

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

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PROPOSAL NO.: LAFCO 2895

HEARING DATE: JULY 17, 2002

RESOLUTION NO. 2738

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 2895, A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE MONTE VISTA WATER DISTRICT

On motion of Commissioner Postmus, duly seconded by Commissioner Mikels, 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 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

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Monte Vista Water District (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 master plan was adopted by the District in June, 1998, setting forth recommendations for projects foreseen through 2025. A copy of this plan is maintained in the District offices.
2. **Growth and Population.** The District provides wholesale and retail water service to a population of approximately 113,200 in the communities of Montclair, Chino, Chino Hills, and unincorporated areas in the vicinity of those cities.
3. **Financing Opportunities and Constraints.** The District receives a minor share of the general levy of property tax revenue, but the bulk of its revenue is derived from fees for service, as determined by the District Board of Directors.
4. **Cost Avoidance Opportunities.** The District is already participating in cost avoidance programs through joint agency practices, grant programs, water conservation programs, and other programs. These programs are more fully set forth within the District's documentation submitted for this review.
5. **Rate Restructuring.** The District annually approves a five-year rate resolution setting forth commodity and service rates for the upcoming year. The District actively solicits participation and comments from those affected by such rates.
6. **Opportunities for Shared Facilities.** The District has provided documentation related to this issue in response to this review, including information concerning its water supply agreement with the City of Chino Hills, its participation in various joint powers authorities, groundwater injection studies with other agencies, and groundwater storage programs.
7. **Government Structure Options.** Because the District overlays three cities, it is a regional agency and is deemed to be more efficient than three single-service agencies; and, therefore, the regional service government structure is appropriate.
8. **Management Efficiencies.** The District has provided documentation on file in the LAFCO office and attached to the staff report which responds to this factor, and includes responses to such issues as training, staffing levels, applications of technology, and joint powers opportunities.
9. **Local Accountability and Governance.** The District has provided documentation on file in the LAFCO office and attached to the staff report which responds to this factor, and includes responses to such issues as the selection and meetings of the Board of Directors, Brown Act compliance, elections over the last decade, and customer feedback programs.

WHEREAS, pursuant to the provisions of Government Code Section 56425(h) the range of services provided by the Monte Vista Water District shall be limited to wholesale and retail water service, and such range of services shall not be changed unless approved by this Commission; and,

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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 Monte Vista Water District. This sphere of influence update and service review have no potential whatsoever 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 and the 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 agency have been reviewed and considered by the Commission in making its determination.

WHEREAS, having reviewed and considered the findings as outlined above, the Commission affirms and upholds the sphere of influence for the Monte Vista Water 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.

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 Monte Vista Water 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.

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BE IT FURTHER RESOLVED that the Local Agency Formation Commission of the County of San Bernardino, State of California, does hereby determine that the Monte Vista Water 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 July 17, 2002.

DATED: July 17, 2002

James M. Roddy
JAMES M. RODDY, Executive Officer

