

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3202

HEARING: SEPTEMBER 22, 2016

RESOLUTION NO. 3235

A RESOLUTION OF THE EXECUTIVE OFFICER OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY ORDERING LAFCO 3202 - REORGANIZATION TO INCLUDE FORMATION OF THE WRIGHTWOOD COMMUNITY SERVICES DISTRICT AND DISSOLUTION OF COUNTY SERVICE AREA 56

WHEREAS, this action is being taken pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

WHEREAS, by policy adopted on December 20, 2000, and amended on November 21, 2001, the Local Agency Formation Commission for San Bernardino County ("the Commission") has delegated authority over all protest proceeding functions to the Executive Officer; and,

WHEREAS, the Commission adopted its Resolution No. 3227 on July 20, 2016 making determinations and approving the proposed reorganization as described in Exhibit "A" and "A-1" attached hereto and by this reference incorporated herein; and,

WHEREAS, the terms and conditions for LAFCO 3202, as approved by the Commission, on July 20, 2016, are as follows:

CONDITIONS:

Condition No. 1. The boundaries of this change of organization are approved as set forth in Exhibits "A" and "A-1", attached this resolution;

Condition No. 2. The following distinctive short form designation shall be used through this proceeding: LAFCO 3202;

Condition No. 3. The effective date of this reorganization shall be July 1, 2017 or later upon the completion of terms and conditions outlined in this resolution for approval as authorized by Government Code Sections 56886(p) and 57202;

Condition No. 4. The Wrightwood Community Services District (hereafter Wrightwood CSD) shall be the successor agency and shall function under and carry out all authorized duties and responsibilities assigned to a community services district as outlined in Government Code Section 61000 et seq., Community Services District Law, and other applicable laws. Upon the Effective Date of this reorganization, the legal existence of

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County Service Area 56 shall cease to exist, except as otherwise required by law, and the Wrightwood CSD, as successor District, shall succeed to all the rights, duties, responsibilities, properties (both real and personal), contracts, equipment, assets, liabilities, obligations, functions, executory provisions, entitlements, permits and approvals of the extinguished agency;

Condition No. 5. The Board of Directors of the Wrightwood CSD shall consist of five (5) members, elected at-large, pursuant to the provisions of Government Code Section 61020;

Condition No. 6. The Wrightwood CSD shall be authorized to provide the following functions and services as active powers:

Streetlighting -- Acquire, construct, improve, maintain and operate streetlighting and landscaping on public property, public right-of-way, and public easements (§61100(g)).

Park and Recreation -- Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law (commencing with Section 5780) of the Public Resources Code (§61100f)).

Solid Waste and Recycling-- Collect, transfer, and dispose of solid waste and refuse and provide solid waste handling service, including, but not limited to, source reduction, recycling, composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code (§61100c).

Wastewater – Planning and engineering for the potential development of a regional wastewater treatment system should such be required by the Lahontan Regional Water Quality Control Board in the same manner as a sanitary district, formed pursuant to Sanitary District Act of 1923 Division 6 (commencing with Section 6400) of the Health and Safety Code (§61100b).

Condition No. 7. The Wrightwood CSD, as the successor district, shall accept all system facilities transferred from the dissolving County Service Area 56 in “as is” condition without any payment or repair obligation from the assets of the dissolving agency (Government Code Section 56886(h)). All material and incidental liabilities, including, but not limited to, accounts payables, contract obligations and customer deposits, held by the dissolving entities shall be transferred to the successor district upon the effective date of the reorganization (Government Code Section 56886(h)). All assets, including, but not limited to, cash reserves, buildings and other real property, rolling stock, tools, and office furniture, fixtures and equipment, all lands, buildings, real and personal property and appurtenances held by the dissolving entity shall be transferred to the successor district upon the effective date of the reorganization (Government Code Section 56886(h)). All quitclaim deeds necessary to effectuate the transfer of land and/or buildings shall be prepared by the County

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of San Bernardino Special Districts Department to be filed upon the effective date of the change with a copy provided to LAFCO;

Condition No. 8. All property tax revenues attributable to County Service Area 56, prior to calculations required by Section 96.1 of the Revenue and Taxation Code, including delinquent taxes, and any and all other collections or assets of the District to be dissolved, shall accrue and be transferred to the successor District, the Wrightwood CSD, pursuant to the provisions of Government Code Section 56810. In providing for this calculation, the full amount of the base year allocation for value/revenue for CSA 56, increment experienced within CSA 56 boundaries, and the revenue shifts previously approved by completion of LAFCO 3070 shall be transferred to the Wrightwood CSD upon its formation;

Condition No. 9. All previously authorized charges, fees, assessments, and/or taxes of County Service Area 56 in effect upon the effective date of this reorganization shall be continued and assumed by the Wrightwood CSD, as the successor agency, in the same manner as provided in the original authorization pursuant to the provisions of Government Code Section 56886(t);

Condition No. 10. Until duly revised by the Wrightwood CSD, and unless otherwise expressly provided herein or legally required, all ordinances, resolutions, rules and regulations, policies, procedures, and practices existing for CSA 56 on the effective date of this reorganization shall govern the activities and affairs of the Successor District. The Board of Directors of the Wrightwood CSD, as the successor district, shall expeditiously review and ratify the ordinances, resolutions, policies, procedures and practices adopted hereby, making such revisions as it shall deem appropriate;

Condition No. 11. Upon the effective date of this reorganization, any funds currently deposited for the benefit of County Service Area 56 which have been impressed with a public trust, use or purpose shall be transferred to the Wrightwood CSD, as the successor agency, and the successor agency shall separately maintain such funds in accordance with the provisions of Government Code Section 57462;

Condition No. 12. Pursuant to the provisions of Government Code Section 56811, the provisional appropriation limit of the Wrightwood CSD shall be set at \$552,129. The permanent appropriation limit shall be established at the first district election held following the first full fiscal year of operation and shall not be considered to be a change in the appropriation limit of the district pursuant to Article XIII B of the California Constitution;

Condition No. 13. All streetlights currently the responsibility of County Service Area 56 shall be transferred to the Wrightwood CSD upon successful formation of the District. The County Special Districts Department shall prepare the appropriate documentation to transfer the streetlights; LAFCO staff shall verify the data, and forward the signed authorization form requesting Southern California Edison to transfer the specific streetlights to the Wrightwood CSD accounts upon successful completion of LAFCO 3202;

Condition No. 14. Upon the effective date of the reorganization to include formation, the Wrightwood CSD, as the successor agency for County Service Area 56, shall continue to pay the installment payments required for the County Service Area Revolving Loan Fund

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Loan for development of the Skate Park and other improvements pursuant to Government Code Section 56886(a). The terms of that Loan are found in Resolution No. 2013-159 adopted on July 23, 2013;

Condition No. 15. Pursuant to the provisions of Government Code Section 56885.5(a)(4), the County Board of Supervisors, as the governing body of County Service Area 56, is prohibited from taking the following actions unless an emergency situation exists as defined in Section 54956.5:

1. Approve any increase in compensation or benefits for members of the governing body, its officers, or the executive officer of the agency;
2. Appropriating, encumbering, expending or otherwise obligating, any revenues of the agencies beyond that provided in the current budget at the time the reorganization is approved by the Commission. The Commission identifies that the budget to be utilized in this condition shall be the final budget for Fiscal Year 2016-17 adopted by the County Board of Supervisors on June 14, 2016;

Condition No. 16. Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts; and,

Condition No. 17. The County of San Bernardino, applicant, shall indemnify, defend, and hold harmless the Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

WHEREAS, the reason for this proposed reorganization including formation as identified in the San Bernardino County Board of Supervisors Resolution No. 2015-207 is that the residents of the community have expressed the desire for local control and input into the decision-making process for the delivery of the services identified in the application.

WHEREAS, on July 20, 2016, the Commission, as CEQA lead agency, has determined that this proposal is statutorily exempt from environmental review. The basis for this determination is that the reorganization will transfer the delivery of service from the dissolving County Service Area 56 and the County to the new Wrightwood CSD, a transfer from one entity to another which will not result in any physical impacts on the environment. Therefore, this action is exempt as defined under Section 15061(b)(3) of the State CEQA Guidelines and the Commission's adopted CEQA Guidelines. The Commission adopted the Statutory Exemption and directed its Executive Officer to file a Notice of Exemption within five days; and,

WHEREAS, a public hearing on the proposed reorganization was called for and held by the Executive Officer of this Commission on September 22, 2016, at the time and place for which notice was given, and at the hearing the Executive Officer heard and received all oral and written protests, objections or evidence which were made, presented or filed;

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NOW, THEREFORE, BE IT RESOLVED, that the Executive Officer hereby determines and orders as follows:

SECTION 1. Pursuant to the provisions of Government Code Section 57052, the value of written protest filed and not withdrawn by registered voters at the conclusion of the protest hearing represents 1.74% of the registered voters as verified against the record of voter registrations on file totaling 2,535, below the threshold to require termination of the proposal. The value of written protest filed and not withdrawn by landowners at the conclusion of the protest hearing represents 0.94% of the landowners, representing 1.22% of land value (\$159,878,327), as verified against the current assessment roll.

SECTION 2. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code, noting that its approval is subject to the confirmation of the registered voters within the affected territory.

SECTION 3. The reason for the reorganization, as specified in the Resolution initiating the proposal, *is that the residents of the community of Wrightwood have expressed the desire for local control and input into the decision-making process for the delivery of services including park and recreation, streetlighting, and solid waste.*

SECTION 4. Upon formation, the Wrightwood Community Services District shall utilize the regular County Assessment Roll.

SECTION 5. The Executive Officer, on behalf of the Local Agency Formation Commission for San Bernardino County, in compliance with this resolution and State law (Part 4, commencing with Government Code Section 57000), hereby requests that the County of San Bernardino Board of Supervisors and the County of Los Angeles direct their respective County Elections Official to conduct the necessary election, setting the matter for consideration on the March 7, 2017 general election, pursuant to Government Code Sections 57077 and 57100 et seq.

SECTION 6. The question to be submitted to the voters shall read as follows:

“Shall the order adopted on July 20, 2016, by the Local Agency Formation Commission for San Bernardino County ordering the reorganization to include formation of the Wrightwood Community Services District and Dissolution of County Service Area 56, known as LAFCO 3202, be approved subject to the terms and conditions as more particularly described in the order?”

SECTION 7. The election shall be held within the territory of the reorganization, as described in Exhibit “A”.

SECTION 8. The election to be held shall include a call for election of a five-member board of directors to be elected at-large pursuant to the provisions of the Uniform Election Law, Part 4 (commencing with Section 10500) of the Elections Code.

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SECTION 9. A simple majority of ballots cast in favor of the measure is required to confirm the order for the reorganization to include formation.

SECTION 10. Upon completion of the canvass of ballots cast at the election, as required pursuant to Sections 15300 to 15309, inclusive of the Elections Code, the Executive Officer shall issue the final resolution and direct that either a Certificate of Completion or a Certificate of Termination, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204, shall be prepared and filed for the proposal.

DATED: SEPTEMBER 22, 2016



KATHLEEN ROLLINGS-McDONALD
Executive Officer

LAFCO 3202
Reorganization to Include Formation of the Wrightwood Community Service
District and Dissolution of County Service Area 56

Those portions of the County of San Bernardino and the County of Los Angeles, State of California, lying within Sections 3,4, 6 through 10, 15 through 23, Township 3 North, Range 7 West, San Bernardino Meridian, and Sections 1, 12, 13, Township 3 North, Range 8 West, San Bernardino Meridian, described as follows:

Beginning at the northwest corner of Section 8, Township 3 North, Range 7 West, San Bernardino Meridian (S.B.M.), being in the unincorporated territory of the County of San Bernardino;


1. Thence easterly along the north line of said Section 8 a distance of 5376.32 feet, more or less, to the Southwest corner of Section 4, Township 3 North, Range 7 West, S.B.M.;
2. Thence northerly along the west line of said Section 4 a distance of 5309.49 feet, more or less, to the northwest corner of said Section 4;
3. Thence easterly along the north line of said Section 4 a distance of 5490.29 feet, more or less, to the northwest corner of Section 3, Township 3 North, Range 7 West, S.B.M.;
4. Thence easterly along the north line of said Section 3 a distance of 5627.22 feet, more or less, to the northeast corner of said Section 3;
5. Thence southerly along the east line of said Section 3 a distance of 5187.13 feet, more or less, to the northeast corner of Section 10, Township 3 North, Range 7 West, S.B.M.;
6. Thence southerly along the east line of said Section 10 a distance of 5382.89 feet, more or less, to the northeast corner of Section 15, Township 3 North, Range 7 West, S.B.M.;
7. Thence southerly along the east line of said Section 15 a distance of 5252.71 feet, more or less, to the northwest corner of Section 23, Township 3 North, Range 7 West, S.B.M.;
8. Thence easterly along the north line of said Section 23 a distance of 5170.98 feet, more or less, to the northeast corner of said Section 23;
9. Thence southerly along the east line of said Section 23 a distance of 5126.58 feet, more or less, to the southeast corner of said Section 23;
10. Thence westerly along the south line of said Section 23 a distance of 5238.91 feet, more or less, to the southeast corner of Section 22, Township 3 North, Range 7 West, S.B.M.;
11. Thence westerly along the south line of said Section 22 a distance of 2476.82 feet, more or less, to the south quarter corner of said Section 22;

12. Thence continuing westerly along the south line of said Section 22 a distance of 2778.79 feet, more or less, to the southeast corner of Section 21, Township 3 North, Range 7 West, S.B.M.;
13. Thence westerly along the south line of said Section 21 a distance of 5374.58 feet, more or less, to the southeast corner of Section 20, Township 3 North, Range 7 West, S.B.M.;
14. Thence westerly along the south line of said Section 20 a distance of 5276.70 feet, more or less, to the southeast corner of section 19, Township 3 North, Range 7 West, S.B.M.;
15. Thence westerly along the south line of said Section 19 a distance of 2153.78 feet, more or less, to the San Bernardino County/Los Angeles County boundary line;
16. Thence North 04°05'35" West along said boundary line a distance of 4952.51 feet, more or less, to the north line of said Section 19;
17. Thence, leaving said boundary line, North 79°29'00" West along the north line of said Section 19 a distance 2973.21 feet, more or less to the northwest corner of said Section 19;
18. Thence southerly along the west line of said Section 19 a distance of 584.68 feet, more or less, to the southeast corner of Section 13, Township 3 North, Range 8 West, S.B.M.;
19. Thence westerly along the south line of said Section 13 a distance of 4752.09 feet, more or less, to the southwest corner of said Section 13;
20. Thence northerly along the west line of said Section 13 a distance of 2574.20 feet, more or less, to the west quarter corner of said Section 13;
21. Thence continuing northerly along the west line of said Section 13 a distance of 2701.34 feet, more or less, to the southwest corner of Section 12, Township 3 North, Range 8 West, S.B.M.;
22. Thence northerly along the west line of said Section 12 a distance of 2807.83 feet, more or less, to the west quarter corner of said Section 12;
23. Thence easterly along the north line of the south half of said Section 12 a distance of 1296.24 feet, more or less, to the west line of the east half of the northwest quarter of said Section 12;
24. Thence northerly along said west line a distance of 2788.12 feet, more or less, to the south line of Section 1, Township 3 North, Range 8 West, S.B.M.;
25. Thence northerly along the west line of the east half of the southwest quarter of said Section 1 a distance of 1309.62 feet, more or less, to the south line of the north half of the south half of said Section 1;
26. Thence easterly along said south line a distance of 1929.94 feet, more or less, to the east line of the west half of the northwest quarter of the southeast quarter of said Section 1;

27. Thence northerly along said east line a distance of 1317.91 feet, more or less, to the north line of the south half of said Section 1;
28. Thence easterly along said north line a distance of 1935.44 feet, more or less, to the west line of Section 6, Township 3 North, Range 7 West, S.B.M.;
29. Thence northerly along the west line of said Section 6 a distance of 532.99 feet;
30. Thence South 85°16'11" East a distance of 1485.47 feet;
31. Thence South 02°29'05" West a distance of 1477.89 feet;
32. Thence South 78°56'40" East a distance of 456.19 feet, more or less, to the San Bernardino County/Los Angeles County boundary line;
33. Thence North 03°21'01" West along said boundary line a distance of 62.61 feet, more or less, to the south line of the north half of the south half of said Section 6;
34. Thence leaving said boundary line, South 80°14'54" East along said south line a distance of 806.72 feet, more or less, to the east line of the west half of said Section 6;
35. Thence South 88°09'41" East along said south line a distance of 1324.68 feet, more or less, to the west line of the east half of the east half of said Section 6;
36. Thence South 03°12'03" West along said west line a distance of 1548.64 feet, more or less, to the south line of said Section 6;
37. Thence easterly along the south line of said Section 6 a distance of 1311.40 feet, more or less, to the **Point of Beginning**.

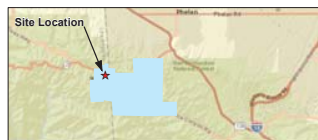
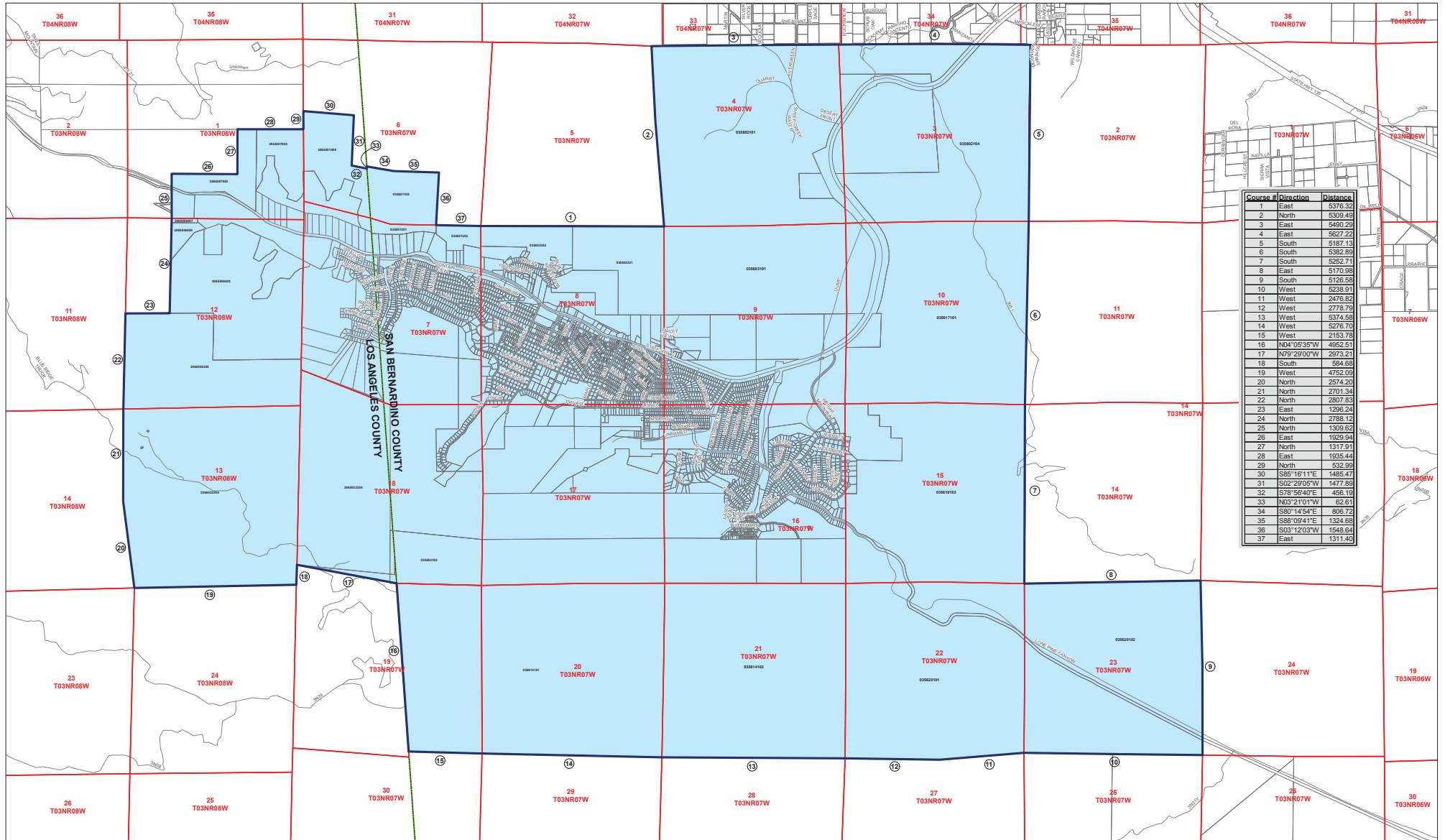
Containing 10,738.51 acres, more or less.

This legal description was prepared by me or under my direction.


 _____ 06/24/2016
 James I. Stone Date
 Deputy County Surveyor
 PLS 9075, Expiration: March 31, 2018



FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY



Community Service District Area Containing 10,738.51 Acres, More or Less
Parcels
Section Lines
County Boundary
APN Assessors Parcel Number
Course Number

LAFCO 3202
Reorganization to Include Formation of the Wrightwood Community Service District and Dissolution of County Service Area 56
Those Portions of: Township 3 North, Ranges 7 and 8 West, S.B.M. San Bernardino County, State of California.

0 1,200 2,400 4,800 7,200 9,600 Feet

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION



James L. Stone
Deputy County Surveyor
PLS 9075
Date
06/24/2016
Exp. 3/31/2018
Job Number 00141CPO - Revised June 24, 2016

FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY

EXHIBIT A-1

EXHIBIT A-1