

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

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FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #8 – APPROVAL OF AND AUTHORIZATION TO SIGN
MEMORANDUM OF UNDERSTANDING FOR TRANSFER OF PRINCIPAL
COUNTY STATUS FOR SPHERE OF INFLUENCE DETERMINATIONS**

RECOMMENDATION:

Staff recommends that the Commission:

1. Approve the individual Memorandum of Understanding with Los Angeles LAFCO, Orange LAFCO and Riverside LAFCO transferring principal county status for sphere of influence determinations for multi-county special districts; and,
2. Authorize the Commission Chair to sign the Memorandums of Understanding.

BACKGROUND:

At the June 2011 hearing the Commission authorized the Executive Officer to review with the Executive Officers, and Commissions, of the counties which surround San Bernardino County – Inyo, Kern, Los Angeles, Orange and Riverside Counties – agreements to transfer sphere of influence jurisdiction to the County in which the territory of the sphere change lies. The process proposed was to enter into a Memorandum of Understanding (hereafter shown as “MOU”) with these individual Counties as authorized under Government Code Section 56375(q) to specify that the responsibility for sphere of influence determinations will transfer to the LAFCO in the County where the territory lies as defined under the principal county statutes.

A letter was forwarded to the five LAFCOs which surrounded San Bernardino County requesting their consideration of the MOU. The Local Agency Formation Commissions

for Los Angeles, Orange and Riverside have approved entering into the MOU and have signed or are in the processing of signing the MOU. Copies of the staff reports presented to the respective LAFcos are included as attachments to this report.

The remaining two LAFcos have taken the MOU under consideration. Inyo LAFCO has indicated its interest in reviewing the matter but its next scheduled hearing will not be until April 2012. Kern LAFCO has also indicated its interest in the MOU and is reviewing the document with its Legal Counsel. At this time, the indication is that the Kern LAFCO Legal Counsel has some question regarding the MOU; however, those questions have not been conveyed to staff. Staff will continue to work with the remaining two LAFcos to seek approval of the MOU for transfer of principal county status for multi-county special district sphere of influence determinations.

Staff is recommending that the Commission approve the MOUs presented and authorize the Chair to sign each. The individual MOUs will remain in effect until a future action is taken, by either party, to amend or rescind. Staff will be happy to respond to any questions prior to or at the hearing.

/krm

ATTACHMENTS:

1. [July 28, 2011 Staff Report Riverside LAFCO with Draft MOU](#)
2. [August 10, 2011 Staff Report Los Angeles LAFCO with Draft MOU](#)
3. [October 12, 2011 Staff Report Orange LAFCO with signed MOU](#)