

**RESOLUTION NO. 488**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT UNDER GOVERNMENT CODE SECTION 56428 REQUESTING THE SAN BERNARDINO COUNTY LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS TO REINSTATE THE DISTRICT'S SPHERE OF INFLUENCE**

**WHEREAS**, the San Bernardino Valley Water Conservation District ("District") was formed in 1932 to carry on the work of its predecessor agency, the Water Conservation Association, to capture native water flows from the Santa Ana River and Mill Creek for purposes of recharging the Bunker Hill Basin; and

**WHEREAS**, the San Bernardino Valley Water Conservation District has consistently fulfilled its role in applying such native flows to groundwater recharge, and the maintenance and protection of the Bunker Hill Basin, since that time; and

**WHEREAS**, the District believes that the Bunker Hill Basin represents a critical resource for safe, reliable water supplies for the San Bernardino Valley, and will become increasingly important as a water management resource as water supply demands increase with advancing growth in development and population in the San Bernardino Valley area; and

**WHEREAS**, the District believes its familiarity with the land and infrastructure resources it has developed over time to accomplish its mission, together with its expertise in utilizing those resources for groundwater recharge, makes it uniquely qualified to continue responsibility for conducting groundwater recharge operations within its jurisdictional boundaries; and

**WHEREAS**, in connection with a former Municipal Service Review of the District, the San Bernardino County Local Agency Formation Commission ("LAFCO") on March 15, 2006 assigned a zero sphere of influence to the District, as part of a broader consideration of a potential consolidation of the District with the San Bernardino Valley Municipal Water district ("Valley District"); and

**WHEREAS**, on July 15, 2009, after extensive public review, testimony, hearings, controversy, and comment, LAFCO determined not to approve consolidating the District with Valley District; and

**WHEREAS**, although the consolidation was not ordered, some of the points and criticisms raised during the extensive comment period of the District have been considered carefully by the District and its staff. As a result, and since that time, the District has undertaken a series of structural, financial, governance and administrative changes intended to address points raised by LAFCO and others through the consideration of the consolidation proposal, in the interests of improving the efficiency, responsiveness, and overall service effectiveness of the District and its operations; and

**WHEREAS**, since that time the District has also entered into a number of cooperative agreements with other local water agencies operating in and around the San Bernardino and Bunker Hill Basins, to secure enduring, stable relationships between the District and such other agencies, to define compatible areas of operation and expertise with such agencies, and to lay the structural framework for compatible, cooperative management of land and water resources, and to assure long-term financial stability and responsiveness of the District in the performance of its duties and functions; and

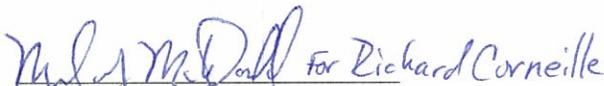
**WHEREAS**, The District has consulted with other water agencies operating in and around the San Bernardino Basin and Bunker Hill Basin, and received statements of support for the District having its sphere of influence reinstated in the wake of LAFCO's former disapproval of the consolidation of the District, and in the wake of the present cooperative stance the District has achieved with Valley District and other water and resource management agencies it deals with;

**NOW THEREFORE, THE BOARD OF DIRECTORS OF THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

1. The Conservation District requests LAFCO to initiate proceedings under Government Code section 56425 to amend the District's existing zero sphere of influence, and to re-establish the District's sphere to be coterminous with the District's existing jurisdictional boundaries; and to include the Santa Ana River Wash area presently within the general geographic area of the District's boundaries, but presently excluded from the District, as shown on the map attached hereto as Exhibit "A."
2. The District's General Manager is authorized to prepare and file such application materials, environmental review documents, or other items as may be required by LAFCO to initiate, prosecute, and complete the proceedings for LAFCO's consideration of an amendment to the District's sphere of influence, and to pay such application fees or other charges as may be incident thereto.
3. Consistent with LAFCO's policy, the District agrees that as a part of any proceeding LAFCO undertakes pursuant to this request for amendment to its sphere of influence, the District will defend, indemnify, hold harmless, and release the San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, and expenses, including attorney fees. Should the application be approved the District understands the Commission will impose a condition requiring the applicant to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

This Resolution is **APPROVED** and **ADOPTED** and effective this 13<sup>th</sup> day of February, 2013, by the following roll-call vote:

YES: 7	DIRECTORS:	Corneille, Day, Glaubig, Longville,
NO:	DIRECTORS:	Raley, McDonald &
ABSTAIN:	DIRECTORS:	Aranda
ABSENT:	DIRECTORS:	

  
Richard Corneille, President

ATTEST:

  
Daniel B. Cozad, General Manager