

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

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**PROPOSAL NO.: LAFCO 3016**

**HEARING DATE: November 19, 2008**

**RESOLUTION NO. 3034**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3016 – A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE CITY OF BARSTOW (expansion to include the remainder of the Hinckley community as defined by the boundaries of County Service Area 70 Improvement Zone W and affirmation of the balance of the existing sphere as shown on the attached map).**

**On motion of Commissioner \_\_\_\_, duly seconded by Commissioner \_\_\_\_, and carried, the Local Agency Formation Commission adopts the following resolution:**

**WHEREAS**, a service review mandated by Government Code 56430 and a sphere of influence update mandated by Government Code Section 56425 have been conducted by the Local Agency Formation Commission of the County of San Bernardino (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 her 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 October 15, 2008 at the time and place specified in the notice of public hearing; and,

**WHEREAS**, at the hearing, this Commission heard and received all oral and written protests; the Commission considered all plans and proposed changes of organization, objections and evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing;

**WHEREAS**, a statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that this service review and sphere of influence update are

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statutorily exempt from CEQA and such exemption was adopted by this Commission on October 15, 2008. The Clerk was directed to file a Notice of Exemption within five working days of its adoption;

**WHEREAS**, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it is determined that the following sphere of influence determinations should be made for the City of Barstow (hereafter shown as the City):

- (1) Expand the sphere of influence to include the remainder of the Hinckley community as defined by the boundaries of County Service Area 70 Improvement Zone W; and
- (2) Affirm the balance of the existing sphere of influence for the City

as more specifically depicted on the map attached hereto as Exhibit "A"; 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 October 7, 2008 and received and filed by the Commission on October 15, 2008, a complete copy of which is on file in the LAFCO office. The determinations of the Commission are:

### 1. Growth and population projections for the affected area:

#### *City Limits*

According to the State Department of Finance, the City had an estimated population of 23,943 in 2007. The City's population projections, which were developed using the Southern California Association of Government (SCAG) projections, are listed in five-year increments, as follows:

2010 – 25,401	2025 – 35,430
2015 – 28,831	2030 – 38,571
2020 – 32,215	

Build-out within the City is approximately 130,000 persons based on the current land use designations. Within the City limits is a proposed development project for 219 lots along Jasper Road north of Citrine Road. This area was recently annexed to the City effective June 2008.

Most of the anticipated growth is expected to occur in three areas identified in the City's General Plan:

- Residential growth in the three-mile wide corridor between Rimrock Road and Linda Vista Road
- Industrial growth in the City's Business Park (on West Main Street, east of Highway 58) and Industrial Park (west side of Lenwood Road, north of West Main Street)
- Commercial growth in the Lenwood Specific Plan area (east side of I-15 between Lenwood Road and Outlet Center Drive)

#### *Sphere of Influence*

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Utilizing the growth forecast for transportation analysis zones, as identified in the Southern California Association of Governments 2008 Regional Transportation Growth Forecast, the City's sphere of influence population projections are as follows:

2010 – 10,381	2025 – 12,212
2015 – 11,050	2030 – 13,006
2020 – 11,585	

LAFCO staff has received project notices which anticipate General Plan Amendments, tentative tract developments, and Conditional Use Permits for increased residential development within the sphere area. A review of the project notices that have been submitted for County Land Use Planning review from 2004 through present indicate the potential for creation of 134 lots. These projects are adequately accounted for in the projections listed above. Additionally, there is a specific plan adopted by the City of Barstow in 1988 for the Lenwood community which guides development for the future in this area consistent with the City's General Plan.

Historical trends indicate low growth in the community in comparison with other urban areas of the North Desert region of the County. However, there are planned developments anticipated in the future such as the Waterman Junction development. These future projects will increase the need for public services within the existing City boundaries as well as within the unincorporated sphere area. However, the single most tangible factor that could limit growth will be the availability of water.

### **2. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies:**

The City provides land use planning, general government, sewer collection and treatment, police, street maintenance, and park and recreation services. Retail water is provided by the Golden State Water Company. The Barstow Fire Protection District provides fire protection and paramedic services within the City.

#### *Police*

Currently, police services adequately serve the area. The City Police Department is responsible for providing law enforcement and public safety services within the City. In FY 2006-07, the Department had a staff of 53 of which 37 are sworn officers. Additionally, the City is initiating a Neighborhood Enhancement Program. There is one police station to serve the 40 square mile jurisdiction.

#### *Sewer*

In 2007, there were 80 miles of sewer lines and approximately 17,000 connections. The City maintains the sewer collection system and operates the wastewater reclamation facility which is currently operating at 2.7 million gallons per day but has a capacity of 4.5 million gallons per day. The reclamation facility was constructed in 1968 for primary level treatment and was expanded in 1975 to secondary level treatment. City staff indicates that the reclamation facility is in good condition. However, according to the FY 2006-07 Comprehensive Annual Financial Report, the California Regional Water Quality Control Board in August 2006 issued one order and one notice requiring the City to take remediation action for the plant:

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- Order – for wastewater discharges resulting in alleged increases in the nitrate levels in the water supply resulting from the City's wastewater plant. While the Board may impose a fine on the City, the Board has neither threatened nor taken action in this regard.
- Notice – for wastewater discharges from the City's wastewater plant. Pursuant to its contract with the City, the facility operator, Aquarion Operating Services, is required to indemnify and hold the City harmless, limited to \$10 million. Aquarion Operating Services has acknowledged its indemnity obligations and is working with the Water Quality Control Board to resolve the violation. While the Board may impose a fine on the City, the Board has neither threatened nor taken action in this regard.

The City plans to upgrade the reclamation facility to tertiary level treatment and expand it to accommodate build-out growth in order to comply with the Order and Notice. City staff indicates that the upgrade plans have been deemed acceptable by the Regional Water Quality Control Board – Lahontan Region. On October 6, 2008, the City plans to release a request for proposal for firms to bid on the Phase 1 Improvements to the Wastewater Treatment Facility (Biological Nutrient Reduction). The City expects to have the project completed by July 30, 2009. According to City staff, upon completion the City will be in full compliance with the Regional Water Quality Control Board Order and Notice.

### *Park and Recreation*

The community center has a gym, weight room, arts and crafts facilities, handball and racquetball courts, aerobics facilities, and sauna rooms. The Robert A. Sessions SportsPark includes six ball fields, two soccer fields, volleyball courts, batting cages, roller hockey arena, and concession stands. City staff has indicated that there are no Park Master Plans or studies.

According to City staff, there are 118 acres of parkland. Pursuant to the Quimby Act, a minimum of three acres per thousand population should be dedicated for recreational and/or open space purposes. Utilizing the 2007 population and total developed park acreage, the District surpasses the Quimby Act standard.

The former Barstow Park and Recreation District comprised 503 square miles with 23.7 square miles within the corporate boundaries of the City, at that time. When the City succeeded to the Barstow Park and Recreation District in 2004, it succeeded to the Barstow Park and Recreation District contract with the Barstow Heights Community Services District. Pursuant to the contract, the Barstow Park and Recreation District was to provide maintenance of the CSD's two parks. The City succeeded to this contract and now performs this service. However, the terms of the contract expire in 2010. City and District staffs have indicated the intent to continue this contract. Additionally, as a condition of the approval of the dissolution, the City was required to continue to provide park and recreation services to the residents outside the boundaries of the City but within the former District's boundaries in the same manner and at the same cost as in-City residents. The level of service has increased due to the upgrading of facilities and improvements to the Sports Park. The range of park and recreation services generally remains the same since the former District's facilities were generally located either within the City or near the City and not in the far reaches of its former boundaries.

### **3. Financial ability of agencies to provide services:**

#### *Revenues*

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Much of Barstow's economy depends on transportation. For governmental activities, the main sources of revenue are sales tax (24%), capital contributions and grants (22%), property tax (18%) and other taxes (18%). In 2007 the City increased its development fees for permits and applications for the first time since 1986. The new fee schedule includes an annual cost of living adjustment based on the regional Consumer Price Index not to exceed three percent per year.

On the November 2008 ballot is a measure to impose an additional 3/4 cent sales tax within City limits to pay for increased staffing and equipment for the City Police Department and the Barstow Fire Protection District. The proposed tax would be split 69 percent for fire and emergency medical response services and 31 percent for police. Pursuant to provisions of State Law, passage of this measure requires a 2/3 majority.

### *Audit*

The City's Comprehensive Financial Annual Report combines the financial statements of the City, the Barstow Redevelopment Agency, the Barstow Financing Authority, the Barstow Public Facilities Corporation, and the Odessa Water District. Highlights from the City's comprehensive annual financial report for FY 2006-07 are:

- Assets exceeded liabilities at the close of the year by \$132,491,082. Of this amount, \$33,792,667 is unrestricted.
- Total net assets increased by \$8,412,810 (7%) from prior year.
- Governmental funds increased \$6,890,316 (16%) from prior year.
- Unreserved fund balance for the General fund was \$29,774,340 or 116% of total general fund expenditures.
- Total debt increased by \$849,001 (4%) due to obligations that are scheduled to be paid in FY 2007-08.

As a measure of the general fund's liquidity, it is useful to compare both the total fund balance (\$29,992,999) and the unreserved fund balance (\$29,774,340) to total general fund expenditures (\$13,782,704). The total fund balance represents 117% while the unreserved fund balance represents 116% of total general fund expenditures. It is important to note that the total fund balance includes a working capital reserve of \$1,500,000, which represents 11% of general fund expenditures.

All the governmental funds ended the year with a surplus, except for the Measure I Special Revenue fund. This fund experienced a change in fund balance of (\$332,654). The reason for the decrease in fund balance was increased costs due to road projects. The Redevelopment Debt Service fund had a deficit fund balance of \$2,332,693 at the end of the year. The fund has an obligation to the Low and Moderate Income Housing Funds for prior housing set aside obligations, which will be paid from future tax increment pursuant to a repayment plan.

Cash not required for immediate use is invested with the State of California Local Agency Investment Fund (LAIF). For FY 2006-07, the City's LAIF cash balance was \$11,694,677.

### *Barstow Redevelopment Agency*

The Barstow Redevelopment Agency (Agency) was established in 1973 pursuant to the California Community Redevelopment Law. The Agency's redevelopment activity involves two project areas. Combined the two project areas comprises approximately two-fifths of the City's jurisdiction. The

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project areas include residential, commercial, industrial, and public areas. The Agency's primary source of revenue, other than loans and advances from the City, comes from property tax increment. The redevelopment agency does have drawbacks. Property tax receipts have lessened tax receipt revenues to other agencies, such as the Barstow Fire Protection District.

At the end of FY 2006-07, total expenditures (\$14.2 million) exceeded assets (\$11.4 million) by \$2.8 million. Although net expenditures exceeds net assets, the shortfall lessened by \$1.8 million for the year.

On October 1, 2001, the Agency entered into an agreement to repay the City \$4.23 million with interest at the rate of 6% per annum, fully amortized to 2019. The sum of \$4.23 million represents the Agency's share of costs for construction of an indoor swimming complex built in 1975 and accumulated interest on such share of costs. As of June 30, 2007, the balance was approximately \$4.18 million.

### *Park Services*

Pursuant to the conditions of the dissolution of the Barstow Park and Recreation District, the City agreed to separately account for the District's revenues so that such funds are to be used for the purpose of providing an equivalent level and range of park and recreation services. The revenues the City receives that are attributable to the former district are separately accounted for in the City's financial documents but are not easily identified. However, for the purpose of providing an equivalent level and range of park recreation services, the level of service has increased due to the upgrading of facilities and improvements to the Sports Park. The range of park and recreation services generally remains the same since the former District's facilities were generally located either within the City or near the City and not in the far reaches of its former boundaries.

The Sports Park has its own fund and the facility was built by the Barstow Redevelopment Agency to meet the recreational needs of the community. Since the Sports Park does not generate significant revenues, the General Fund subsidizes the operations of the Sports Park.

### *Capital Improvement Budget*

The City annually adopts and maintains a five-year capital improvement program which includes road improvements. The major capital improvement projects of past two years are:

- Upgrade of the wastewater treatment facility. Construction in progress at the close of the FY 2006-07 reached \$1.7 million.
- Opening of the Compressed Natural Gas/Liquefied Natural Gas Fueling Station. This is a City-owned station that is open 24 hours a day to fuel public and private vehicles. Federal, State, and local grant funds were used to construct the station. The fund for this business operation receives a royalty for each gallon of fuel sold.

### *Long-Term Debt*

The City's debt service as a percentage of non-capital expenditures decreased from 12.5% in 2004 to 8.6% in 2007. At the end of FY 2006-07, the City had total bonded debt outstanding of \$17.45 million. Of this amount, \$1.22 is special assessment debt for which government is liable in the event of default by the property owners subject to the assessment.

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**4. Status of, and opportunities for, shared facilities:**

The City and the Barstow Unified School District allow the shared use of facilities and equipment at no charge, as long as the uses do not conflict with the other entity's general operations and scheduled uses.

**5. Accountability for community service needs, including governmental structure and operational efficiencies:**

*Local Government Structure and Community Service Needs*

The City has operated under the Council-Manager form of government since 1947. The City Council is comprised of five members and the mayor holds one of the seats. Council Members and the mayor are elected at large to four-year staggered terms. The City Council also serves as the Board of Directors of the Barstow Redevelopment Agency, the Barstow Financing Authority, the Barstow Public Facilities Corporation, and the Odessa Water District. Below is the composition of the current City elective offices, their positions, and terms of office:

<b>Council Member</b>	<b>Title</b>	<b>Term</b>
Lawrence Dale	Mayor	2008
Steve Curran	Mayor Pro Tem	2010
Joe Gomez	Council Member	2008
Julie Hackbarth-McIntyre	Council Member	2010
Timothy Silva	Council Member	2010
Evelyn Radel	Treasurer	2008
JoAnne Cousino	Clerk	2008

City council meetings are held the first and third Monday of each month at the Barstow City Hall at 7:30 p.m. The City complies with the Brown Act, and the public is welcome. The City Council convenes separate meetings as the Council or the respective board of directors. For certain items of common interest, joint meetings are held. A quarterly newsletter is published and made available to residents.

*Operational Efficiency*

Operational efficiencies are realized through several joint agency practices, for example:

- The City of Brawley (Imperial County) to pool resources to result in lower costs to acquire financing from the California Statewide Communities Pooled Financing Program for a 2004 wastewater revenue bond.
- Mojave Desert and Mountain Integrated Waste Joint Powers Authority for solid waste and recycling.
- Public Entity Risk Management Authority (PERMA) for insurance/risk management purposes. PERMA is composed of 24 member entities located throughout Southern California.
- Alliance for Water Awareness (AWAC). The City, as an AWAC member, participates in workshops, outreach events, and public education to communicate the conservation message.

*Government Structure Options*

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There are two types of government structure options:

### Out-of-Agency Service Agreements:

Since 2003 the City has provided sewer service for certain properties (Lenwood/High Desert Estates) within County Service Area 70 Improvement Zone S-7 (LAFCO SC 184). The Commission's approval of the out-of-agency service contract provided authorization for this service to be extended within any portion of CSA 70 Zone S-7 without the need for further Commission action.

Pursuant to the conditions of the dissolution of the Barstow Park and Recreation District, the City is required to continue to provide for park and recreation services outside the boundaries of the City but within the former District's boundaries. It is the recommendation of the Commission that this ongoing requirement be memorialized in an out-of-agency service contract to reduce confusion for the City and County staff implementing the provisions.

### Other Government Structure Options:

While the discussion of some government structure options may be theoretical, a service review should address possible options.

- Expansion of the City to encompass the entirety of its sphere. In the materials provided for this review, the City indicated that annexations are driven by development projects and their need for municipal services. The vast rural nature and land use designations of the majority of the sphere, and the lack of infrastructure or financing to provide municipal level infrastructure, present challenges to this option.
- Barstow Fire Protection District (District) becoming a subsidiary district of the City. In order for the District to become a subsidiary district of the City, at least 70% of registered voters in the District must reside in the City and at least 70% of the District's territory must also be within the boundaries of the City. The District does not meet the threshold for territory within the boundaries of the City at this time.
- Annexation of the Barstow Heights community. In this option, the City would annex the Barstow Heights community. Such an application would be processed to include the dissolution of the Barstow Heights Community Services District or establishment as a subsidiary district and the dissolution of County Service Area 70 Improvement Zone R-42 (roads) with the City identified as the successor agency. The City would then be responsible for extending its services to the area.
- Annexation of the Lenwood community. In this option, the City would annex the Lenwood community. Such an application would be processed to include the dissolution of County Service Area 70 Improvement Zone S-7 (sewer) with the City identified as the successor agency and the detachment from County Service Area SL-1 (streetlights). The City would then be responsible for extending its services to the area, including the maintenance of the sewer collection system and street lights.

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- Maintenance of the status quo – At this time, the City is not requesting any changes to its governmental structure.

Based upon its evaluation, the Commission supports the retention of the current status of the City.

Pursuant to Commission directives when requesting approval of development related annexations, a city must address its totally and substantially-surrounded islands. The City of Barstow’s islands were outlined in the Commission’s general discussion of the islands and its policies at the Workshop held on March 31, 2005. The Commission determines that there are currently four areas that meet the requirements of being an “island”.

On two occasions the City of Barstow has complied with requests from the Commission to address its island areas as a part of development related annexations. For the last annexation to the City of Barstow, LAFCO 3085, at the request of the Commission the City indicated that it would initiate the annexation of the “West Lenwood Island” as identified in the staff report within one year. A contract has been issued to prepare the necessary documents for the submission of this island. In addition, in 2002, the City complied with the Commission’s request to initiate the “Mojave Manor” island annexation as a part of the Commission consideration of LAFCO 2880 annexing the NEBO Base to the City.

**WHEREAS**, the following determinations are made in conformance with Government Code Section 56425 and local Commission policy:

**1. Present and Planned Uses:**

Overall, the City’s boundaries and sphere include the full range of densities from high density to non-developable land. Land uses also include the full range which includes open space, rural living, and residential. There are Williamson Act contracts in the western sphere area along the Mojave River which recognize ongoing agricultural uses that will remain for a minimum period of ten years. The majority of the sphere area is a combination of vacant lands with Rural Living and Resource Conservation land use designations. The specific plan for the Lenwood area will guide development in the future in this area. The landownership breakdown of the community is as follows:

<b>Land Owner</b>	<b>Sq Miles</b>	<b>Percentage</b>
Private	120.1	65%
US Bureau of Land Management	57.9	31.3%
Military	6.7	3.6%
State Lands - State Lands Commission	0.1	0.1%
<b>Total</b>	<b>184.8</b>	<b>100.0%</b>

A portion of the sphere is managed by the Bureau of Land Management, the Stoddard Valley Off-Highway Recreation Area. There is little developable land since the area is designated by the County General Plan as Resource Conservation (open space and recreational activities - minimum lot size 40 acres) and is comprised mostly of Bureau of Land Management lands. The territory of Stoddard Valley OHV has no requirement for municipal level services based upon the public nature of the majority of the land holdings and uses and its recent inclusion within the San Bernardino Fire Protection District for fire suppression, emergency response, rescue, and ambulance. Representatives from the Bureau of Land Management - Barstow Office, state that one of the

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Barstow Office's goal is to make the Stoddard Valley Off-Highway Recreation Area whole by acquiring all the private lands within the recreation area.

The sphere of influence for the City includes roughly half of the Hinkley community as defined by the boundaries of County Service Area 70 Improvement Zone W. In looking at future service delivery and community needs, the Commission determined to expand the sphere of influence of the City to include the entirety of the Hinkley community. County General Plan land use designations are primarily comprised of Rural Living, Residential Single, and Special Development – Residential. Other land use designations include Resource Conservation, General Commercial, and Neighborhood Commercial.

The City's boundary currently encompasses approximately 40 +/- square miles, and its sphere of influence extends an additional 145 +/- square miles. The County's Development Code establishes a "sphere standards overlay" to allow the implementation of County development standards or standards that closely conform to city development standards. The intent of this sphere overlay standard is to, "ensure that the County's approval of a proposed development in a sphere of influence is consistent with the shared objectives of the County" and the city.

Pursuant to Government Code 56425(b), as a part of the sphere of influence updates for cities conducted by LAFCO, the city and the County are required to meet and discuss the sphere of influence of the city. The City and the County fulfilled the meeting requirement. Discussed at the meeting were planning and development standards, and the City relayed to County representatives that there is no interest at this time in expanding its sphere of influence. No agreements are known to have been reached between the City and County on planning or development standards for the sphere of influence territory.

### **2. Present and Probable Need for Public Facilities and Services:**

In the unincorporated sphere area, the present need for municipal services is minimal due to its primarily vacant nature with some low residential density. The City does provide sewer to a small portion of the sphere pursuant to an out-of-agency service agreement with CSA 70 Zone S-7 in the Lenwood area and is responsible for park and recreation services within its boundaries and the boundaries of the former Barstow Park and Recreation District.

Given the anticipated growth within the sphere, residential projects will require the full range of municipal services including development of schools, parks, medical facilities, and police and fire services.

### **3. Present Capacity of Public Facilities and Adequacy of Public Services**

Currently, the City indicates that the reclamation facility and sewer collection system is in good condition. However, according to the FY 2006-07 Comprehensive Annual Financial Report, the California Regional Water Quality Control Board in August 2006 issued one order and one notice requiring the City to take remediation action. The City plans to upgrade the reclamation facility to tertiary level treatment and expand it to accommodate build-out growth in order to comply with the Order and Notice. According to City staff, upon completion the City will be in full compliance with the Order and Notice.

To provide the Barstow Police Department with additional revenues to help adequately support police protection, on the November 2008 ballot is a measure to impose an additional 3/4 cent sales tax within City limits to pay for increased staffing and equipment for the City Police Department and

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the Barstow Fire Protection District. The proposed tax would be split 69 percent for fire and emergency medical response services and 31 percent for police.

In the sphere area there is some retail water and sewer service, and there are developments with services provided on-site.

#### 4. Social and Economic Communities of Interest:

The City is the core of the social and economic community of interest for the Barstow community. Within the unincorporated sphere, there are four distinct social communities: Barstow Heights, Hinkley, Grandview, and Lenwood. The economic driver for the community is transportation, as the community is a transportation junction. The community is within the Barstow Unified School District except for a small portion on the east that extends into the Silver Valley Unified School District.

#### 5. Additional Determinations

- The Commission's Environmental Consultant, Tom Dodson and Associates, has determined the changes outlined for the City of Barstow sphere of influence are statutorily exempt from environmental review.
- Legal advertisement of the Commission's consideration has been provided through publication in *The Daily Press* through a publication of a 1/8 page legal ad and in *Desert Dispatch*, as required by law. In accordance with Commission Policy #27, an 1/8<sup>th</sup> page legal ad was provided in lieu of individual notice because the service reviews for the community of Barstow, in aggregate, would have exceeded 1,000 notices.
- As required by State law, individual notification was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice.
- Comments from landowners/registered voters and any affected agency were reviewed and considered by the Commission in making its determinations.

**WHEREAS**, having reviewed and considered the findings as outlined above, the Commission expands the sphere of influence to include the remainder of the Hinkley community as defined by the boundaries of County Service Area 70 Improvement Zone W and affirms the balance of the existing sphere of influence of the City of Barstow, and;

**NOW, THEREFORE, BE IT RESOLVED** by the Local Agency Formation Commission of the County of San Bernardino, State of California, that this Commission shall consider this to be the sphere of influence for the City of Barstow; it being fully understood that establishment of such a sphere of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants;

**BE IT FURTHER RESOLVED** that the Local Agency Formation Commission of the County of San Bernardino, State of California, does hereby determine that City of Barstow shall indemnify, defend, and hold harmless the Local Agency Formation Commission of the County of San Bernardino from any legal expense, legal action, or judgment arising out of the Commission's designation of the modified sphere of influence, including any reimbursement of legal fees and costs incurred by the Commission.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

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STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN BERNARDINO )

I, KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of November 19, 2008.

DATED:

\_\_\_\_\_  
KATHLEEN ROLLINGS-McDONALD  
Executive Officer

