SCAG) adopted its 2012-2035 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3194 has no direct impact on SCAG's Regional Transportation Plan.
8. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the proposal has no potential to cause any adverse effect on the environment. The Commission certifies it has reviewed and considered the environmental recommendation and finds that, without any identifiable physical changes, this proposal does not constitute a project and is not subject to environmental review under the provisions of the State CEQA Guidelines Section 15061(b)(3).

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.

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9. The local agencies currently serving the area are: County of San Bernardino, Mojave Water Agency (the State Water Contractor), Mojave Desert Resource Conservation District (portion), San Bernardino County Fire Protection District, its North Desert Service Zone, and its Service Zone FP-3, County Service Area 60 (Apple Valley Airport), and County Service Area 70 (multi-function unincorporated area Countywide) and its Zone P-6.

County Service Area 70 Zone P-6 will be detached as a function of this reorganization. None of the other agencies are affected by this proposal as they are regional in nature.

10. The Phelan Piñon Hills Community Services District submitted a plan for services as required by law. The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Plan for Service submitted conform to those adopted standards and requirements and show that the level of service will be maintained following annexation.
11. The reorganization proposal is in compliance with Commission policies and would be for the benefit of the Phelan Piñon Hills Community Services District. Annexing these district-owned parcels would relieve the district of a recurring annual property tax obligation of approximately \$30,000.
12. With respect to environmental justice, the reorganization proposal—which only annexes the properties that were acquired by the district for additional water rights—will not result in the unfair treatment of any person based on race, culture or income.
13. The County of San Bernardino (on behalf of the Phelan Piñon Hills Community Services District) adopted a resolution indicating no transfer of property tax revenues would be required. A copy of the resolution adopted by the San Bernardino County Board of Supervisors is on file in the LAFCO office. This negotiated agreement fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. The maps and legal descriptions, as revised, are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's Office.

SECTION 4. The reason for this reorganization is to relieve the Phelan Piñon Hills Community Services District of a recurring annual property tax obligation of approximately \$30,000, which is a significant savings that would benefit the district.

SECTION 5. The affected territory shall not be taxed for existing bonded indebtedness or contractual obligations of the Phelan Piñon Hills Community Services District through the reorganization. The regular County assessment rolls are utilized by the Phelan Piñon Hills Community Services District.

SECTION 6. 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

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service to the functions of other local agencies in the area.

SECTION 7. The Commission hereby orders the territory described in Exhibits "A" and "A-1" reorganized. The Commission hereby directs, that following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer shall prepare and file a Certificate of Completion, as required by Government Code Section 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204.

SECTION 8. 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 for San Bernardino County 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 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 February 17, 2016.

DATED:

KATHLEEN ROLLINGS-MCDONALD
Executive Officer