

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

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PROPOSAL NO.: LAFCO 2892

HEARING DATE: SEPTEMBER 18, 2002

RESOLUTION NO. 2740

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 2892, A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE CHINO BASIN WATER CONSERVATION DISTRICT. The study area is the existing sphere of influence assigned for the Chino Basin Water Conservation District, which is coterminous with the boundaries of the District. Included within this area are all or portions of the Cities of Upland, Montclair, Chino, Chino Hills, Ontario, and Rancho Cucamonga.

On motion of Commissioner Postmus, duly seconded by Commissioner Williams 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 sphere of influence update are

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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 Chino Basin Water Conservation District should be affirmed as it currently exists, as more specifically described in maps and legal descriptions 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.** A comprehensive capital improvement plan has been adopted by the District setting forth recommendations for a variety of projects. This plan is annually reviewed and updated. A copy of the capital improvement plan is on file in District offices and in the LAFCO staff office. No relevant issues with respect to infrastructure needs and deficiencies have been identified.
2. **Growth and Population.** The District has not identified any relevant service review issues associated with growth and population projections within District boundaries.
3. **Financing Opportunities and Constraints.** The District receives a share of the general levy of property tax revenue, reimbursements of costs to operate and maintain facilities, and interagency agreements with the Chino Basin Watermaster, the County Flood Control District, and other agencies and private companies.
4. **Cost Avoidance Opportunities.** The District frequently participates with other agencies in promoting its water conservation education programs and in conducting its water recharge activities. There is no duplication of these services by other agencies. Examples of joint agency practices undertaken by the District are on file in the LAFCO office. No specific additional cost avoidance opportunities have been identified.
5. **Rate Restructuring.** This element of the service review factors is not relevant to the Chino Basin Water Conservation District.
6. **Opportunities for Shared Facilities.** The District indicates that whenever possible and justified, multiple uses of the District's basins are promoted since the unit cost of ownership is sometimes reduced as the list of compatible users (e.g., County Flood Control) increases. No other specific opportunities for shared facilities have been identified.
7. **Government Structure Options.** The District indicates that the services it offers are unique and cannot reasonably be duplicated by any other agencies. Any possible governmental reorganization (dissolution, consolidation, reorganization, etc.) would be processed under the District's Principal Act, which would essentially require District consent to the proposal. Under current law, no possible governmental restructuring is possible unless the District initiates a proposal.
8. **Management Efficiencies.** No relevant issues related to this factor were identified by the District.
9. **Local Accountability and Governance.** The District is governed by a seven member Board of Directors elected by divisions within the District. While the District does not have "customers" by the normal definition, it actively promotes public awareness of District programs through educational activities and maintenance of a web site for public information with open meetings. No other relevant issues concerning this factor have been identified.

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

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 Chino Basin Water Conservation District. This sphere of influence update and service review have no potential whatsoever to change present or planned land uses within the District's 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's sphere of influence are proposed or contemplated through this review. Again, 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 and Inland Valley Daily Bulletin, newspapers 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 agencies, if any, have been reviewed and considered by the Commission in making its determination.

WHEREAS, pursuant to the provisions of Government Code Section 56425(h) the range of services provided by the Chino Basin Water Conservation District shall be limited to groundwater replenishment services and water conservation activities, which include water conservation education functions, and such range of services shall not be changed unless approved by this Commission; and,

WHEREAS, having reviewed and considered the findings as outlined above, the Commission affirms and upholds the sphere of influence for the Chino Basin Water Conservation District as it currently exists, and is depicted on maps and legal descriptions 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 maps and legal descriptions on file in the LAFCO office, as being within the sphere of influence of the Chino Basin Water Conservation 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 Chino Basin Water Conservation 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, Colven, Mikels, Pearson, Postmus, Smith, Williams

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: None

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

I, JAMES M. RODDY, 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 18, 2002.

DATED: September 18, 2002

