

**LOCAL AGENCY FORMATION COMMISSION  
COUNTY OF SAN BERNARDINO**

175 West Fifth Street, Second Floor, San Bernardino, CA 92415-0490  
• (909) 387-5866 • FAX (909) 387-5871  
E-MAIL: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

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**DATE:** NOVEMBER 7, 2003  
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: Agenda Item #7 — LAFCO 2916 -- Service Review and Sphere Of Influence Update for the San Bernardino Valley Municipal Water District**

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**INITIATED BY:**

San Bernardino Local Agency Formation Commission

**RECOMMENDATION:**

1. Determine that LAFCO 2916 is statutorily exempt from environmental review, and direct the Clerk to file a Notice of Exemption within five days;
2. Make the findings related to a service review required by Government Code Section 56430; determine that the existing sphere of influence for the San Bernardino Valley Municipal Water District (SBVMWD) within San Bernardino County should be changed to accommodate the 8 +/- acres transferred to San Bernardino County through the County Boundary Exchange within the Agua Mansa area to be finalized as of December 1, 2003; and determine that the balance of the District's Sphere of Influence will be affirmed as presently configured;
3. Request that the Riverside Local Agency Formation Commission address the County Boundary Exchange within the Agua Mansa area as it relates to the sphere of influence of the SBVMWD within their County; and,
4. Adopt LAFCO Resolution #2791 setting forth the Commission's findings and determinations on this issue.

**BACKGROUND INFORMATION:**

This proposal was initiated by the Local Agency Formation Commission on January 15, 2003, in response to state mandates requiring service reviews and sphere of influence updates for all cities and special districts on a rotating five-year schedule. LAFCO 2916 is a routine, non-controversial service review and sphere of influence update for the SBVMWD. Included as Attachment #1 are maps which identify the boundaries and sphere of influence for SBVMWD and identifying the relationship of the underlying water retailers and cities.

Attachment #2 to this report is a District Summary Profile Sheet and an excerpt from the response from the SBVMWD to the survey factors required by Government Code Section 56430 for a service review. A complete copy of the District's response is available for review in the LAFCO office along with the compact discs which hold the Regional Water Facilities Master Plan and its Environmental Impact Report. For the sake of brevity, the responses are not duplicated in this report, but are instead contained within the draft LAFCO Resolution #2791 which is included for Commission review as Attachment #5.

The primary function of the SBVMWD is to act as the State Water Contractor for the area to provide for long-range water supply planning for the eastern portion of the San Bernardino Valley and the water retailers within its boundaries. According to the District's website ([www.sbvwmwd.com](http://www.sbvwmwd.com)) it fulfills these responsibilities by importing water through the State Water Project for direct delivery and groundwater recharge.

In addition, the District is the court-appointed watermaster for the "Orange County" judgment which requires that SBVMWD become responsible for providing a specified Santa Ana River base flow to Orange County, as well as, maintaining the "safe yield" and water levels in certain key wells. Under the terms of this adjudication, the area's water rights were established.

SBVMWD does not currently provide retail water service within its boundaries. However, in the early 60's and 70's, it did provide retail water service through its Improvement Districts "A", "B" and "C" within the Yucaipa area. When the Yucaipa Valley Water District was formed in 1971, the water retail responsibility was absorbed from Improvement District "A". The County Assessor has indicated that Improvement Districts "B" and "C" are still carried on the books as active even though they do not appear to perform a function at the present time.

The major points of consideration within the response provided by SBVMWD are the following:

1. The SBVMWD is not proposing any changes to its sphere of influence within San Bernardino County except to acknowledge the County Boundary Exchange within the Agua Mansa area recently approved by both the San Bernardino and Riverside County Boards of Supervisors (area outlined on maps included as Attachment #3). This boundary exchange proposes to place approximately 8 +/- acres into San Bernardino County from Riverside County, and transfer approximately 4 +/- acres to Riverside from San Bernardino.

The District indicates that it does not anticipate submission of any other sphere of influence amendments within the next five years. The document presented to the Commission indicates that a sphere of influence amendment would only be proposed if one of the District's underlying water retailers would request an annexation outside the boundaries of SBVMWD's sphere of influence. The County Boundary Exchange would fall under this directive.

2. When Special Districts were seated on the San Bernardino LAFCO in 1976, the listing of services and functions was prepared, as required by law, acknowledging the services actively provided by the special districts at that time. Through this process, SBVMWD is currently authorized the active services and functions as follows:

SERVICE	FUNCTIONS
Water	Wholesale, retail, agricultural, domestic, replenishment, conservation
Sewer	Collection, transportation, treatment, reclamation, disposal
Power	Generation, distribution
Electrical Production	
Electrical Transmission	
Park & Recreation	Development, operation, recreation (cannot perform the function within an existing agency with park and recreation services)

Latent powers are those authorized to a special district through its principal act, but which are not being actively provided. According to the SBVMWD's principal act, the Municipal Water District Act of 911 (Water Code Sections 71000 to 73000), the latent powers of the district are:

SERVICE	FUNCTIONS
Fire Protection	All functions of a Fire Protection District (except it cannot perform the function within an existing agency with fire protection services)
Stormwater	Capture, disposal
Refuse	Collection/disposal

It is noted that none of the adjacent or overlaying agencies have identified any concerns with the existing sphere of influence for the SBVMWD

**CONCLUSION:**

Based on the information outlined above and the response from the SBVMWD, staff recommends that the Commission modify the sphere of influence for the District to acknowledge the County Boundary Exchange within the Agua Mansa area, and uphold and affirm the balance of the existing sphere of influence for the District. In addition, staff recommends that the Commission adopt Resolution #2791 which sets forth written responses to the statutory factors related to service reviews and sphere of influence studies.

Staff also wishes to thank and commend the District for its responsive and thorough replies to the service review and sphere study factors of consideration.

KRM

Attachments:

1. Maps of the Existing Sphere of Influence of the San Bernardino Valley Municipal Water District
2. Summary District Profile Sheet and Excerpt from the Survey Response from the San Bernardino Valley Municipal Water District
3. Maps and Legal Descriptions of County Boundary Exchange within the Agua Mansa Area
4. Response from Tom Dodson and Associates
5. Draft Resolution #2791