

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3244

HEARING DATE: MAY 5, 2021

RESOLUTION NO. 3329

A RESOLUTION OF THE EXECUTIVE OFFICER OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY ORDERING LAFCO 3244 – REORGANIZATION TO INCLUDE ANNEXATION TO THE TOWN OF APPLE VALLEY AND DETACHMENT FROM COUNTY SERVICE AREA 70 (ANNEXATION NO. 2019-001), APPROVED BY RESOLUTION NO 3326, SUBJECT TO AN ELECTION

WHEREAS, this action is being taken pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

WHEREAS, by policy adopted on December 20, 2000, and amended on November 21, 2001, the Local Agency Formation Commission for San Bernardino County (“the Commission”) has delegated authority over all protest proceeding functions to the Executive Officer; and,

WHEREAS, the Commission adopted its Resolution No. 3326 on January 20, 2021 making determinations and approving the proposed reorganization, LAFCO 3244, subject to the terms and conditions specified therein; and,

WHEREAS, the terms and conditions for LAFCO 3244, as approved by the Commission, on January 20, 2021, are as follows:

CONDITIONS:

Condition No. 1. The boundaries of this change of organization are approved as set forth in Exhibits “A” and “A-1 attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3244.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Town of Apple Valley (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original

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Condition No. 4. The Town of Apple Valley shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

Condition No. 5. Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts.

Condition No. 6. The date of issuance of the Certification of Completion shall be the effective date of the reorganization.

WHEREAS, the reason for this proposed reorganization is to comply with the condition that was imposed on the previous reorganization proposal, LAFCO 3229, which required the Town to initiate the annexation of the remainder of the "Golden Triangle" area.

WHEREAS, a protest hearing on the proposed reorganization was called for and held by the Executive Officer of this Commission on March 31, 2021, at the time and place for which notice was given, and at the hearing the Executive Officer heard and received all written protests, oral objections or evidence which were made, presented or filed; the Executive Officer continued the meeting to May 5, 2021 to inform the public of the final determination of protest received.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Officer hereby determines and orders as follows:

SECTION 1. Pursuant to the provisions of Government Code Section 57075, the value of written protest filed and not withdrawn by landowners at the conclusion of the protest hearing represents 3.48% of the landowners, representing 2.91% of land value (\$9,930,277), as verified against the current assessment roll. In addition, the value of written protest filed and not withdrawn by registered voters at the conclusion of the protest hearing represents 42% of the registered voters as verified against the record of voter registrations on file totaling 61.

SECTION 2. The Executive Officer, on behalf of the Commission, hereby orders the reorganization, LAFCO 3244, as described in Exhibits "A" and "A-1" subject to confirmation by the registered voters residing within LAFCO 3244 as described in Exhibits "A" and "A-1."

SECTION 3. The regular County assessment roll is utilized by the Town of Apple Valley.

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SECTION 4. The affected territory will not be taxed for existing general bonded indebtedness and/or contractual obligations of the annexing agency, the Town of Apple Valley.

SECTION 5. The Executive Officer, on behalf of the Local Agency Formation Commission for San Bernardino County, in compliance with this resolution and State law (Part 4, commencing with Government Code Section 57000), hereby requests that the County of San Bernardino Board of Supervisors direct its respective County Elections Official to conduct the necessary election at its Consolidated Mail Ballot Election on August 31, 2021, pursuant to Government Code Section 57125(b).

SECTION 6. The question to be submitted to the voters shall read as follows:

“Shall the order adopted on January 20, 2021, by the Local Agency Formation Commission for San Bernardino County ordering a reorganization affecting Town of Apple Valley and County Service Area 70 and providing for the annexation to the Town of Apple Valley and detachment from County Service Area 70 of the territory described in that order and designated as LAFCO 3244, be confirmed subject to the terms and conditions specified in the order?”

SECTION 7. A simple majority of ballots cast in favor of the measure is required to confirm the order for the reorganization.

SECTION 8. Upon completion of the canvass of ballots cast at the election, as required pursuant to Sections 15300 to 15309, inclusive of the Elections Code, the Executive Officer shall issue the final resolution and direct that either a Certificate of Completion or a Certificate of Termination, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204, shall be prepared and filed for the proposal.

DATED: MAY 7, 2021



SAMUEL MARTINEZ
Executive Officer

LAFCO 3244

TOWN OF APPLE VALLEY ANNEXATION NO. 2019-001

IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, A PORTION OF SECTIONS 5, 8, 17 AND 18, TOWNSHIP 6 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHEAST QUARTER OF SAID SECTION 5 EXCEPT THEREFROM THAT PORTION LYING EASTERLY OF THE WESTERLY BOUNDARY OF LAFCO 2807A;

TOGETHER WITH THE NORTHEAST, SOUTHEAST AND SOUTHWEST QUARTERS OF SAID SECTION 8;

TOGETHER WITH SAID SECTION 17;

TOGETHER WITH THE SOUTHEAST QUARTER OF SAID SECTION 18 EXCEPT THEREFROM THAT PORTION LYING WESTERLY OF THE EASTERLY BOUNDARY OF LAFCO 3229.

TOTAL AREA CONTAINING 1,423.62 ACRES, MORE OR LESS.

PREPARED BY:


AMÉLIA PAULA PEREIRA - P.L.S. NO. 8493

NOVEMBER 5TH, 2020
DATE



