

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** OCTOBER 11, 2019   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #9: SUPPLEMENT: Review and Consideration on Condition Related to LAFCO 3188A -- Reorganization to include Annexation to the City of San Bernardino and to the San Bernardino County Fire Protection District Zone FP-5 San Bernardino, and Detachment from County Service Area 70 (Spring Trails Specific Plan)**

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As outlined in the original staff report dated August 14, 2019 as well as the current staff report dated October 8, 2019, staff is recommending a condition related to the requirement that the City of San Bernardino (City) initiate the annexation of the totally-surrounded island adjacent to LAFCO 3188A.

After the publication of the current staff report, LAFCO staff received a request from the applicant's representative requesting that the Commission consider an alternative condition.

In general, the difference between LAFCO staff's condition and the applicant's alternative condition is that the latter would make the condition "null and void" if the City does not adopt a resolution outlining its commitment to initiate the annexation of the island within six months of the Commission's approval, which would then allow LAFCO 3188A to move forward and be finalized through the issuance of the Certificate of Completion. The next annexation to the city will then be conditioned with the requirement that the city initiate the annexation of the island. In essence, the alternative condition does not bind the applicant's proposal from being completed if the City does not commit to annexing the island.

As outlined in the current staff report, staff's recommendations remain the same.

Attachment: LAFCO Staff's Condition vs. Applicant's Alternative Condition

**LAFCO Staff's Condition:**

The City of San Bernardino shall be required to initiate annexation of the totally-surrounded island within one year of the Commission's approval of LAFCO 3188A and process under standard protest proceedings. A resolution by the City Council of the City of San Bernardino 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 3188A. A status report shall be provided to the Commission at the six-month date outlining the progress of the City of San Bernardino in fulfilling its obligation. Failure on the part of the City of San Bernardino to fulfill its commitment to annex the totally-surrounded island shall require that the next annexation proposed to the City of San Bernardino, either by the City through resolution or by property owner/registered voter petition, include a condition requiring the initiation of annexation of the totally-surrounded island. Said condition of approval shall be deemed completed upon the issuance of the Certificate of Filing for said island.

**Applicant's Alternative Condition:**

The City Council of the City of San Bernardino shall be required to adopt a resolution outlining its commitment to initiate annexation of the totally-surrounded island and thereafter process the annexation to protest proceedings. In order to satisfy this condition of approval, the City shall be required to submit the aforementioned resolution to the Executive Officer of LAFCO within six months of the Commission's approval of LAFCO 3188A. Failure on the part of the City of San Bernardino to adopt the aforementioned resolution and submit it to the Executive Officer within this six month period shall: (i) render this condition null and void as to LAFCO 3188A, and shall not prevent issuance of the Certificate of Completion for LAFCO 3188A; and, (ii) require that the next annexation proposed to the City of San Bernardino, either by the City through resolution or by property owner/registered voter petition, include a condition requiring the initiation of annexation of the totally-surrounded island.