

**Draft Resolution to Approve or Deny
LAFCO 3202**

Attachment 11

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3202

HEARING DATE: JULY 20, 2016

RESOLUTION NO. 3227

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3202; APPROVING THE REORGANIZATION TO INCLUDE FORMATION OF THE WRIGHTWOOD COMMUNITY SERVICES DISTRICT AND DISSOLUTION OF COUNTY SERVICE AREA 56 (generally encompassing the area commonly identified as the Wrightwood community representing approximately 10,739 acres (17 square miles) generally located east and west of the Los Angeles/San Bernardino County line. The territory is generally east of Big Pine, south of the Phelan Pinon Hills CSD, and east and west of parcel lines, Highway 2 traverses the community in a generally east/west direction).

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 Counties of Los Angeles and San Bernardino was filed with the Executive Officer of the Local Agency Formation Commission for San Bernardino County (hereinafter referred as the "Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 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 this 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 held upon the date and at the time and place specified in the notice of public hearing and in order or orders continuing the hearing; and,

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WHEREAS, at this hearing, this Commission heard and received all oral and written protests; 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; and,

WHEREAS, the Commission determines to modify the proposal to include additional territory to the north and east and the expansion of the authorized services to include the function of wastewater for the service of planning and engineering should the Lahontan Regional Water Quality Control Board so mandate.

NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby determine, resolve, order and find 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 this resolution;

Condition No. 2. The following distinctive short form designation shall be used through this proceeding: LAFCO 3202;

Condition No. 3. The effective date of this reorganization shall be July 1, 2017 or later upon the completion of terms and conditions outlined in this resolution for approval as authorized by Government Code Sections 56886(p) and 57202;

Condition No. 4. The Wrightwood Community Services District (hereafter Wrightwood CSD) shall be the successor agency and shall function under and carry out all authorized duties and responsibilities assigned to a community services district as outlined in Government Code Section 61000 et seq., Community Services District Law, and other applicable laws. Upon the Effective Date of this reorganization, the legal existence of County Service Area 56 shall cease to exist, except as otherwise required by law, and the Wrightwood CSD, as successor District, shall succeed to all the rights, duties, responsibilities, properties (both real and personal), contracts, equipment, assets, liabilities, obligations, functions, executory provisions, entitlements, permits and approvals of the extinguished agency;

Condition No. 5. The Board of Directors of the Wrightwood CSD shall consist of five (5) members, elected at-large, pursuant to the provisions of Government Code Section 61020;

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Condition No. 6. The Wrightwood CSD shall be authorized to provide the following functions and services as active powers:

Streetlighting -- Acquire, construct, improve, maintain and operate streetlighting and landscaping on public property, public right-of-way, and public easements (§61100(g)).

Park and Recreation -- Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law (commencing with Section 5780) of the Public Resources Code (§61100f)).

Solid Waste and Recycling-- Collect, transfer, and dispose of solid waste and refuse and provide solid waste handling service, including, but not limited to, source reduction, recycling, composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code.

Wastewater – Planning and engineering for the potential development of a regional wastewater treatment system should such be required by the Lahontan Regional Water Quality Control Board in the same manner as a sanitary district, formed pursuant to Sanitary District Act of 1923 Division 6 (commencing with Section 6400) of the Health and Safety Code.

Condition No. 7. The Wrightwood CSD, as the successor district, shall accept all system facilities transferred from the dissolving County Service Area 56 in “as is” condition without any payment or repair obligation from the assets of the dissolving agency (Government Code Section 56886(h)). All material and incidental liabilities, including, but not limited to, accounts payables, contract obligations and customer deposits, held by the dissolving entities shall be transferred to the successor district upon the effective date of the reorganization (Government Code Section 56886(h)). All assets, including, but not limited to, cash reserves, buildings and other real property, rolling stock, tools, and office furniture, fixtures and equipment, all lands, buildings, real and personal property and appurtenances held by the dissolving entity shall be transferred to the successor district upon the effective date of the reorganization (Government Code Section 56886(h)). All quitclaim deeds necessary to effectuate the transfer of land and/or buildings shall be prepared by the County of San Bernardino Special Districts Department to be filed upon the effective date of the change with a copy provided to LAFCO;

Condition No. 8. All property tax revenues attributable to County Service Area 56, prior to calculations required by Section 96.1 of the Revenue and Taxation Code, including delinquent taxes, and any and all other collections or assets of the District to be dissolved, shall accrue and be transferred to the successor District, the Wrightwood CSD, pursuant to the provisions of Government Code Section 56810. In providing for this calculation, the full amount of the base year allocation for value/revenue for CSA 56, increment experienced within CSA 56 boundaries, and the revenue shifts previously

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approved by completion of LAFCO 3070 shall be transferred to the WCSD upon its formation;

Condition No. 9. All previously authorized charges, fees, assessments, and/or taxes of County Service Area 56 in effect upon the effective date of this reorganization shall be continued and assumed by the Wrightwood CSD, 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. Until duly revised by the Wrightwood CSD, and unless otherwise expressly provided herein or legally required, all ordinances, resolutions, rules and regulations, policies, procedures, and practices existing for CSA 56 on the effective date of this reorganization shall govern the activities and affairs of the Successor District. The Board of Directors of the Wrightwood CSD, as the successor district, shall expeditiously review and ratify the ordinances, resolutions, policies, procedures and practices adopted hereby, making such revisions as it shall deem appropriate;

Condition No. 11. Upon the effective date of this reorganization, any funds currently deposited for the benefit of County Service Area 56 which have been impressed with a public trust, use or purpose shall be transferred to the Wrightwood CSD, as the successor agency, and the successor agency shall separately maintain such funds in accordance with the provisions of Government Code Section 57462;

Condition No. 12. Pursuant to the provisions of Government Code Section 56811, the provisional appropriation limit of the Wrightwood CSD shall be set at \$552,129. The permanent appropriation limit shall be established at the first district election held following the first full fiscal year of operation and shall not be considered to be a change in the appropriation limit of the district pursuant to Article XIIB of the California Constitution;

Condition No. 13. All streetlights currently the responsibility of County Service Area 56 shall be transferred to the Wrightwood CSD upon successful formation of the District. The County Special Districts Department shall prepare the appropriate documentation to transfer the streetlights; LAFCO staff shall verify the data, and forward the signed authorization form requesting Southern California Edison to transfer the specific streetlights to the Wrightwood CSD accounts upon successful completion of LAFCO 3202;

Condition No. 14. Upon the effective date of the reorganization to include formation, the Wrightwood CSD, as the successor agency for County Service Area 56, shall continue to pay the installment payments required for the County Service Area Revolving Loan Fund Loan for development of the Skate Park and other improvements pursuant to Government Code Section 56886(a). The terms of that Loan are found in Resolution No. 2013-159 adopted on July 23, 2013;

Condition No. 15. Pursuant to the provisions of Government Code Section 56885.5(a)(4), the County Board of Supervisors, as the governing body of County

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Service Area 56, is prohibited from taking the following actions unless an emergency situation exists as defined in Section 54956.5:

1. Approve any increase in compensation or benefits for members of the governing body, its officers, or the executive officer of the agency;
2. Appropriating, encumbering, expending or otherwise obligating, any revenues of the agencies beyond that provided in the current budget at the time the reorganization is approved by the Commission. The Commission identifies that the budget to be utilized in this condition shall be the final budget for Fiscal Year 2016-17 adopted by the County Board of Supervisors on June 14, 2016;

Condition No.16. 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; and,

Condition No. 17. 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. The following determinations are made in conformance with Government Code Sections 61014 and 56301:

1. Pursuant to the requirements of Government Code Section 61014, the Commission finds that the Wrightwood CSD has sufficient revenues to perform the services as outlined in its application for streetlights, park and recreation, and solid waste, and as modified by LAFCO to include wastewater planning, and to provide for a reasonable reserve for the next three years.
2. Pursuant to requirements of Government Code Section 56301, the Commission determines that existing agencies cannot provide the range and level of services contemplated to be provided by the Wrightwood CSD in both Los Angeles and San Bernardino Counties in a more efficient and accountable manner.

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

1. The Registrars of Voters for Los Angeles and San Bernardino Counties have determined that the reorganization study area is legally inhabited, containing a total of 2,497 registered voters broken down by county as follows:
 - a. Los Angeles County: 114 voters as of June 17, 2016
 - b. San Bernardino County: 2,383 voters as of June 16, 2016.

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2. The reorganization including formation does not conflict with the sphere of influence of any other entity within either Los Angeles or San Bernardino Counties.
3. The County Assessors for Los Angeles and San Bernardino Counties have determined that the value of land and improvements within the study area is broken down as follows:
 - a. Los Angeles County total value is \$516,337,303
Land -- \$146,203,501; Improvements -- \$370,133,802
 - b. San Bernardino County total value is \$513,625,252
Land -- \$145,911,207; Improvements -- \$367,714,045
4. Notice of this hearing was published as required by law in The Mountaineer, a newspaper of general circulation in the area. As required by State law and Commission policy, a 1/8th page legal ad was provided in compliance with the provisions of Government Code Section 56157. Individual notices were provided to those individuals and agencies requesting special notice. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination. Comments in support and/or opposition have been received and considered by the Commission in making its determination.
5. In compliance with the requirements of Government Code Section 56125 due to the County of San Bernardino's special tax being transferred to the WCSD and Government Code Section 56157, individual notice was mailed to registered voters and landowners within the reorganization area (totaling 5,641). The number is broken down as follows:

Los Angeles County – 114 Registered Voters; 204 Landowners
San Bernardino county – 2,383 Registered Voters; 2,940 Landowners

Comments from registered voters and landowners have been considered by the Commission in making its determination.
6. The proposed reorganization including formation does not conflict with the established County General Plans for Los Angeles and San Bernardino Counties for their respective areas and has no direct impact on such land use designations.
7. The Southern California Association of Governments (SCAG) has adopted a Regional Transportation Plan and Sustainable Community Strategy pursuant to the provisions of Government Code Section 65352.5. Approval of LAFCO 3202 has no direct impact on these determinations but will provide for the delivery of park and recreation services and wastewater services, if required, to the community which supports the Sustainable Community Strategy.
8. The Local Agency Formation Commission has determined that this proposal is statutorily exempt from the California Environmental Quality Act (CEQA). The determination is based on the finding that the proposal will not change the area in which the service is provided; therefore, no physical affect upon the environment can be foreseen. The Commission certifies it has reviewed and considered the

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environmental recommendation and finds that a General Rule Statutory Exemption as authorized under Section 15061(b) (3) of the State CEQA Guidelines is appropriate. The Commission adopted the Statutory Exemption and directed the Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.

9. The study area is served by the following public agencies: County of San Bernardino (portion), County of Los Angeles (portion), Mojave Desert Resource Conservation District (San Bernardino County), San Bernardino County Fire Protection District and its North Desert Service Zone (fire protection, emergency medical response, ambulance – San Bernardino County area); Consolidated Fire District of Los Angeles County (fire protection, emergency medical response for Los Angeles County area); County Service Area 56 (streetlighting, park and recreation – San Bernardino County portion of Wrightwood community); and County Service Area 70 (multi-function agency within San Bernardino County).

The affected agency is CSA 56 which is to be dissolved as a function of this reorganization. The other agencies are not affected by this reorganization as they are regional in nature or identified for service to a specific area.

10. The County of San Bernardino, as the proponent for LAFCO 3202, has submitted a Feasibility Study prepared by the Feasibility Committee for a Wrightwood Community Services District, which provides a general outline of the delivery of services mandated by Government Code Section 56653 for a plan for providing services. This Plan and the Fiscal Impact Analysis indicates that the transfer of service to the Wrightwood Community Services Districts upon its formation, can, at a minimum, maintain the level of service delivery currently received by the area. The Feasibility Study, including its amendments and supplements, shows that the Community Service District has sufficient revenues to provide its active range of services (park and recreation, streetlighting, and solid waste) upon formation. In addition, the staff's modification to include wastewater as an active function would only be provided should the requirement for sewerage a portion of the community be mandated by the Lahontan Regional Water Quality Control Board. The Plan for Service, Feasibility Study and its supplemental information have 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 Study, its supplemental data and the Fiscal Impact Analysis as revised by LAFCO staff, conform to those adopted standards and requirements.
11. The reorganization area can benefit from the availability and extension of services, as evidenced by the Feasibility Study and its supplemental data.
12. This proposal will not affect the fair share allocation of the regional housing needs assigned to either the County of Los Angeles or the County of San Bernardino through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) process.
13. With respect to environmental justice, the reorganization provides for the continuation of existing park and recreation, streetlighting and solid waste (refuse collection) services within the area as well as the ability to plan and engineer a

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wastewater system should the mandate for same occur. The delivery of these services through a locally-elected special district will not result in the unfair treatment of any person based upon race, culture or income.

14. This proposal complies with Commission and State policies that indicate the preference for the creation of multi-purpose agencies to serve growing communities. This position is taken on the basis that area proposed for formation as a community services district can be planned, funded, services extended and maintenance funding put in place for the full range of service needs as identified by the community.
15. The maps and legal descriptions, as revised are in substantial compliance with LAFCO and State standards through certification by the County Surveyor's office for San Bernardino County.

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, noting that its approval is subject to the confirmation of the registered voters within the affected territory.

SECTION 5. The reason for the reorganization, as specified in the Resolution Initiating the Proposal, is that the residents of the community of Wrightwood have expressed the desire for local control and input into the decision-making process for the delivery of services including park and recreation, streetlighting, and solid waste.

SECTION 6. Upon formation, the Wrightwood Community Services District shall utilize the regular County Assessment Roll and such shall be identified in the final resolution confirming the formation.

SECTION 7. The Executive Officer, on behalf of the Local Agency Formation Commission for San Bernardino County, in compliance with this resolution and State law (Part 4, commencing with Government Code Section 57000), hereby requests that the County of San Bernardino Board of Supervisors and the County of Los Angeles direct their respective County Elections Official to conduct the necessary election, setting the matter for consideration on the March 7, 2017 general election, pursuant to Government Code Sections 57077 and 57100 et seq.

SECTION 8. The question to be submitted to the voters shall read as follows:

“Shall the order adopted on July 20, 2016, by the Local Agency Formation Commission for San Bernardino County ordering the reorganization to include formation of the Wrightwood Community Services District and Dissolution of County Service Area 56, known as LAFCO 3202, be approved subject to the terms and conditions as more particularly described in the order?”

SECTION 9. The election shall be held within the territory of the reorganization, as described in Exhibit “A”.

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SECTION 10. The election to be held shall include a call for election of a five-member board of directors to be elected at-large pursuant to the provisions of the Uniform Election Law, Part 4 (commencing with Section 10500) of the Elections Code.

SECTION 11. A simple majority of ballots cast in favor of the measure is required to confirm the order for the reorganization to include formation.

SECTION 12. Upon completion of the canvass of ballots cast at the election, as required pursuant to Sections 15300 to 15309, inclusive of the Elections Code, the Executive Officer shall issue the final resolution and direct that 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:

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 July 20, 2016.

DATED:

KATHLEEN ROLLINGS-McDONALD
Executive Officer

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3202

HEARING DATE: JULY 20, 2016

RESOLUTION NO. 3227

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3202; DENYING THE REORGANIZATION TO INCLUDE FORMATION OF THE WRIGHTWOOD COMMUNITY SERVICES DISTRICT AND DISSOLUTION OF COUNTY SERVICE AREA 56 AND TERMINATING ITS PROCEEDINGS (generally encompassing the area commonly identified as the Wrightwood community representing approximately 10,739 acres (17 square miles) generally located east and west of the Los Angeles/San Bernardino County line. The territory is generally east of Big Pine, south of the Phelan Pinon Hills CSD, and east and west of parcel lines, Highway 2 traverses the community in a general east/west direction).

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 as the "Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 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 this 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 held upon the date and at the time and place specified in the notice of public hearing and in order or orders continuing the hearing; and,

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WHEREAS, at this hearing, this Commission heard and received all oral and written protests; 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, resolve, order and find as follows:

DETERMINATIONS:

SECTION 1. 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 terminating the proceedings of LAFCO 3202.

SECTION 2. The proposal is denied based upon the following determinations:

1. The Commission determines that the community of Wrightwood has not sufficiently developed to the population size and density necessary to require self-governance;
2. The Commission determines that the Plan for Service and Feasibility Study has not shown the District's ability to manage the financial aspects of the delivery of the services identified in the application;
3. The Commission determines that failure to address the service needs required for the community by excluding wastewater planning and engineering when historically the problems associated with groundwater quality based upon on-site wastewater disposal systems on groundwater quality have been discussed by the Regional Water Quality Control Board; and,
4. The Commission determines that formation of the Wrightwood CSD as proposed for the developed portions of the community does not meet the criteria established by State law to provide for a permanent form of government to provide locally adequate services and advantageously provide for the present and future needs of the local community.

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

1. The Registrars of Voters for Los Angeles and San Bernardino Counties have determined that the reorganization study area is legally inhabited, containing a total of 2,497 registered voters broken down by county as follows:
 - a. Los Angeles County: 114 voters as of June 17, 2016
 - b. San Bernardino County: 2,383 voters as of June 16, 2016.

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2. The reorganization including formation does not conflict with the sphere of influence of any other entity within either Los Angeles or San Bernardino Counties.

3. The County Assessors for Los Angeles and San Bernardino Counties have determined that the value of land and improvements within the study area is broken down as follows:

- a. Los Angeles County total value is \$516,337,303
Land -- \$146,203,501; Improvements -- \$370,133,802
- b. San Bernardino County total value is \$513,625,252
Land -- \$145,911,207; Improvements -- \$367,714,045

4. Notice of this hearing was published as required by law in The Mountaineer, a newspaper of general circulation in the area. As required by State law and Commission policy, a 1/8th page legal ad was provided in compliance with the provisions of Government Code Section 56157. Individual notices were provided to those individuals and agencies requesting special notice. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination. Comments in support and/or opposition has been received and considered by the Commission in making its determination.

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Comments from registered voters and landowners have been considered by the Commission in making its determination.

6. The study area is presented served by the following public agencies: County of San Bernardino (portion), County of Los Angeles (portion), Mojave Desert Resource Conservation District (San Bernardino County), San Bernardino County Fire Protection District and its North Desert Service Zone (fire protection, emergency medical response, ambulance – San Bernardino County area); Consolidated Fire District of Los Angeles County (fire protection, emergency medical response for Los Angeles County area); County Service Area 56 (streetlighting, park and recreation – San Bernardino County portion of Wrightwood community); and County Service Area 70 (multi-function agency within San Bernardino County).

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

AYES: COMMISSIONERS:

