

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

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PROPOSAL NO.: LAFCO 2940

HEARING DATE: NOVEMBER 19, 2003

RESOLUTION NO. 2794

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 2940, A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE RUBIDOUX COMMUNITY SERVICES DISTRICT.

On motion of Commissioner Williams, duly seconded by Commissioner Biane, 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 her 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 sphere of influence update are statutorily exempt from CEQA and such exemption has been adopted by this Commission. The Clerk has been directed to file a Notice of Exemption within five working days of adoption of this resolution; and,

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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 Rubidoux Community Services District (RCSD) should be affirmed as it currently exists, as more specifically described on Exhibits "A" and "A-1" attached to this resolution; and,

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

1. **Infrastructure Needs and Deficiencies.**

The District has adopted a Sewer Master Plan that addresses this issue for the area within San Bernardino County as well as the District's service area within Riverside County. This document is on file in District offices for public review. No specific issues relevant to this factor were identified by the District.

2. **Growth and Population.**

The District provides service to approximately 127 acres within its 204 acre sphere of influence within San Bernardino County. The area is designated for commercial and industrial development, so no population growth is anticipated.

3. **Financing Opportunities and Constraints.**

The District is primarily funded through user fees and charges and its share of the general property tax levy transferred at the time of its annexation within San Bernardino County. Service upgrades are achieved through the use of Mello-Roos funding, developer fees and user charges.

4. **Cost Avoidance Opportunities.**

The District maintains automatic and mutual aid agreements with neighboring jurisdictions. In addition, it contracts with the County of Riverside (California Department of Forestry) for fire services. The District's current charge for sewer collection is \$15.50 per EDU monthly.

5. **Rate Restructuring.**

The RCSD has not identified any relevant issues associated with this factor of review.

6. **Opportunities for Shared Facilities.**

The RCSD is a member of the Regional Wastewater Treatment Plant owned by the City of Riverside. The District is a part of CFD 89-1 formed for funding of infrastructure in the Agua Mansa Industrial Corridor Specific Plan area.

7. **Government Structure Options.**

None provided.

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8. **Management Efficiencies.**

The RCSD indicates that it holds budget workshops to provide for public involvement. This process includes a review of historic and projected revenues and expenditures.

9. **Local Accountability and Governance.**

The District is governed by a five-member Board elected at large. The District is in the process of developing a website, and conforms to provisions of the Brown Act requiring open meetings. No other relevant issues concerning this factor have been identified; and,

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

1. **PRESENT AND PLANNED LAND USES**

The area within the District sphere of influence has been designated for industrial use. This sphere of influence update and service review have no potential to change present or planned land uses within the District sphere, since no changes to the sphere of influence are contemplated.

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

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

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

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

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

No changes to the District 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, a 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; and,

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WHEREAS, the functions and services for the RCSD are determined by the Riverside County Local Agency Formation Commission and they are not included in the Rules and Regulations affecting the functions and services of Special Districts (originally adopted on November 10, 1976) of this Commission;

WHEREAS, having reviewed and considered the findings as outlined above, the Commission affirms and upholds the sphere of influence for the Rubidoux Community Services District as it currently exists, and is depicted on Exhibits "A" and "A-1" attached to this resolution.

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 Exhibits "A" and "A-1" as being within the sphere of influence of the Rubidoux Community Services District, 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 Rubidoux Community Services District 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, Pearson, Smith, Williams

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Postmus

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, 2003.

DATED: November 19, 2003

Kathleen Rollings-McDonald
KATHLEEN ROLLINGS-McDONALD
Executive Officer



SPHERE OF INFLUENCE REVIEW
TO RUBIDOUX COMMUNITY SERVICES DISTRICT
LAFCO NO. 2548

Lots 1 through 5 of RIVINO HEIGHTS BLOCK 3 as shown by map on file in Map Book 16 at Page 47, Records of San Bernardino County, California, and Lots 6 through 16 of RIVINO HEIGHTS BLOCK 4 as shown by map on file in Map Book 16 at pages 95 and 96, Records of San Bernardino County, California, and a portion of Lots 7 and 8 of AMENDED MAP NO. 1 OF RIVINO HEIGHTS as shown by map on file in Map Book 16 at Page 92, Records of San Bernardino County, California, and Lots 1 through 6 of TRACT 2138 as shown by map on file in Map Book 31 at Page 76, Records of San Bernardino County, California and being situated in Section 35, Township 1 South, Range 5 West and Section 2, Township 2 South, Range 5 West, San Bernardino Meridian and described more particularly as follows:

Beginning at the centerline intersection of Wilson Street and Brown Avenue as shown by said map of RIVINO HEIGHTS, BLOCK 3, said intersection being the southeast corner of Rubidoux Community Services District Annexation 1975-1 (Riverside County LAFCO No. 75-3-2) on file in the office of the Local Agency Formation Commission (LAFCO), Riverside County, California;

Thence North 0°08' West along the centerline and prolongation of Brown Avenue, being the common boundary line of Riverside and San Bernardino Counties as shown on said maps of RIVINO HEIGHTS BLOCK 3 and RIVINO HEIGHTS BLOCK 4, a distance of 4,643.10 feet to the southwesterly corner of Lot 1 of TRACT 2138 as shown by map on file in Map Book 31 at Page 76, Records of San Bernardino County, California.

Thence North 0°12' West along the westerly line of said Lot 1, a distance of 686.60 feet to the north quarter corner of said Section 2;

Thence North 89°49'30" East along the northerly line of said Section 2, also being the centerline of County Line Road as shown by said Tract 2138, a distance of 1050.31 feet to the northeast corner of Lot 1 of said AMENDED MAP NO. 1 OF RIVINO HEIGHTS, also being the centerline intersection of County Line Road and Canal Street as shown on said map (also known as Agua Mansa Road);

Thence North 31°53' East, along the centerline of Canal Street, a distance of 277.6 feet as shown on said map of RIVINO HEIGHTS, BLOCK 4;

Thence continuing along said centerline North 10°14' East, a distance of 132.5 feet to the prolongation of the northeasterly line of Lot 16 of said RIVINO HEIGHTS, BLOCK 4, the bearing of said northeasterly line being North 45°50' West;

Thence along said prolongation and northeasterly line South 45°50' East, a distance of 98.7 feet;

Thence South 66°59' East, a distance of 1122.3 feet to the northeasterly corner of said Lot 16;

Thence South 16°57' West along the easterly line of said Lot 16, a distance of 100.00 feet;

Thence South 49°45' East, a distance of 260.1 feet to the centerline of Rivino Heights Blvd. (vacated);

Thence along the centerline of said Rivino Heights Blvd. the following courses:

Thence South 2°26' East, a distance of 400.00 feet;

Thence South 0°34' West, a distance of 223.7 feet;

Thence South 45°04' West, a distance of 144.8 feet;

Thence South 55°04' West, a distance of 328.45 feet;

Thence South 45°04' West, a distance of 449.8 feet;

Thence South 22°04' West, a distance of 259.3 feet to the centerline of Holly Street;

Thence continuing along the centerline of said Rivino Heights Blvd. (also known as Holly Street) the following courses:

Thence South 22°04' West, a distance of 288.6 feet;

Thence South 49°26' West, a distance of 179.0 feet;

Thence South 55°10' West, a distance of 137.0 feet;

Thence South 46°44' West, a distance of 458.0 feet to the easterly prolongation of the southerly right-of-way of Primrose Street (60.00 feet wide), said point being an angle point in the

centerline of said Rivino Heights Blvd. (also known as Holly Street);

Thence continuing along the centerline of said Rivino Heights Blvd. (also known as Holly Street) as shown on said RIVINO HEIGHTS, BLOCK 3, South $10^{\circ}35'$ West, a distance of 2,679.00 feet to the southeast corner of Lot 5 of said RIVINO HEIGHTS, BLOCK 3, also being the centerline of Wilson Street and being on the existing RUBIDOUX COMMUNITY SERVICES DISTRICT boundary.

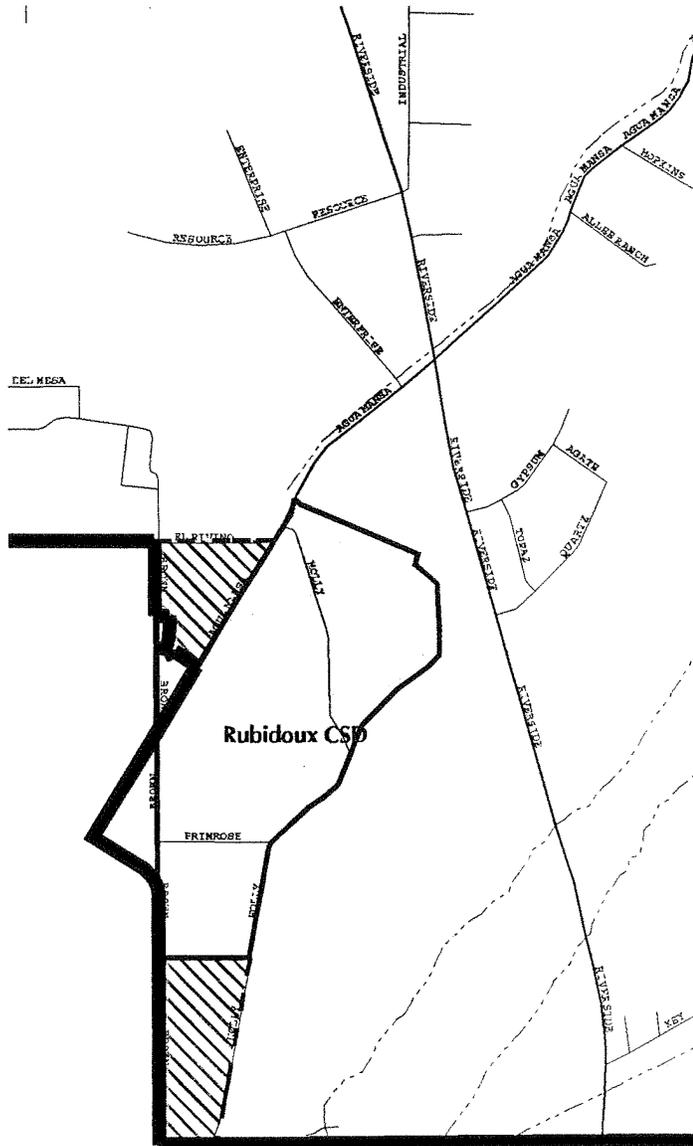
Thence North $89^{\circ}49'$ West along said centerline of Wilson Street, a distance of 501.5 feet to the POINT OF BEGINNING.

Contains 204.02 acres, more or less.

LEGAL/587-13-C
6/26/89



Stephen D. Heister



-  Rubidoux CSD Boundary
-  Rubidoux CSD Sphere of Influence

Riverside County



EXHIBIT "A-1"

Map Prepared On November 06, 2003

