

LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO

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DATE: JANUARY 12, 2004
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #8: LAFCO 2951 -- Confirmation of Street Sweeping Powers for County Service Area 64 (Spring Valley Lake)

SUBMITTED BY:

County Special Districts Department on behalf of CSA 64

RECOMMENDATION:

- 1) Certify that LAFCO 2951 is Statutorily Exempt from environmental review and instruct the Clerk to file a Notice of Exemption within five days;
- 2) Confirm the delivery of street sweeping services as an authorized power of County Service Area 64, amending the Rules and Regulations Affecting Special Districts to reflect this addition; and,
- 3) Adopt LAFCO Resolution #2801 setting forth the Commission's findings, determinations and approval of this action.

BACKGROUND:

During the review of a Board Agenda item related to contracts for service provided by Special Districts, LAFCO staff questioned Special Districts' staff about whether or not County Service Area 64 (CSA 64) was actively engaged in the delivery of street sweeping services. This service is not one that is authorized pursuant to the Commission's Rules and Regulations Affecting

Special Districts. The Commission's Rules and Regulations authorize CSA 64 the powers of: water, sewer, and roads.

County Special Districts staff responded by indicating that CSA 64 has been providing this service within the area of the planned community known as Spring Valley Lake since approximately 1977. The staff indicated that it had always been assumed that these services were authorized under its road powers. However, street and highway sweeping is a separately defined service under County Service Area Law (Government Code Section 25210.4a (4)). The Special Districts staff has provided documentation of the ongoing provision of this service funded from property tax receipts within the District. This information is included as Attachment #1 to this report. Therefore, LAFCO staff supports the confirmation and acknowledgement of this service as being authorized for CSA 64 due to its historic provision.

The only question that remains in reference to this service is the manner in which it is funded. Special Districts staff has indicated that the revenues for the provision of this service are through the District's share of the general ad valorem property tax receipts and/or annual assessments for road services. These revenues are derived from a much larger area than the planned community of Spring Valley Lake as outlined on the attached map (Attachment #2). The boundary of CSA 64 includes territory within the City of Victorville and the Town of Apple Valley, areas not currently provided this service through CSA 64. It would appear that coordination of this service with these entities would be appropriate. Specials District staff has indicated that they will review the question of where the contracts for street sweeping service within CSA 64 are located to determine if a larger area, coordinated with the municipalities, would be more appropriate. LAFCO's role in the review of the extension of services is limited in scope to whether or not the service should be provided by the entity within its service area. LAFCO does not have the ability to restrict the delivery of service to only a specific area of the agency. Therefore, staff's concern regarding the revenue stream to provide the service and the actual territory of the service provision will need to be resolved by the County.

On the basis that street sweeping service has been provided by CSA 64 on a continuing basis, in support of requests made by the residents of the area of Spring Valley Lake, since approximately 1977, the staff supports the confirmation. Action is required by the Commission to officially note the provision of street and highway sweeping service as an active power of the CSA 64 within the records of the Commission related to Special Districts through adoption of the appropriate resolution.

FINDINGS:

1. Notice of the Commission's consideration of this application has been published in newspapers of general circulation in the area, The Daily Press and The Sun.
2. The County Special Districts Department has submitted documentation outlining the historic and ongoing provision of this service along with copies of the contracts signed for provision.
3. The Commission's confirmation authorizing this service will have no effect on property tax distributions.
4. As a CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the application and determined that a Statutory Exemption would be appropriate for the authorization of this service and recommends the certification of this finding by the Commission. A copy of Mr. Dodson's response is included as Attachment #4 to this report.

KRM:

Attachments:

1. Special District Department Submission Regarding Provision of Street Sweeping Service by CSA 64
2. Vicinity Map for CSA 64
3. Listing of Authorized Services for CSA 64 and Outline of County Service Areas Prepared by LAFCO Staff
4. Tom Dodson and Associates Response
5. Draft Resolution #2801