

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: FEBRUARY 7, 2012 
FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #10 – CONTINUED CONSIDERATION OF MOUNTAIN
REGION REVIEW OF ROAD AND SNOW REMOVAL SERVICES AND
RELATED SERVICE REVIEWS AND SPHERE OF INFLUENCE UPDATES

STAFF RECOMMENDATION:

Staff recommends that the Commission:

1. Continue the Mountain Region Service Review of Road and Snow Removal Services which includes consideration of LAFCO 3122 – County Service Area 69; LAFCO 3119 – County Service Area 59, and LAFCO 3121 – County Service Area 68 along with the 22 Zones of CSA 70 providing road and snow removal services and Zone R-1 of CSA 79 (Green Valley Lake) to the July 18, 2012 hearing;
2. For LAFCO 3162 – County Service Area 70 Affirmation of Service under Authorized Road Function to Include Snow Removal take the following actions:
 - a. Certify that LAFCO 3162 is statutorily exempt from environmental review and instruct the Executive Officer to file a Notice of Exemption within five days;
 - b. Confirm the delivery of snow removal as an authorized service under the existing Roads function for County Service Area 70, amending the Rules and Regulations Affecting Special Districts to reflect this addition; and,
 - c. Adopt LAFCO Resolution No. 3157, setting forth the Commission's findings, determinations, and conditions of approval concerning this proposal.

BACKGROUND:

The consideration of the service review for road maintenance and snow removal for the Mountain Region in its entirety was continued from the September 28, 2011 hearing to the February agenda. The following discussion outlines the current status of this service review/sphere of influence update process.

Mountain Region Review of Road and Snow Removal Services:

At the December 2010 Commission hearing, the discussion of the regional provision of road and snow removal services for the Mountain Region was opened. At that hearing concerns and issues identified by LAFCO staff in general for the Mountain Region and in particular for the Crest Forest and Lake Arrowhead communities were reviewed. At that hearing, the staff's position was outlined as being that a single County Service Area (CSA), identified as CSA 68, would be expanded to encompass the entire Mountain Region to provide for a more comprehensive approach to service administration. This hearing was continued to the March 2011 hearing at which time information was provided to the Commission outlining concerns from the County Special Districts Department regarding the staff's position and additional questions which needed to be addressed by the County Auditor/Controller. At the March hearing this review was continued to the June 15, 2011 hearing to be heard in conjunction with the anticipated final review for the Bear Valley Community of the Mountains. At the June hearing the matter was again continued to allow for completion of the needed information from County Departments and to receive the final determinations on special tax elections affecting CSA 59 and CSA 68 for new special taxes to fund road maintenance activities. The matter was scheduled for final consideration of the entire Mountain region on the September hearing agenda.

On September 14, LAFCO staff received a request from Commissioner and Second District Supervisor Rutherford requesting that the matter be continued to at least the February 15, 2012 hearing to allow for completion of the special tax election process associated with CSA 68 (a copy of Board of Supervisor Agenda Items included as Attachment #1). In addition, the information needed from the County Auditor/Controller and Special District Department regarding audits and costs for operation were not yet complete as the adoption of the final budgets had not taken place. At the time the matter was continued to the February 15, 2012 hearing.

During the interim questions regarding elections for special taxes to support road maintenance services and policies for these actions for the future have arisen. The County Administrative Office and Special Districts Department are looking into how these special tax election items will be handled in the future. Until that matter is resolved, the County will not move forward with the special tax election for CSA 68 related to funding necessary road improvements. The determination on this tax matter is important to the overall discussion because CSA 68 is identified as the staff's recommended entity for expansion to encompass a single comprehensive County Service Area to provide road maintenance and snow removal services in the Mountain Region. To date, it is staff's understanding that this policy has not been finalized; therefore, staff is recommending that this matter be continued to the July 18, 2012 hearing.

LAFCO 3162 – Affirmation of Snow Removal Services as a part of the Roads Function for County Service Area 70

The second item continued from the September 28, 2011 hearing is LAFCO 3162 which relates to the affirmation of snow removal as an active service under CSA 70 (multi-function unincorporated county agency) roads function. During the review of the Mountain Region

Road and Snow Removal services it was identified that CSA 70 was never authorized snow removal as an active function, preceding the rewrite of County Service Area effective January 1, 2009, or thereafter as a service under the existing Road functions. The current functions/services authorized CSA 70 within the Commission’s adopted *Rules and Regulations of the Local Agency Formation Commission of San Bernardino County Affecting Functions and Services of Special Districts* are:

| | | |
|-----------------------------------|-------------------------------------|---|
| CSA 70 (amended 7/1/08) | Weed abatement | Weed abatement |
| | Sewer | Sewer distribution and treatment |
| | Water | Water distribution and treatment |
| | Police | Police protection |
| | Extension of Utility Lines | Installation of electric power lines |
| | Streetlighting | Streetlighting |
| | Dam Construction | Dam construction |
| | Roads | Road maintenance |
| | Park and Recreation | Development, operation, maintenance |
| | Animal control | Animal control |
| | Pest control | Pest control |
| | TV Translator | Television translation |
| | Flood Control | Flood control |
| | Street Sweeping | Street sweeping |
| | Open-space and Habitat Conservation | Acquisition and preservation of land for the purpose of protecting unique, sensitive, threatened, or endangered species, or historical or culturally significant lands that are deemed to be in need of protection by the county board of supervisors (Confirmed November 17, 2004) |

Following the rewrite of County Service Area Law, snow removal is now classified as a service under the overall Roads function description. Currently, CSA 70 is authorized by LAFCO the Roads function with a service description of “road maintenance”, as shown above. During the processing of the mountain region service reviews, LAFCO staff discussed with the Special

Districts Department management the issue of clarifying the service description of the Roads function to clearly identify snow removal, as it has historically provided this service. On December 8, 2010 the Commission officially initiated LAFCO 3162. LAFCO staff has reviewed with the Special Districts Department Director moving forward with this affirmation to clear up the ambiguity in service delivery while there may be a need for the service this winter.

Therefore, LAFCO staff recommends that the Commission clarify the *Rules and Regulations of the Local Agency Formation Commission of San Bernardino County Affecting Functions and Services of Special Districts* to reflect snow removal as a service description under the Roads function, as shown below (changes identified in underline).

| FUNCTION | SERVICES |
|-----------------|--|
| Roads | Road Maintenance <u>as defined in Government Code Section 25213(i) which includes snow removal</u> |

LAFCO staff supports the confirmation and acknowledgement of snow removal as an authorized service under CSA 70's existing road functions due to its documented historic provision of this service through the numerous zones within the Mountain region. Therefore staff is recommending that the Commission take the actions necessary to determine that this affirmation is statutorily exempt from environmental review; approve the affirmation and amendment of the Roads function for CSA 70 within the *Rules and Regulations of the Local Agency Formation Commission of San Bernardino County Affecting Functions and Services of Special Districts*; and adopt the appropriate resolution making these determinations.

FINDINGS:

1. Notice of the Commission consideration of this application was published in a newspaper of general circulation within the area, *The Sun*, for the original hearing in December 2010. The matter has been continued to dates certain of March 2011, June 2011, September 2011, and February 15, 2012 without re-advertisement
2. The County Special Districts Department has submitted information as a part of the service review for the Zones of CSA 70 outlining its historic and ongoing provision of snow removal services within these entities.
3. The Commission's affirmation of this existing service will have no effect on property tax distributions or the special taxes currently in effect and/or proposed for the Zones providing this service through the parent district, CSA 70.
4. The service area for County Service Area 70, as the parent district, is defined as the unincorporated area of the County of San Bernardino. The Commission's affirmation of this service will therefore, allow for the extension of this service, as defined by Government Code Section 25213(i) and 25217, through the creation of zones within the unincorporated area of the County.

5. As a CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the application and determined that a Statutory Exemption would be appropriate for the affirmation of this service on the basis that it will not alter the area in which the service is provided and recommends the certification of this finding by the Commission. A copy of Mr. Dodson's response is included as Attachment #4 to this report.

CONCLUSION:

For the Mountain Region Review of Road Maintenance and Snow Removal services, staff is recommending that the matter be continued to the July 18, 2012 hearing to allow for the affected entities to complete policy determinations on the conduct of elections for special taxes and to allow staff time to evaluate how those policies will impact considerations for these service reviews. Continuation to the July hearing is necessary due to the Commission's existing schedule for ongoing service reviews/sphere of influence updates and the timeline for the anticipated special tax election for CSA 68. Failure of the special tax proposed to allow CSA 68 to rebuild existing roadways within its territory will be cause for further evaluation of the ongoing viability of the agency.

For LAFCO 3162 staff proposes that the Commission take the actions in this report to affirm that CSA 70 is authorized to provide snow removal through its myriad of zones. This recommendation is on the basis that the Zones of CSA 70 have been providing snow removal service on a continuing basis for many years, in support of requests made by residents of the areas included in the zones for service. Action by the Commission is required to officially identify snow removal as a service under CSA 70's existing road function pursuant to Government Code Section 56425(i).

KRM/

Attachments:

- 1 – [County Board of Supervisor Agenda Items Related to Special Tax Election within CSA 68](#)
- 2 – [September 28, 2011 Staff Report for the Mountain Region Road Maintenance and Snow Removal Services](#)
- 3 – [November 29, 2010 Memorandum from Jeff Rigney, Director, Special Districts Department consenting to Initiation of Affirmation of Snow Removal as a Service under CSA 70](#)
- 4 – [Letter Dated November 30, 2010 from Tom Dodson and Associates, LAFCO Environmental Consultant](#)
- 5 – [Draft Resolution No. 3157](#)