

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** NOVEMBER 7, 2017   
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
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**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #7 – Update on the City of Rialto’s Initiation of its Five North Rialto Islands

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## **RECOMMENDATION:**

Staff recommends that the Commission note receipt of the update and file.

## **BACKGROUND:**

At the May 17, 2017 hearing, LAFCO staff provided the Commission with its second update on the City of Rialto’s compliance with the commitment to initiate the annexation of its five “North Rialto Islands”. The Commission will recall that this was a condition of approval for LAFCO 3201, the annexation of the Lytle Creek Ranch Specific Plan into the City of Rialto (staff report dated May 11, 2017 included as Attachment #1 of this report).

As outlined in the staff report, LAFCO staff attended the City’s Planning Commission meeting on April 26, 2017 regarding its consideration of the five islands. As identified in the staff report, the Planning Commission approved City staff’s recommendations, which were to:

- Receive public comment;
- Direct staff to prepare a written response to all the comments,
- Schedule another community meeting together with LAFCO and the County’s Fifth Supervisorial District in attendance; and,
- Continue the item to its July 12, 2017 Planning Commission meeting.

A month after the City’s Planning Commission meeting, LAFCO staff reached out to the City to determine when it was planning to schedule its next community meeting so that

LAFCO staff could make arrangements to be in attendance and also to allow coordination with the Fifth Supervisorial District staff on their attendance as well. City staff responded that they were still trying to coordinate with the (Rialto) School District staff regarding availability of the Carter High School facility for the community meeting.

The community meeting was eventually scheduled for June 22, 2017. Unfortunately, LAFCO staff was, again, not provided prior notice of the meeting. The circumstances were different between the first and the second community meeting. At the first community meeting, it was City staff's position that the community meeting was to be with City staff only and that the invitation to LAFCO staff was for the more formal meetings (e.g. Planning Commission meeting, City Council meeting) – therefore, LAFCO staff was not given notice of the meeting. For the second community meeting, it was City staff's intent to invite LAFCO staff; however, the meeting notice was only emailed two days prior to the meeting and was actually sent to the previous Commission Clerk, Ms. Lowery, who was no longer employed by LAFCO (having resigned a year earlier at this point). When the email came back undeliverable, the City staff tried to reach out to other LAFCO staff members on the day of the community meeting itself to see if someone could attend. Regrettably, due to such short notice, no one from LAFCO staff could attend the community meeting.

Since then, there has been no communication or coordination from the City regarding its progress on annexing the five North Rialto Islands.

On October 13, 2017, LAFCO staff again reached out to City staff and requested an update and new timeline, if any, in order for the City to accomplish its commitment to annex the five North Rialto Islands. In addition, LAFCO staff also requested, as follow-up to a previous request, information on what transpired during the June 22, 2017 community meeting including any documents or materials made available at the meeting.

City staff responded with a new timeline for the City's processing, outlined below:

<b>Task</b>	<b>Timeline</b>
1. Completion of CEQA compliance for the Industrial request	January 2018
2. Modifications to the Plan for Services	February 2018
3. Community meeting	March 2018
4. Economic Development Committee Meeting	April 2018
5. Planning Commission public hearing	May 2018
6. City Council public hearing	June 2018
7. Submission of Annexation application to LAFCO	July 2018

At the May 2017 update, LAFCO staff indicated its concern on the City's timeline because the Planning Commission's action (continuing its consideration) and the need for a second community meeting would take its 10-point action plan to annex the five North Rialto Islands past the one year mark. However, based on the new timeline, the City is now looking at accomplishing its commitment at the two year mark.

City staff also provided the following documents related to the community meeting held on June 22, 2017: a copy of the community meeting flyer (included as Attachment #2) and a revised Frequently Asked Questions (included as Attachment #3). In addition, a sign-in sheet and some comment cards received at the community meeting were also provided. City staff indicated that an audio/video recording of the community meeting is also available and will be mailed to LAFCO staff at a later date. As of the preparation of this update report, LAFCO staff has not received a copy of the audio/video file.

With regard to the revised Frequently Asked Questions, LAFCO staff's concerns remain the same from the last revision. Some of LAFCO staff's general concerns regarding the statements made on the Frequently Asked Questions are outlined as follows:

- On the City's definition of an island, the document in some instances identifies it as simply substantially surrounded by the City when, in fact, it can also be totally surrounded by the City.
- The FAQ also identifies that an island must be within an urban service area designated by LAFCO; however, San Bernardino LAFCO does not make determinations nor does it have policies related to the designation of urban service areas within San Bernardino County.
- The FAQ implies that it is the City of Rialto who approves an island annexation. This statement is misleading. Just because the Commission has no discretion in approving an island that meets the criteria outlined in State law does not mean the City has the authority to approve an island annexation. The City can initiate an island annexation but it will not become a part of the City unless it goes through LAFCO's approval process.
- The City of Rialto states that LAFCO voted not to include the CEMEX facility as part of the City's annexation when it considered LAFCO 3201. This is incorrect since the CEMEX property was never a part of the City's proposal to annex the Lytle Creek Ranch Specific Plan nor was the CEMEX property a part of its approval process of the specific plan itself;
- The City also makes a number of assertions that the City could choose to withdraw its application to LAFCO. This implies that the City already submitted

an application to LAFCO, which is not the case. The City has not submitted nor officially initiated an application to annex the five North Rialto Islands.

These are just some of the statements contained in the FAQ that are either misleading or simply inaccurate.

**CONCLUSION:**

In June 2016, the City of Rialto adopted a resolution affirming its commitment to annex the five North Rialto Islands within one year of approval of LAFCO 3201. However, based on the new timeline that the City provided, it will now take at least two years before it will fulfill its commitment to the Commission related to these unincorporated islands. Whether or not the City is really committed to annexing the five North Rialto Islands remains to be seen.

Nevertheless, staff is recommending that the Commission receive and file the update, direct staff to continue to participate and assist in the City's process, and return to the Commission in six months with an update on the actions of the City.

KRM/sm

Attachments:

1. LAFCO Staff Report Dated May 11, 2017 – One Year Update on the City of Rialto's Initiation of its Five North Rialto Islands
2. Community Meeting Notice
3. Revised Annexation Frequently Asked Questions (June 22, 2017 Version)