

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

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PROPOSAL NO.: LAFCO 2925

HEARING DATE: SEPTEMBER 15, 2004

RESOLUTION NO. 2846

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 2925, A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE CITY OF SAN BERNARDINO.

On motion of Commissioner Biane, duly seconded by Commissioner Pearson and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, a service review mandated by Government Code Section 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 this Commission on this matter; and,

WHEREAS, the Executive Officer has reviewed available information and prepared a report including his recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, the public hearing by this Commission was held upon the date and at the time and place specified in the notice of public hearing and in an order or orders continuing the hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written protests; the Commission considered all objections and evidence which were made, presented, or filed; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the review, in evidence presented at the hearing; and,

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

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sphere of influence update are statutorily exempt from CEQA and such exemption is hereby adopted by this Commission. The Clerk is directed to file a Notice of Exemption within five working days of adoption of this resolution; and,

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 sphere of influence for the City of San Bernardino should be affirmed as it currently exists, as more specifically described on the map attached to this resolution and on file in the LAFCO staff office; and,

WHEREAS, the following findings are made in conformance with Government Code Section 56430 and local Commission policy:

1. **Infrastructure Needs and Deficiencies.** The City of San Bernardino's five-year Capital Improvement Plan (CIP) was adopted on September 15, 2003. The CIP outlines the City's present and future needs for capital improvements. The various projects are generally administered by the City's Public Works Division, the Public Services Department, or the San Bernardino Municipal Water Department. Copies of the City's master plans are maintained in City offices and are available for public review.
2. **Growth and Population.** The City's population based on 2000 Census data is 185,272. The estimated 2003 population is 194,120. The City's primary growth will be in commercial development in the Tri-City area, industrial and commercial development within the area of the San Bernardino International Airport, and residential development in the north Verdemon area.
3. **Financing Opportunities and Constraints.** The City's revenues are derived from a variety of sources including, but not limited to, the City's share of property tax revenues, sales tax revenue, development and permit fees, motor vehicle in-lieu fees, grants, franchise fees, and Measure I (gas tax) revenues. Additionally, the City also levies a Utility User's Tax on various utility charges. The current rate for this tax is 8%. A complete list of the sources of City revenues is contained within the City budget, copies of which are maintained on file in the City's Finance Department and available for public review.
4. **Cost Avoidance Opportunities.** The City of San Bernardino receives water service from the City of San Bernardino Municipal Water Department and the East Valley Water District within its corporate boundaries. The City of San Bernardino also takes a cooperative approach and encourages coordination with other local agencies on a variety of projects. Beyond that, the City of San Bernardino did not identify any specific cost avoidance opportunities relevant to this review.
5. **Rate Restructuring.** The City of San Bernardino's cost of providing services is evaluated periodically and adjusted to meets its cost of delivery of services. Copies of the City's rate structures are maintained in various City offices and are available for public review. No other relevant issues related to this factor were identified by the City of San Bernardino.

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6. **Opportunities for Shared Facilities.** The City of San Bernardino shares certain facilities with other local agencies such as the Mill Center and the Center for Individual Development (CID). The City is also reviewing partnering with the San Bernardino City Unified School District for shared school facilities for recreational purposes. The City of San Bernardino will review and encourage future shared facilities as opportunities become available.

7. **Government Structure Options.** The City continually explores the use of government structures that will result in optimal service delivery at the lowest cost. Examples of such options are: (a) City currently provides fire protection to the County islands east of the I-215 freeway within its sphere of influence, and (b) City provides animal control field and shelter services for a number of surrounding cities. As a customer, the City contracts with the City of Inglewood for parking citation processing. Where appropriate, private sector partners are engaged to perform functions. The City will continue to take an entrepreneurial approach to government structure and the provision of the service option that provides the best result at the least cost. No other options for governmental structure were identified by the City of San Bernardino.

8. **Management Efficiencies.** The City of San Bernardino provides for on-going training of employees through the use of joint employee training programs. The City belongs to a regional consortium of cities that provide joint employee training in supervisory skills and other human resource issues. By exploring the alternative government structure options identified in #7 above, the City staffing levels can be managed more effectively. Shared technology is an area through which cities may achieve management efficiencies. An example of such a partnership currently in place is the shared public safety radio system. The City also identified use of various joint powers agreements that have already been implemented as ways to promote management efficiency. Examples provided are the Inland Valley Development Agency/San Bernardino International Airport Authority. This entity consists of the City of San Bernardino, County, and Cities of Colton, Loma Linda, and Highland for the reuse and redevelopment of the closed Norton Air Force Base facility. The Water Resources Joint Powers Authority consists of the City, County and the San Bernardino Valley Municipal Water District. The Water Resources JPA has been formed to develop a strategy to mitigate the high groundwater problem in the downtown area. The JPA's goal is to use this water as an asset, creating a catalyst for downtown revitalization.

9. **Local Accountability and Governance.** The City is governed by a City Council elected by wards, all of which serve four-year terms in office. The Mayor is elected by citizens of the City at-large for a four-year term. The City Council meets twice a month and complies with the requirements of the Brown Act for posting of agendas and open meetings. The City maintains a web site, and provides surveys, newsletters, complaint tracking services, and periodic progress reports on City programs and projects.

WHEREAS, the following findings are made in conformance with Government Code Section 56425 and local Commission policy for a sphere of influence update:

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1. **PRESENT AND PLANNED LAND USES**

The full range of urban, suburban, and rural land uses are included within the boundaries and current sphere of influence of the City of San Bernardino. This sphere of influence update and service review have no potential to change present or planned land uses within the City sphere, since no changes to the sphere of influence are contemplated. The City of San Bernardino endorses this approach by indicating that no sphere of influence changes are contemplated within the next five years.

2. **PRESENT AND PROBABLE NEED FOR PUBLIC FACILITIES AND SERVICES IN THE AREA**

No changes to the City sphere of influence are proposed or contemplated through this review. The City has adopted a master plan for service which addresses this issue for the services which it directly provides. Said plan is on file in the City offices.

3. **PRESENT CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES PROVIDED**

No changes to the City sphere of influence are proposed or contemplated through this review. The City has adopted a master plan for service which addresses this issue, and is on file in the City offices.

4. **COMMUNITIES OF INTEREST IN THE AREA**

No changes to the City sphere of influence are proposed or contemplated through this review. The Commission, therefore, determines that this factor of determination is not relevant to this review, as permitted by Government Code Section 56425.

5. **OTHER FINDINGS**

- A. Notice of this hearing has been published as required by law in The Sun, newspaper of general circulation in the area. As required by state law, individual notification was provided to affected and interested local agencies, County departments, and those individuals wishing mailed notice.
- B. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination. No opposition has been received.

WHEREAS, having reviewed and considered the findings as outlined above, the Commission affirms and upholds the sphere of influence for the City of San Bernardino as it currently exists, as depicted on the map attached and on file in the office of the San Bernardino Local Agency Formation Commission.

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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 the territory described on the attached map as being within the sphere of influence of the City of San Bernardino, 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 the City of San Bernardino 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 affirmation of this sphere of influence, including any reimbursement of legal fees and costs incurred by the Commission.

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

AYES: COMMISSIONERS: Bagley, Biane, Colven, Cox, Pearson, Williams

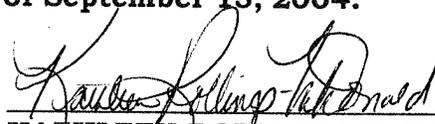
NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Young

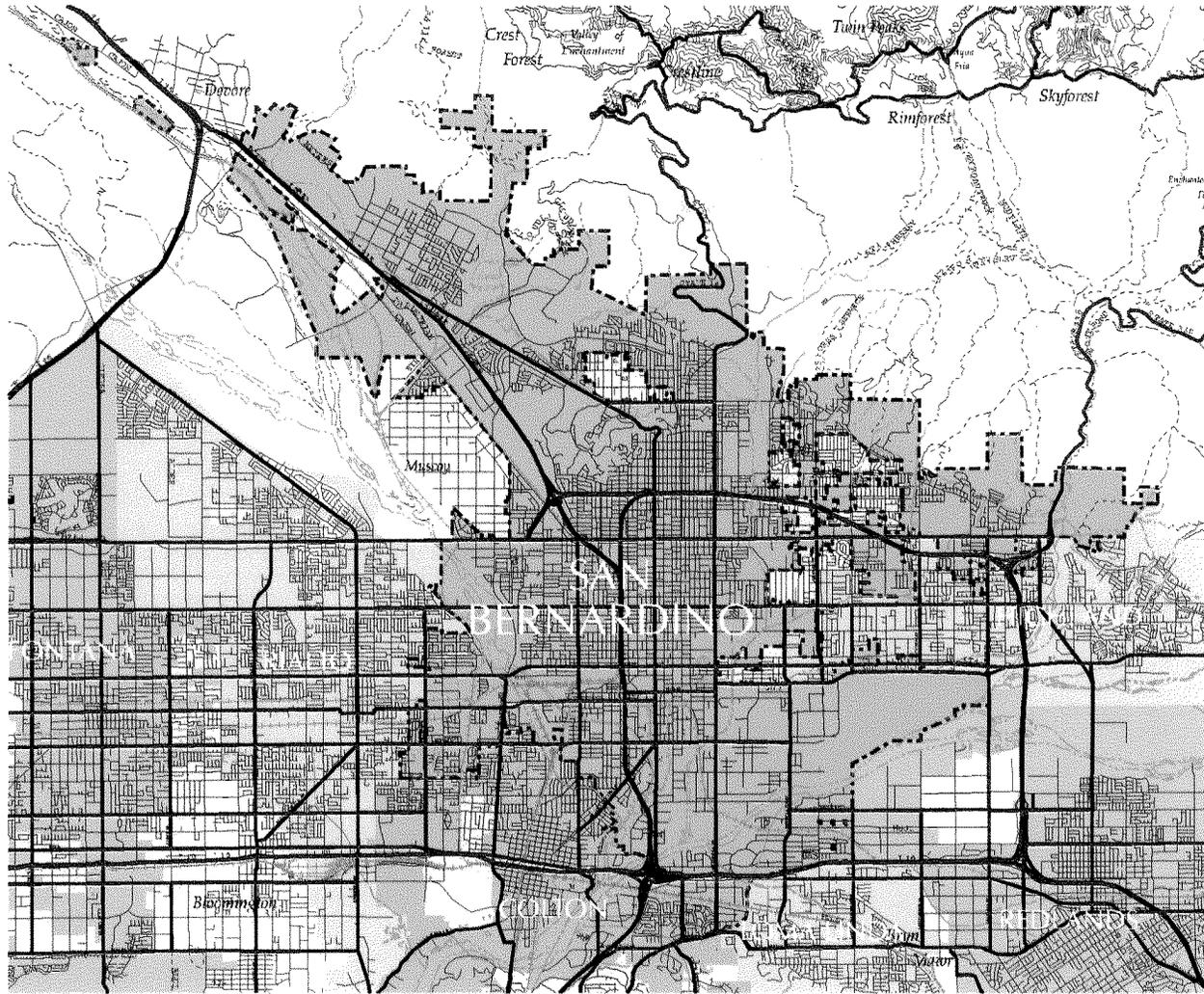
STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

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 September 15, 2004.

DATED: September 16, 2004


KATHLEEN ROLLINGS-McDONALD
Executive Officer





CITY OF SAN BERNARDINO

City Limit & Sphere of Influence

Map Prepared On August 31, 2004



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|--|------------------------|--|------------------------------------|--|-----------------|--|-----------------------|
| | City of San Bernardino | | City of Highland | | City of Colton | | Fontana Sphere |
| | San Bernardino Sphere | | City of Loma Linda | | Colton Sphere | | City of Grand Terrace |
| | City of Redlands | | Loma Linda Sphere
Rialto Sphere | | City of Fontana | | |

