

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3190

HEARING DATE: AUGUST 15, 2018

RESOLUTION NO. 3270

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3190 – COUNTYWIDE SERVICE REVIEW FOR WASTEWATER (COLLECTION, TREATMENT, DISPOSAL).

On motion of Commissioner Bagley, duly seconded by Commissioner Cox, and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, a service review mandated by Government Code 56430 has been conducted by the Local Agency Formation Commission for San Bernardino County (hereinafter referred to as “the Commission”) in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

WHEREAS, the Executive Officer has reviewed available information and prepared a report including his recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, a public hearing by this Commission was called for August 15, 2018 at the time and place specified in the notice of public hearing and in any order or orders continuing the hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written support and opposition; the Commission considered all objections and evidence which were made, presented, or filed; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the service review, in evidence presented at the hearing; and,

WHEREAS, at this hearing, this Commission certified that the service review is statutorily exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) and such exemption was adopted by this Commission on August 15, 2018. The Commission directed its Executive Officer to file a Notice of Exemption within five working days of its adoption; and,

WHEREAS, the determinations required by Government Code Section 56430 and local Commission policy are included in the report prepared and submitted to the Commission dated June

RESOLUTION NO. 3270

20, 2018 and was recommended for acceptance and filing by the Commission on August 15, 2018, a complete copy the service review is on file in the LAFCO office.

WHEREAS, the following additional determinations are made in conformance with the Government Code and local Commission policy:

- Each wastewater system identified in this review was provided a draft of the report for review and comment. Comments from the water purveyors are included in Appendix A of the service review.
- A meeting with LAFCO staff and affected agency representatives was held within each region (Valley on June 4, 2018; Mountain on May 31, 2018; North Desert on June 5, 2018; and South Desert on May 31, 2018) to review the draft service review and receive input.
- As required by State Law, notice of the hearing was provided through publication in newspapers of general circulation within the area, the *Big Bear Grizzly*, *Daily Press*, *Hi-Desert Star*, *Inland Valley Daily Bulletin*, *Mountain News*, and *San Bernardino Sun*. Individual notice was not provided as allowed under Government Code Section 56157 as such mailing would include more than 1,000 individual notices. As outlined in State Law and Commission Policy, in-lieu of individual notice the notice of hearing publication was provided through an eighth page legal ad.
- As required by State law, individual notification of the hearing was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice.
- Due to the size and scope of the report, the service review document was provided in advance of the staff report to allow additional time for review. The service review document was published June 20, 2018 and a copy was provided to affected and interested agencies and County departments, as well as those agencies and individuals requesting mailed notice. The service review document was also made accessible on the LAFCO website.

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission for San Bernardino County, State of California, that this Commission shall:

1. Accept and file the Countywide Service Review for Wastewater, included as Exhibit A to this resolution (available at the LAFCO office and on the San Bernardino LAFCO website www.sbclafco.org), which sets forth the written statements for the six determinations outlined in Government Code Section 56430 as presented and as amended at the hearing.
2. **Initiate a sphere of influence amendment for the City of Adelanto to determine the appropriate sphere of influence for the City, and direct that this process include a meeting between City and County representatives to discuss the current sphere area and LAFCO staff's proposed sphere amendment.**
3. Direct LAFCO staff to continue to monitor the Victorville Water District and the City of Victorville, and direct staff to return to the Commission six months following the completion of this service review.

RESOLUTION NO. 3270

4. Direct LAFCO staff to continue to monitor the Victor Valley Wastewater Reclamation Authority, and direct staff to return to the Commission six months following the completion of this service review.
5. Identify the Twentynine Palms community as a “hot spot” and recognize that an opportunity exists for the community to develop a joint wastewater system with the nearby Marine Corps base.
6. For the Inland Empire Utilities Agency (“IEUA”):
 - a) Determine the following for IEUA service outside its boundary, as shown in Figure 3-3 to the service review in yellow color:
 - i. Parcels connected on or before January 1, 2001 are exempt from LAFCO review pursuant to Gov. Code §56133(e)(4).
 - ii. Parcels connected after January 1, 2001, including the currently developed parcels as listed by the City of Fontana per maps included in Attachment #1 to the staff report for LAFCO 3190 dated August 8, 2018, as a result of the 1995 settlement agreement between IEUA and the City of Fontana which outlines an agreement for services to be rendered by IEUA.
 - iii. Connecting the remaining unserved area will come under the provisions of Gov. Code §56133.5, which can be considered by the Commission through a blanket authorization for the entire area.

- b) Reflect the following for IEUA in the LAFCO Policy and Procedure Manual, Section VI (Special Districts), Chapter 3 (Listing of Special Districts within San Bernardino County LAFCO Purview – Authorized Functions and Services), as these are the functions and services that IEUA has historically and actively provides:

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| <u>Water</u> | Wholesale, replenishment |
| <u>Sewer</u> | Collection, regional treatment, reclamation, disposal, recycled water, composting, non-reclaimable wastewater collection |
| <u>Energy</u> | Energy recovery and production |
| <u>Total Basin Management</u> | Planning for Chino hydrological basin |

7. For the City of San Bernardino:

- a) Determine that the parcels identified in Section III of the service review were provided service on or before January 1, 2001 and are exempt from LAFCO review pursuant to Gov. Code §56133(e)(4).

RESOLUTION NO. 3270

- b) Request the City of San Bernardino submit an Out-of-Agency Service application to LAFCO to encompass all of the parcels that were provided wastewater service after January 1, 2001, to date, as identified in Section III of this report.
8. For the City of Upland, determine that its 1982 agreement with the City of Claremont and Los Angeles County Sanitation District is exempt from LAFCO review as it is:
- a) Service between two public agencies where the public service provided is an alternative to, or substitute for, public services already being provided by an existing public service provider (the City of Upland) and where the service provided is consistent with the level of service of the existing service provider (the City of Upland). (Gov. Code §56133(e)(1))
 - b) An extended service that was provided on or before January 1, 2001. (Gov. Code §56133(e)(4))
9. For the City of Rialto:
- a) Determine that the three parcels identified in Section III of the service review provided service by the City of Rialto are exempt from LAFCO review as they are an extended service that was provided on or before January 1, 2001 pursuant to Gov. Code §56133(e)(4).
 - b) Determine that the 1991 Rialto/Fontana Extraterritorial Wastewater Service Agreement is exempt from LAFCO review as it is:
 - i. Service between two public agencies where the public service provided is an alternative to, or substitute for, public services already being provided by an existing public service provider (the City of Rialto) and where the service provided is consistent with the level of service of the existing service provider (the City of Rialto). (Gov. Code §56133(e)(1)).
 - ii. An extended service that was provided on or before January 1, 2001. (Gov. Code §56133(e)(4)).
 - c) Request the City of Rialto submit an Out-of-Agency Service application to LAFCO to encompass all of the City's other extraterritorial service agreements that have not been authorized by LAFCO to date.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:

AYES: COMMISSIONERS: Bagley, Cox, Curatalo, McCallon, Ramos, Williams

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Lovingood

