


LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: NOVEMBER 10, 2020 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #7: LAFCO SC#454 – Request for Exemption from Provisions of Government Code Section 56133 for Agreement between Big Bear City Community Services District and the City of Big Bear Lake Department of Water and Power for Water Service

RECOMMENDATION:

Staff recommends that the Commission:

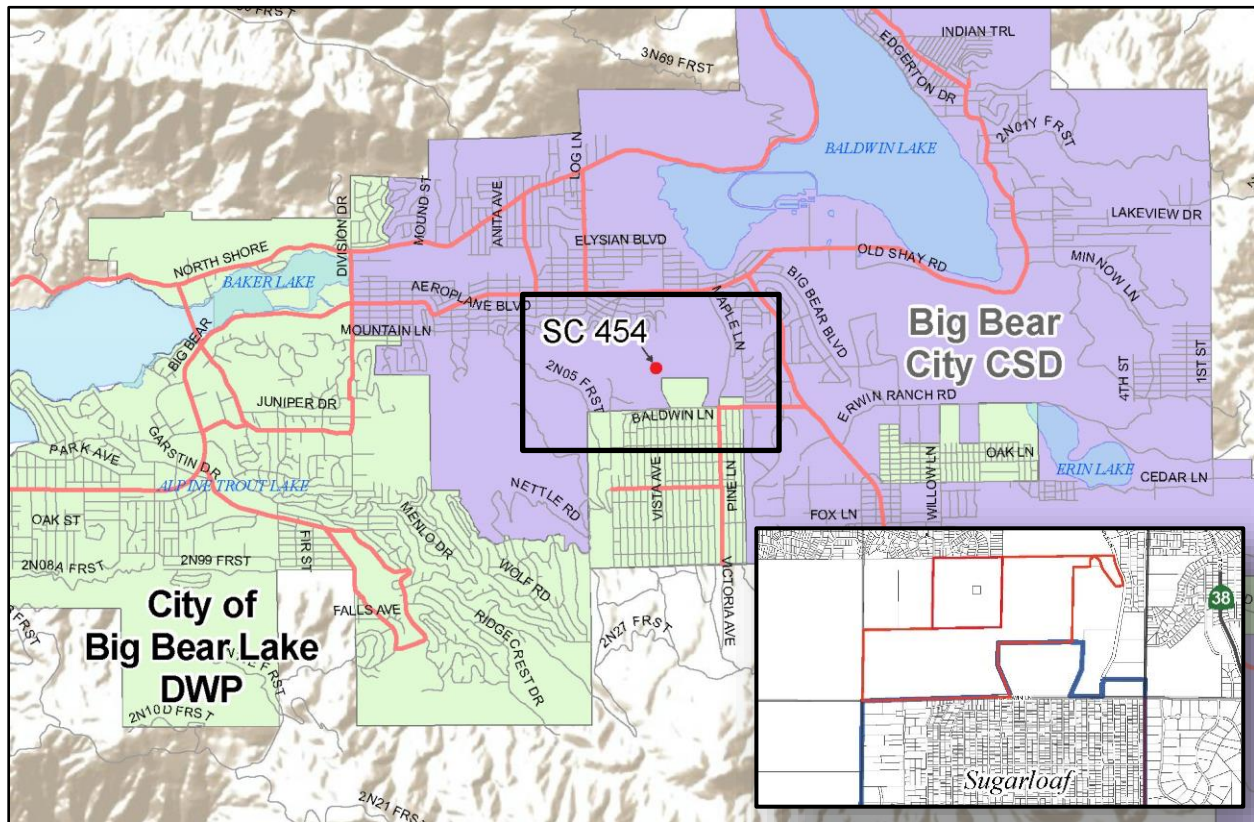
Determine that LAFCO SC#454 complies with the exemption provisions outlined within Government Code Section 56133 (e) and, therefore, does not require Commission approval.

BACKGROUND:

The City of Big Bear Lake Department of Water and Power (“DWP”) submitted a letter dated September 22, 2020 requesting the Commission determine that the proposed agreement between the DWP and the Big Bear City Community Services District (“CSD”) 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 DWP to provide water service to portions of parcels, Assessor Parcel Numbers 0312-311-25 and 0312-321-05, which are developing as sports fields known as Maple Hill Fields. The parcels, which are properties of the Bear Valley Unified School District, are located adjacent to the Baldwin Lane Elementary School located north of Baldwin Lane (44450 Baldwin Lane) within the CSD’s boundary. The Maple Hill Fields is a public recreational facility with soccer and baseball/softball fields. According

to the materials provided by DWP, the contract with CSD is necessary because the CSD's nearest waterline is approximately 1,700 linear feet east of the proposed fields whereas the DWP already provides water service to the Baldwin Lane Elementary School and has an existing 6-inch water main in Baldwin Lane.



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 CSD and DWP, both of which are public agencies.
2. The public service to be provided is water service, 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 by the DWP through this contractual relationship is consistent with the level of service currently provided by the CSD.

Note that the agreement to provide water service by the DWP only applies to the Maple Hill Fields portion of the parcels.

CONCLUSION:

Based on the determinations outlined above, staff recommends that the Commission determine that pursuant to Government Code Section 56133 (e), the water service agreement between the City of Big Bear Lake Department of Water and Power and the Big Bear City Community Services District is exempt from further review and approval by the Commission.

Attachments:

1. [LAFCO SC#454 Request for Exemption dated September 22, 2020](#)
2. [Copy of Agreement for Service between the City's DWP and Big Bear City CSD](#)