

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

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**DATE:** NOVEMBER 7, 2005  
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #8 – CONSIDERATION OF CONSULTANT FOR STUDY RELATED TO LAFCO 2919 – SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT**

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**RECOMMENDATION:**

Staff's recommendation is that the Commission:

1. Decline to hire a Consultant to prepare the report required for presentation at the February 15, 2006 Hearing related to LAFCO 2919; and,
2. Confirm the Committee Membership proposed by staff to include representation by the Western Municipal Water District and decline the request to expand the membership to include representatives of the City of Highland.

**BACKGROUND:**

The San Bernardino Valley Water Conservation District (hereinafter SBVWCD or District) in a letter submitted to the Commission (copy included as Attachment #1) has requested that the Commission consider hiring a consultant to assist the Committee formed by the Commission to prepare the study required for LAFCO 2919. The letter was received following closure of the October hearing agenda, but copies were forwarded to members upon receipt. Staff identified at the October hearing that the matter would be placed on the November Agenda.

The Advisory Committee's first meeting was held on October 28<sup>th</sup> and a copy of the Agenda for that meeting is included as Attachment #2 to this report. As

noted, a discussion of the directions to the Committee was presented as those were identified in the minutes of the September hearing. Those areas are defined as follows:

- a. If a consolidation were to be considered, could the San Bernardino Valley Water Conservation District pre-1914 water rights be transferred to a successor agency?
- b. Effectiveness and efficiency of any potential successor agency within a consolidation proposal with regard to water conservation activities.
- c. Preservation of the “Wash Plan” or “Plan B” in any potential consolidation.

In addition, the letter from the District was reviewed and the Committee members were polled as to their position on the question of the hiring of a consultant and payment of those costs. The consensus of the Committee members was that a consultant was not required; but, if the Commission chooses to move in that direction, financial participation would be provided from a majority of the Committee members.

Staff does not believe that a consultant is required to prepare the report back to the Commission on the areas outlined above since the information necessary to complete the report is readily available from the Districts. In addition, staff does not believe that the Commission’s revenues, which are generated from revenues for proposal processing and the shares from the County, Cities, and Independent Special Districts, should be utilized to prepare the report. Therefore, we do not support the hiring of a consultant.

At the meeting an additional question arose from the SBVWCD regarding the actual composition of the Committee membership. At the September hearing, the Commission adopted Item #3 of the staff’s recommendation which reads as follows:

“Direct the Executive Officer to establish a committee to review the possible consolidation of the San Bernardino Valley Water Conservation District with the San Bernardino Valley Municipal Water District, to be made up of the LAFCO Executive Officer and the General Manager, or designee, of the San Bernardino Valley Water Conservation District and the San Bernardino Valley Municipal Water District; and a representative from each of the major water stakeholders identified as: the City of Redlands, the City of San Bernardino Municipal Water Department, East Valley Water District, Bear Valley Mutual Water Company, and the City of Riverside, to develop the parameters needed for consolidation. A report of the terms and conditions

needed for such a consolidation, developed by the Committee, will be due back to the Commission no later than the February 15, 2006 hearing.

Included with the staff report was a letter from the Western Municipal Water District, dated September 13, 2005, requesting that the staff's recommendation for composition be modified for its inclusion and outlining its rationale (copy included as Attachment #3). No specific action was taken during the Commission's considerations regarding this request. Staff in soliciting the designee and alternates for the Committee included a request for a representative of the Western Municipal Water District on the Committee. At the October 28<sup>th</sup> meeting, the representatives for SBVWCD requested that (a) Western not have a representative on the Committee and (b) if Western was a part of the Committee, that the membership also be expanded to include the City of Highland as a further interested party.

The City of Highland City Council is scheduled to discuss a request for inclusion on the Committee at its November 8<sup>th</sup> City Council meeting. The City Council agenda item #12A, included as Attachment #4 to this report, outlines the request for inclusion related to discussion of the Wash Plan or Plan B, as shown as Item #c of the Commission's direction to the Committee. At the time of the preparation of this report, the Council position was not known but will be provided to the Commission at the hearing.

The composition of the Committee as identified by staff was intended to include the major water stakeholders within the Bunker Hill Basin. As the letter from Western indicates, it has a major stake in the Bunker Hill Basin regarding the amount of water withdrawal as it relates to maintenance of the flows under the Orange County judgment; therefore, staff included its representatives on the Committee. The City of Highland is represented on the Committee by the representatives of the East Valley Water District who provide for the City's water and sewer needs. Staff has provided the City of Highland with notices of the Committee meetings; they have had a presence at the meeting; and can comment on the matters being discussed. As with all meetings conducted by or for the Commission, copies of materials are provided to interested agencies and persons and the public's participation is encouraged.

Therefore, it is the staff position that the composition of the Committee should include the Western Municipal Water District as a major water stakeholder but not include the City of Highland. Staff believes that in reference to the hiring of a consultant, the preparation of the report to the Commission for the February hearing can be provided without a consultant and the costs for such a consultant should not be required of the Commission.

KRM/

Attachments:

1. September 28, 2005 Letter from the San Bernardino Valley Water Conservation District
2. Agenda for October 28, 2005 Committee Meeting
3. September 13, 2005 Letter from the Western Municipal Water District
4. City of Highland Council Agenda Item #12A