

RESOLUTION NO. 2022-20

RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY ACTING AS THE GOVERNING BODY OF COUNTY SERVICE AREA 79, STATE OF CALIFORNIA, REQUESTING THE SAN BERNARDINO COUNTY LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR A REORGANIZATION TO DISSOLVE COUNTY SERVICE AREA 79 (WASTEWATER COLLECTION SERVICE) AND ITS ZONE R-1 (ROAD SERVICE), ANNEX SAID COUNTY SERVICE AREA 79 TO THE RUNNING SPRINGS WATER DISTRICT AND FORM A NEW ZONE FOR COUNTY SERVICE AREA 70

On Tuesday January 25, 2022, on motion of Supervisor Cook, duly seconded by Supervisor Baca Jr., and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County acting as the governing body of County Service Area 79, State of California.

WHEREAS, San Bernardino County Service Area (CSA) 79, which provides wastewater collection and road services to the Green Valley Lake community, desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 for reorganization resulting in the dissolution of CSA 79 and annexation of said area of CSA 79 into the Running Springs Water District for wastewater collection service, dissolution of CSA 79 Zone R-1, and formation of a new zone for CSA 70 for the continuation of the road service for the CSA 79 R-1 area; and

WHEREAS, the territory proposed to be reorganized is inhabited; and the descriptions and maps of the areas proposed to be reorganized are included in the attached Exhibits A and B; and

WHEREAS, the Running Springs Water District currently provides wastewater treatment and disposal services for a portion of CSA 79 known as the Green Valley Lake community under an Outside Wastewater Treatment Agreement since 2019, and prior to that since 1977; and

WHEREAS, the justification for the proposed action is to reorganize and clarify which agency is responsible for providing wastewater services (collection and treatment) and road services to the Green Valley Lake community; and

WHEREAS, it is desired that the proposed dissolution, annexation and formation be subject to the standard terms and conditions imposed by the San Bernardino County Local Agency Formation Commission (LAFCO) and the following:

1. Running Springs Water District will fix the Green Valley Lake community wastewater rates at their current level (Connection Fee \$5,336.22 each and User Rates \$65.77 per each dwelling unit) for the first 5 years and account for the area as a separate enterprise fund barring any unforeseen circumstances that would require additional revenue; current wastewater rates for the Running Springs Water District are: Connection Fee \$5,815 each and User Rates \$54.08 per each dwelling unit plus \$0.0105 per cubic foot of water usage);
2. Running Springs Water District will coordinate for the Green Valley Lake community wastewater rates to be placed on the San Bernardino County property tax roll at the expense of the Running Springs Water District's separate enterprise fund for the Green Valley Lake Community;
3. After the initial five years following annexation, a rate study will be conducted, and the Green Valley Lake wastewater collection will be merged with the Running Springs Water District's

existing wastewater enterprise. Running Springs Water District anticipates having a uniform wastewater rate for all wastewater customers at that time;

4. CSA 79 will withhold reserve funds to fund pension liabilities through LAFCO's issuance of the Certificate of Completion for the reorganization, with the method and amount to be withheld to be determined and agreed to by CSA 79 and the Running Springs Water District;
5. CSA 79 R-1 funds for road services will transfer to the new CSA 70 road district zone, once formed;
6. All application fees and any other costs associated with the LAFCO reorganization will be paid for with CSA 79 reserve funds;
7. The remaining CSA 79 sewer reserve funds will transfer to the Running Springs Water District and be placed in a separate enterprise fund;
8. No additional Board of Director seats will be added to the Running Springs Water District;
9. Running Springs Water District will enter into a new agreement as a permittee for a Special User Permit with the United States Forest Service (USFS) for encroachment of the gravity sewer line under Green Valley Lake Road within the USFS;
10. Running Springs Water District acknowledges and agrees to the LAFCO requirement imposing legal indemnification as outlined in Policy 3 of Chapter 2 of the Accounting and Financial Section of its Policy and Procedure Manual;
11. Running Springs Water District will continue to provide out of district sewer service to Snow Valley, which is consistent with the sphere of influence, and will be billed based off an equivalent dwelling unit (EDU) count; and

WHEREAS, the proposed reorganization is consistent with the sphere of influence assigned to the Running Springs Water District; and

WHEREAS, San Bernardino County Service Area 79 certifies that:

1. Adoption of this Resolution and the approval of the proposed activity is not a "project" as defined by California Environmental Quality Act (CEQA) and is exempt from CEQA review. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. (CEQA Guidelines Section 15061(b)(3)). Additionally, "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment" because there will be no reasonably foreseeable change in the types, intensity, and manner of service as a result of any approval and no construction or other physical alteration of the environment is proposed.
2. To the extent the annexation, dissolution and formation is a "project" subject to CEQA review, it is exempt under CEQA Guidelines Section 15301. This "Existing Facilities" exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use. The

reorganization of CSA 79 only allows for the continued operation of existing public facilities without any expansion of use.

3. The annexation, dissolution and formation do not change the geographical area in which previously existing powers are exercised but is a mere boundary change to allow the continued provision of existing services as provided for under CEQA Guidelines Section 15320.
4. Adoption of this Resolution does not meet the circumstances described in CEQA Guidelines Section 15300.2 (Exceptions). An analysis of each of these exceptions is below:
 - a. Location. The location of the proposed action is not changing. All existing infrastructure and assets are remaining as-is throughout this administrative action.
 - b. Cumulative Impact. There is no cumulative impact to successive projects of the same type in the same place, as this administrative action is a one-time, specific-in-nature action.
 - c. Significant Effect. As a result of this administrative action, there is no reasonable possibility that the activity will have a significant effect on the environment.
 - d. Scenic Highways. This administrative action will not cause damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.
 - e. Hazardous Waste Sites. This administrative action is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
 - f. Historical Resources. This administrative action will not cause a substantial adverse change in the significance of a historical resource.

NOW, THEREFORE, BE IT RESOLVED, by the San Bernardino County Board of Supervisors acting as the governing body of County Service Area 79 (Board) that:

1. This Resolution of Initiation is hereby adopted and approved and the Board hereby requests the San Bernardino County LAFCO undertake proceedings for the dissolution of CSA 79 and its Zone R-1 so that the Green Valley Lake community can annex into the Running Springs Water District for wastewater collection service and formation of a new zone for CSA 70 for the same territory within CSA 79 Zone R-1 is formed according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. The Chief Executive Officer is directed and authorized on behalf of the CSA 79 to finalize the reorganization application including the preparation and certification of the Plan for Service and Fiscal Impact Analysis, and any and all other required documents, to the San Bernardino County LAFCO initiating the reorganization as set forth in this Resolution, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
3. The Clerk of the Board shall certify to the passage and adoption of this Resolution and is hereby authorized and directed to file, or cause to be filed, a certified copy of this Resolution with the Executive Officer of the LAFCO for San Bernardino County.

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County acting as the governing body of County Service Area 79, State of California, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe,
Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

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STATE OF CALIFORNIA)
)
SAN BERNARDINO COUNTY) ss.

I, **LYNNA MONELL**, Clerk of the Board of Supervisors acting as the governing body of County Service Area 79 of San Bernardino County, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of January 25, 2022.
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LYNNA MONELL
Clerk of the Board of Supervisors acting as the
Governing Body of County Service Area 79

By _____

Deputy



EXHIBIT A

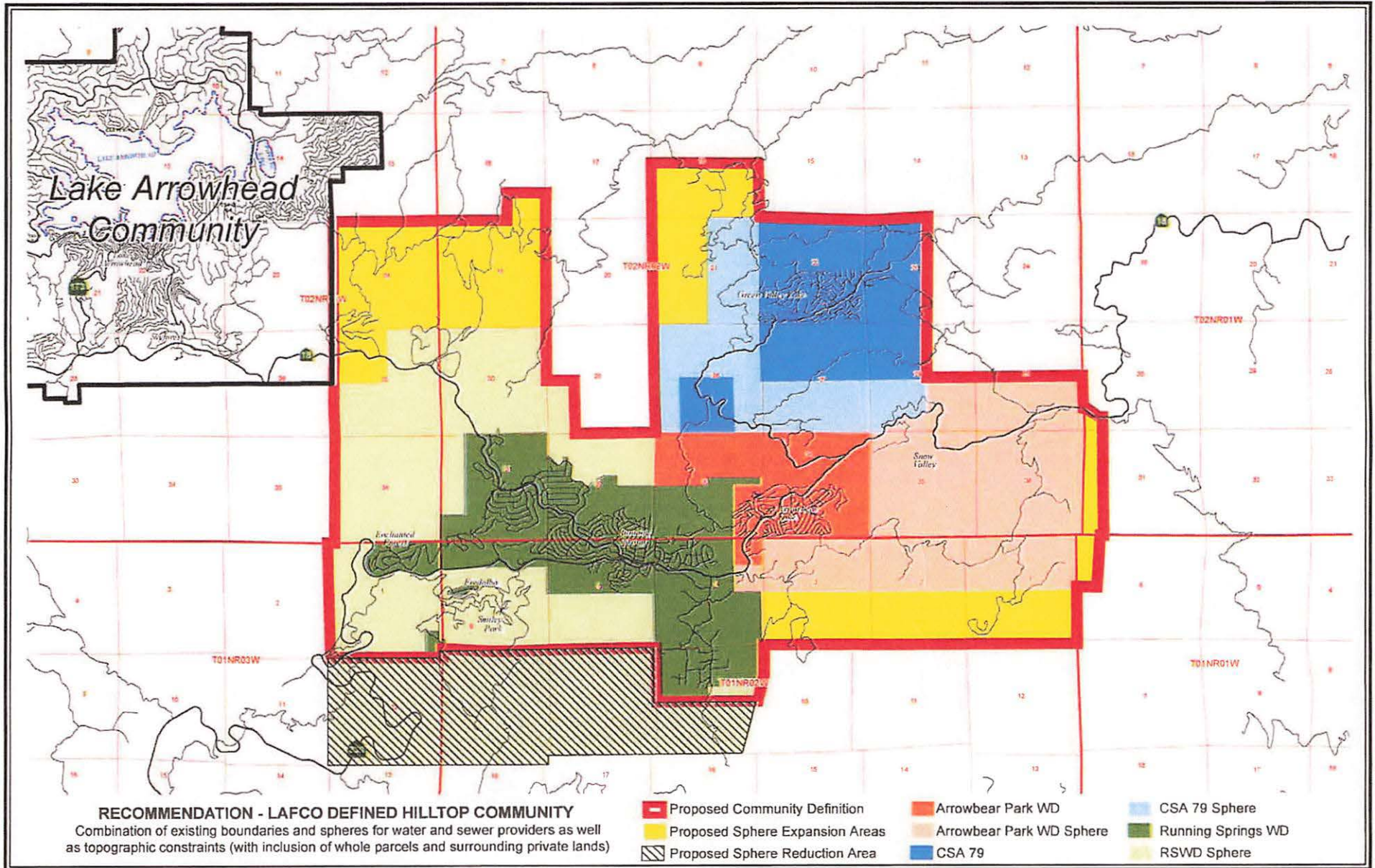


EXHIBIT B

