


# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** SEPTEMBER 14, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
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**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #6: LAFCO 3252 - Service Review for the Twentynine Palms Community

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## **RECOMMENDATIONS:**

Staff recommends that the Commission take the following actions related to LAFCO 3252:

1. For environmental review, certify that the service review is exempt from environmental review and direct the Executive Officer to file the Notice of Exemption within five (5) days.
2. Accept and file the Service Review for the Twentynine Palms Community which sets forth the written statements for the six determinations outlined in Government Code Section 56430 made by the Commission.
3. Should the LAFCO not receive an application to reorganize cemetery services in the Twentynine Palms Community by July 1, 2023, the Commission shall designate a sphere of influence for the Twentynine Palms Cemetery District.
4. Adopt LAFCO Resolution No. 3353 reflecting the Commission's determinations and directions as required by Government Code Section 56430 and Commission policy.

## **BACKGROUND:**

### **City Initiation**

In September 2021, the City Council for the City of Twentynine Palms adopted Resolution No. 20-17 requesting that LAFCO conduct a review of municipal services for the Twentynine Palms community (City, Twentynine Palms Water District, and Twentynine Palms Public Cemetery District). The stated reasoning is to, "identify potential savings of community resources with the elimination of redundant tasks and services within the Twentynine Palms Community." The resolution further states, "a local stakeholder group will be formed to provide peer review of the service review that may identify operational and financial reasons for potential consolidation."

## **City Withdrawal Request and Commission Action**

In May, LAFCO staff released the First Draft to the service review for review and comment by all and any parties. Following the May release of the First Draft, the City informed LAFCO of its desire for the Commission to cease further movement on the service review. On June 14, the City passed a resolution formally requesting LAFCO to stop the service review and not take any additional actions. At its July meeting, the Commission denied the City's withdrawal request and, in essence, decided to make the service review its own. The Commission placed the review for its September 21 hearing.

## **SERVICE REVIEW:**

### **Executive Summary**

The Executive Summary summarizes the content, identifies key facts found during the review's preparation, and lists recommendations for Commission action.

### **Agency Outreach**

LAFCO staff conducted an extensive outreach effort with the agencies addressed in this report, including, but not limited to:

- *In Person Interviews.* LAFCO staff met individually with staffs from each agency.
- *Working Copy.* Each agency was provided with a working copy of the service review for review and input.
- *First Draft.* Each agency and stakeholder was provided with the first draft of the service review for review and comment. One comment was received from the Twentynine Palms Water District. (Appendix A to this service review).
- *Notice of the LAFCO hearing.* LAFCO provided the required notice of the Commission hearing to all agencies, stakeholders, and interested parties, which is also noticed on the LAFCO website.
- *Staff report with final draft.* The staff report, outlining recommendations for Commission action, along with the final draft, was provided to all agencies, stakeholders, and interested parties, which is also available on the website.

## **ENVIRONMENTAL CONSIDERATION:**

The Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, has indicated his recommendation that LAFCO 3252 is exempt from California Environmental Quality Act (CEQA). This recommendation is based on the finding that the service review is not judged to pose any significant effect to the environment; therefore, the service review is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3). Staff recommends that the Commission adopt the "Common Sense" Exemption for the service review. A copy of Mr. Dodson's analysis is included as Attachment #2 to this report.

**ADDITIONAL DETERMINATIONS:**

1. As required by State Law, notice of the hearing was provided through publication in newspapers of general circulation within the area, *Hi-Desert Star*. Individual notice was not provided as allowed under Government Code Section 56157 as such mailing would include more than 1,000 individual notices. As outlined in State Law and Commission Policy, in-lieu of individual notice the notice of hearing publication was provided through an eighth page legal ad.
2. As required by State law, individual notification of the hearing was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice.
3. A first draft of the service review document was released to all affected agencies on May 13, 2022.
4. The final draft of the service review was released on September 14, 2022 to all parties as well as the Commission and posted on the LAFCO website.
5. Comments from the public and any affected agency will be reviewed and considered by the Commission in making its determinations.

**TWENTYNINE PALMS CEMETERY DISTRICT:**

This agency's first service review from May 2012 raised concerns regarding fiscal health, lack of a master plan, and other issues. Based on the reasons described in the May 2012, LAFCO designated a zero sphere of influence for the District, thereby signaling the Commission's position for a reorganization of cemetery services in Twentynine Palms.

In 2020, LAFCO conducted a service review of public cemetery districts which identified good movement towards good governance and sustainability. Nonetheless, LAFCO's determination in said service review affirmed a zero sphere of influence for the District.

Since 2020, the District continues to improve. Given the trajectory, LAFCO and District staff's position is that the Commission designate a sphere of influence for the District. Should LAFCO not receive an application to reorganize cemetery services by July 1, 2023, LAFCO staff recommends that the Commission designate a sphere of influence for the Twentynine Palms Cemetery District.

**CONCLUSION:**

Staff recommends that the Commission take the actions outlined on page 1.

SM/MT

Attachments:

1. Service Review for the Twentynine Palms Community
2. Environmental Recommendation from Tom Dodson
3. Draft Resolution No. 3353