

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : OCTOBER 10, 2018 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #9 – Update on the City of Rialto's Initiation of its Five North Rialto Islands

RECOMMENDATION:

Staff recommends that the Commission receive and file the update.

BACKGROUND:

At the May 18, 2016 LAFCO hearing, the Commission approved LAFCO 3201, the reorganization that included the annexation of the Lytle Creek Ranch Specific Plan into the City of Rialto. The approval of this proposal included a condition that required the City of Rialto to annex its five “North Rialto islands”. The condition, as approved by the Commission, reads as follows:

Condition No. 4. The City of Rialto shall be required to initiate the five North Rialto Islands identified on the map included as Exhibit “G” within one year of the Commission’s approval of LAFCO 3201. A resolution by the City Council of the City of Rialto shall be submitted to the Executive Officer of LAFCO outlining the City’s commitment to fulfilling this requirement prior to the issuance of the Certificate of Completion for LAFCO 3201. A status report shall be provided to the Commission at the six month date outlining the progress of the City of Rialto in fulfilling its obligation. Failure on the part of the City of Rialto to fulfill its commitment for annexation of the five North Rialto islands shall require that the next annexation proposed to the City of Rialto, either by the City through resolution or by property owner/registered voter petition, shall include the condition requiring the initiation of the North Rialto islands with the condition of approval being deemed completed upon the issuance of the Certificate(s) of Filing for the islands either individually or as a reorganization.

AGENDA ITEM #9
UPDATE – Five North Rialto Islands
October 10, 2018

November 2016 Update:

At the November 2016 Commission hearing, LAFCO staff provided the Commission with its six month update on the City's compliance to initiate the annexation of its five North Rialto islands. At that hearing, it was identified that the City was in the process of requesting City Council authorization for the commencement of the initiation process, which the City Council approved. Part of its approval included a 10-point action plan/timeline that the City was to accomplish within six months (November 2016 – May 2017):

Task	Timeline
1. Land survey to identify parcels and property owners with photographs	Nov. – Dec. 2016
2. Update Plan for Services including Infrastructure Needs Assessment and Fiscal Impact Analysis	January 2017
3. Present Survey, Infrastructure and Plan for Services to Economic Development Committee (EDC), and City Council	January 2017
4. Identify Annexation Task Force members	February 2017
5. Prepare social media information for distribution and web access including an "Annexation Myths" fact sheet	February 2017
6. Host a series of public information meetings throughout the community	March 2017
7. Prepare LAFCO annexation application	March 2017
8. Schedule pre-annexation application for review by the EDC and Planning Commission	March 2017
9. Schedule pre-annexation application for review by the City Council	April 2017
10. File annexation application with LAFCO	May 2017

After the initial six-month update, there was no communication from City staff regarding its progress nor was there any coordination with LAFCO staff on its annexation process related to the five North Rialto islands.

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UPDATE – Five North Rialto Islands
October 10, 2018

May 2017 Update:

At the May 2017 Commission hearing, LAFCO staff provided the Commission with its second update on the City's progress to initiate the annexation of its five North Rialto islands. During this second update, it was revealed that a community meeting took place in April 2017 without LAFCO staff's prior knowledge. However, staff made it a point to attend the subsequent Planning Commission meeting and provided comments outlining its concerns regarding the process. Based on the recommendations made by the Planning Commission, there was to be a repeat of the community meeting.

The second community meeting eventually took place in June 2017. It was City staff's intent to invite LAFCO staff; however, the meeting notice was only emailed two days prior to the meeting and, unfortunately, due to a communication mix-up (email sent to the previous Clerk who no longer worked for LAFCO), no one from LAFCO staff was again able to attend the second community meeting.

November 2017 Update:

LAFCO staff again reached out to City staff sometime in October 2017 and requested an update and a new timeline regarding its commitment to annex its five North Rialto islands. City staff responded with a new six-month timeline for its processing (January 2018 to July 2018):

Task	Timeline
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

During this update, the Commission recommended that a letter from the LAFCO Chair be sent to the City of Rialto outlining its concerns on the process. Said letter, dated January 5, 2018, is addressed to the Mayor with copies to the Interim City Administrator and the City's Planning Manager (included as an attachment to this staff report).

Since then, there has been no communication from City staff regarding its progress.

AGENDA ITEM #9
UPDATE – Five North Rialto Islands
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Current Update:

LAFCO staff recently reached out to City staff regarding any new updates on its commitment to annex its five North Rialto islands. City staff just now informed LAFCO staff that a new community meeting is being scheduled for October 22, 2018. City staff also advised LAFCO staff that it will be updating its FAQ (Frequently Asked Questions) document that will be distributed along with a revised Initial Study and Mitigated Negative Declaration that reflects the pre-zone for the industrial development being proposed in one of the five islands.

Staff will be attending the community meeting at Carter High School on October 22nd.

CONCLUSION:

In June 2016, the City of Rialto adopted a resolution, Resolution No. 6966, affirming its commitment to annex its five North Rialto islands within one year of approval of LAFCO 3201. It is now October 2018, and based upon the information provided thus far, the question remains as to whether the City is really committed to annexing its five North Rialto islands.

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 reiterate its position that if the City fails to fulfill its commitment to annex its five North Rialto islands, the next annexation proposed to the City of Rialto—whether initiated by the City or by property owner/registered voter petition—shall include the condition requiring the initiation of the North Rialto islands as a requirement prior to issuance of the Certificate of Completion. Any proposed annexation would only be deemed complete upon the issuance of the Certificate of Filing(s) for all of the islands either as a single reorganization or as individual island annexation proposals.

Attachment:

Letter to the City of Rialto Dated January 5, 2018



LAFCO

Local Agency Formation Commission for San Bernardino County

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Clerk to the Commission

LEGAL COUNSEL

CLARK H. ALSOP

January 5, 2018

Ms. Deborah Robertson, Mayor
City of Rialto
150 S. Palm Avenue
Rialto, CA 92376

Dear Ms. Robertson:

Re: Annexation of the City of Rialto's Five North Rialto Islands

The Local Agency Formation Commission for San Bernardino County (the "Commission" or "LAFCO") would like to express its concern regarding the City of Rialto's lack of progress in fulfilling its commitment made in May of 2016 to annex its five North Rialto Islands as well as the failure to coordinate with LAFCO staff in its processing of said islands.

First, LAFCO staff recently requested that the City of Rialto (the "City") provide an update on its progress on annexing the five islands. City staff responded with a new timeline for the City's processing as outlined below:

Task	Timeline
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

In June 2016, the City 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 the City can accomplish its commitment to annex these five islands. The Commission is concerned with the lack of progress in moving forward with annexing said islands given its commitment to do so within one year after approval of the Lytle Creek Ranch Specific Plan proposal, LAFCO 3201.

Secondly, it was brought to the Commission's attention that the City has not been able to coordinate with our staff on a number of occasions and would like to again express our concern that such coordination effort is critical to City's success in its application proposal. On behalf of the Commission, I would like to reiterate our commitment to working with the City in its efforts to annex the five North Rialto islands. The Commission has directed its staff to continue to participate in the City's process; therefore, I urge the City to work more closely with our staff as Rialto moves forward with its process in the next few months including providing LAFCO, as a responsible agency under CEQA, the opportunity to review the City's environmental assessment and any subsequent CEQA compliance of said island(s) and having LAFCO staff attend the City's future community outreach meeting(s) as well as Planning Commission and City Council meetings to respond to any LAFCO-related questions.

We look forward to working with the City as it moves forward with the annexation of the five North Rialto Islands in the near future. If you have any questions regarding the information above, please do not hesitate to contact the LAFCO Executive Officer, Kathleen Rollings-McDonald, at (909) 388-0480 or by email at kmcdonald@lafco.sbcounty.gov.

Sincerely,



KIMBERLY COX
LAFCO Chair

KC/SM

cc: Robb Steel, Interim City Administrator, City of Rialto
Gina Gibson-Williams, Planning Manager, City of Rialto