

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** SEPTEMBER 12, 2018   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Project Manager  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #9: LAFCO SC#431 – Request for Exemption from Provisions of Government Code Section 56133 for Agreement between City of Upland and Cucamonga Valley Water District for Wastewater Collection Services

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## **RECOMMENDATION:**

Staff recommends that the Commission:

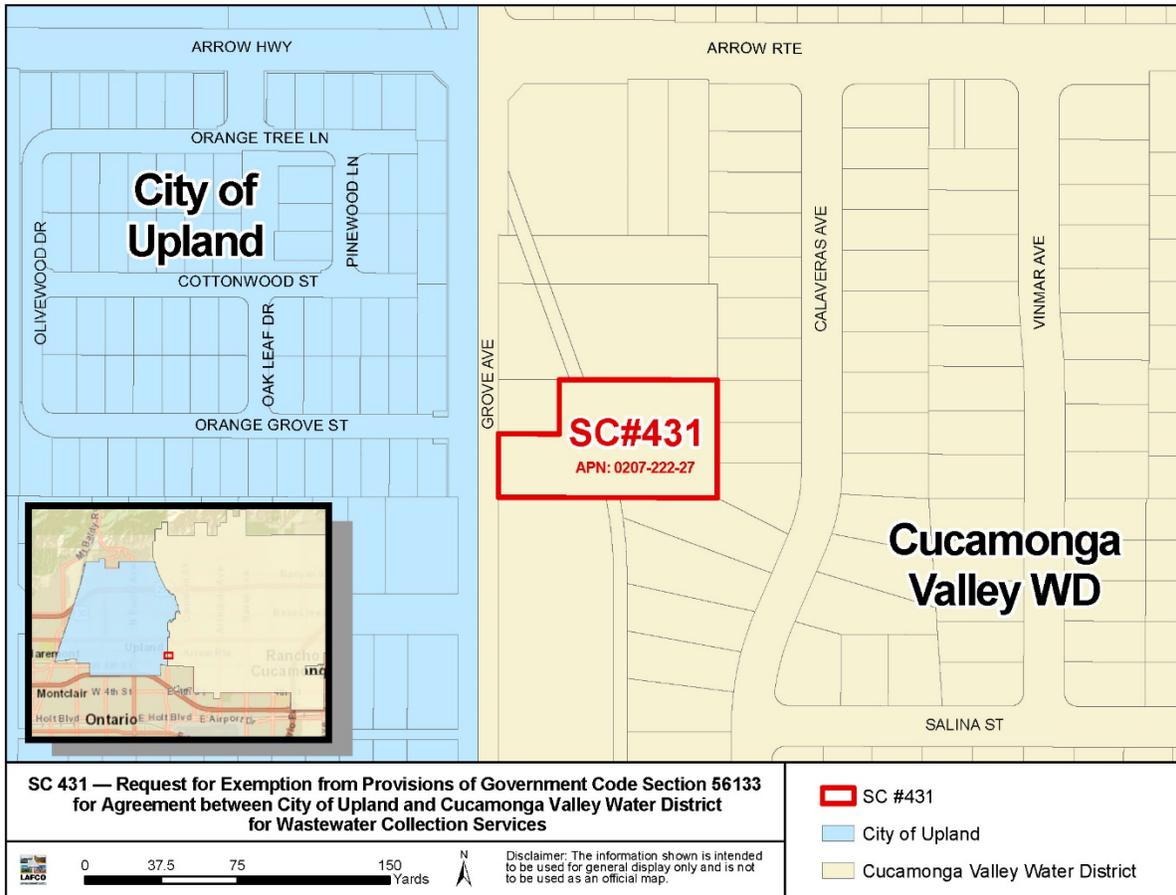
Determine that LAFCO SC#431 complies with the exemption provisions outlined within Government Code Section 56133 (e) and, therefore, does not require Commission approval.

## **BACKGROUND:**

On August 21, 2018, the City of Upland (“City”) submitted a request that the Commission determine that the proposed agreement between the City and the Cucamonga Valley Water District (“CVWD”) is exempt from the provisions of Government Code Section 56133 as outlined in Subsection (e). Per the Commission’s policy, this is being presented to the Commission since the exemption request is development-related.

The agreement is for the City to provide wastewater collection service to Assessor Parcel Number 0207-222-27 (8591 Grove Avenue, Rancho Cucamonga) located within the boundary and sphere of influence of a neighboring wastewater agency – CVWD. Grove Avenue forms the jurisdictional and sphere boundary between the City and CVWD/City of Rancho Cucamonga. The reason for the agreement is that CVWD does not have collection lines in the immediate area, and it would be more feasible for the property to connect to the City’s wastewater facilities. The agreement relates to a

proposed development of a medical building (dialysis center) on the east side of Grove Avenue.



A copy of the exemption request letter (Attachment #1) and signed agreement (Attachment #2) are included as a part of this report.

The request has cited the relevant exemption language within Government Code Section 56133 (e) for its request. The section reads as follows:

*“(e) This section does not apply to... ..[t]wo or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.”*

In the present case, staff believes that the exemption outlined above is based on the following facts:

1. The agreement is between the City and CVWD both of which are public agencies.
2. The public service to be provided is wastewater collection, which both agencies actively provide. Therefore, this is a substitute for public services currently being provided in compliance with requirements of 56133 (e).
3. The level of service to be provided through this contractual relationship is consistent with the level of service currently provided by each agency.

## **CONCLUSION:**

Based on the determinations outlined above, the staff is recommending that the Commission determine that pursuant to Government Code Section 56133 (e), the wastewater collection agreement between the City of Upland and Cucamonga Valley Water District is exempt from further review and approval by the Commission.

SM/MT

Attachments:

1. [LAFCO SC#431 Request for Exemption Submitted August 29, 2018](#)
2. [Copy of Agreement for Service between City and CVWD](#)