

Draft Resolution No. 3231

Attachment 6

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3209

HEARING DATE: SEPTEMBER 21, 2016

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A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3209 AND APPROVING THE REORGANIZATION TO INCLUDE ANNEXATIONS TO THE WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT AND ITS ASSESSMENT DISTRICT NO. 2 (ZONE C), AS MODIFIED. The reorganization includes two separate areas encompassing a total of approximately 17,644 acres (27.6 square miles).

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 August 17, 2016 and continued to the September 21, 2016 hearing 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;

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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 be a reorganization to include annexation to the West Valley Mosquito and Vector Control District and its Assessment District No. 2 (Zone C).

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:

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 3209;

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

Condition No. 4. Prior to the issuance of the Certificate of Completion for the reorganization to include annexations, pursuant to the provisions outlined in Government Code Section 56886(i), the Commission requires that the Board of Trustees of the West Valley Mosquito and Vector Control District and the County Board of Supervisors provide to the Executive Officer of LAFCO a signed agreement transferring a prorated portion of the County's Vector Control benefit assessment for Fiscal Year 2016-17 to the West Valley Mosquito and Vector Control District said amount to be determined based upon the effective date of LAFCO 3209;

Condition No. 5. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the West Valley Mosquito and Vector Control 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. 6. The West Valley Mosquito and Vector Control 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.

SECTION 2. DETERMINATIONS. The following determinations are noted in conformance with Commission policy and Government Code Section 56668:

1. The reorganization proposal is legally inhabited with 35,911 registered voters as of March 9, 2016.

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2. The County Assessor's Office has determined that the total assessed value of land and improvements within the reorganization area is \$8,704,938,158 (land--\$2,778,134,677; improvements--\$5,926,803,481) as of March 23, 2016. The breakdown of assessed value of land and improvements for both areas are as follows:

Area 1: \$8,644,326,682 (land - \$2,733,274,654; improvements – \$5,911,052,028)
Area 2: \$ 60,611,476 (land - \$44,860,023; improvements – \$15,751,453)
3. Through approval of the companion proposal, LAFCO 3208, the reorganization area will all be within the sphere of influence assigned the West Valley Mosquito and Vector Control District.
4. Notice of this hearing was published as required by law in the *Inland Valley Daily Bulletin*, a newspaper of general circulation within the reorganization 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 all affected and interested agencies, County departments and those individuals and agencies requesting special notice. Comments from registered voters and any affected local agency have been reviewed and considered by the Commission in making its determination.
5. In compliance with the requirements of Government Code Section 56125 and Commission policy, individual notice was mailed to landowners within the reorganization area for Assessment District No. 2 (Zone C) totaling 20,471 due to the benefit assessment being extended. Comments from landowners have been considered by the Commission in making its determination.
6. The City of Upland and the County's land use designation for the reorganization area includes a full range of land uses including residential, commercial, industrial, special/institutional, mixed-use, open space, and floodway. LAFCO 3209 has no direct effect on the City's or the County's General Plan land use designations assigned for the area.
7. The Southern California Associated Governments (SCAG) adopted its 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy pursuant to Government Code Section 65080. LAFCO 3209 has no direct impact on SCAG's Regional Transportation Plan. The Sustainable Community Strategy includes as a goal the need to promote and improve public health which approval of LAFCO 3209 accomplishes.
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 since the reorganization will transfer the delivery of mosquito and vector control services from one entity to another which will not result in any physical impacts 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

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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.

9. The local agencies currently serving the area are: County of San Bernardino, City of Upland, Monte Vista Water District, Cucamonga Valley Water District, Chino Basin Water Conservation District, Inland Empire Resource Conservation District, Inland Empire Utilities Agency, Metropolitan Water District of Southern California, Rancho Cucamonga Fire Protection District, San Bernardino County Fire Protection District and its Valley Service Zone, County Service Area 120, County Service Area SL-1, and County Service Area 70 (multi-function unincorporated area Countywide)

None of the agencies identified above are affected by this proposal. The only affected agencies are the County, through its Mosquito and Vector Control Program under its Division of Environmental Health Services, and the West Valley Mosquito and Vector Control District.

10. The West Valley Mosquito and Vector Control District submitted a plan for services, as required by law, which provides a general outline of the delivery of services mandated by Government Code Section 56653. This Plan and its Fiscal Impact Analysis indicates that the transfer of service to the West Valley Mosquito and Vector Control District, can, at a minimum, maintain the level of service delivery currently received by the area and will provide for an enhanced level of service in specific categories. 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 and Fiscal Impact Analysis submitted conform to those adopted standards and requirements and show that the level of service will be enhanced following annexation.
11. The reorganization area will benefit from the availability of services from the West Valley Mosquito and Vector Control District as evidenced by the Plan for Service.
12. This proposal will not affect the fair share allocation of the regional housing needs assigned to the City of Upland through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) process
13. With respect to environmental justice, the reorganization proposal—which is to provide enhanced mosquito and vector control services to the area—will not result in the unfair treatment of any person based on race, culture or income.
14. The County of San Bernardino, acting on behalf of the West Valley Mosquito and Vector Control District as required by Revenue and Taxation Code Section 99 adopted a resolution indicating no transfer of property tax revenues would be required. This negotiated agreement fulfills the requirements of Section 99 of the Revenue and Taxation Code.
15. The map and legal description prepared by the County Surveyor are in substantial compliance with LAFCO and State standards.

