

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

175 West Fifth Street, Second Floor
San Bernardino, CA 92415-0490 • (909) 387-5866 • FAX (909) 387-5871
E-MAIL: lafco@lafco.sbcounty.gov
www.sbclafco.org

PROPOSAL NO.: LAFCO 2916

HEARING DATE: NOVEMBER 19, 2003

RESOLUTION NO. 2791

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 2916, A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT.

On motion of Commissioner Biane, duly seconded by Commissioner Postmus, 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 her 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 has been adopted by this Commission. The Clerk has been directed to file a Notice of Exemption within five working days of adoption of this resolution; and,

RESOLUTION NO. 2791

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 San Bernardino Valley Municipal Water District should be expanded to include the area of the County Boundary Exchange within the Agua Mansa area and should be affirmed as it currently exists for the balance of the area, as more specifically described on the maps and legal descriptions attached to this resolution as Exhibits "A" and "B" through "B-4"; and,

WHEREAS, the following findings are made in conformance with Government Code Section 56430 and local Commission policy:

1. **Infrastructure Needs and Deficiencies.**

The District has adopted a Regional Water Master Plan that addresses this issue; a copy is on file in the LAFCO and District offices for public review. No specific issues relevant to this factor were identified by the District.

2. **Growth and Population.**

The District provides service to approximately 325 square miles (approximately 208,000 acres) within all or portions of the incorporated and unincorporated areas of the Cities of Fontana, Rialto, Colton, San Bernardino, Grand Terrace, Loma Linda, Highland, Redlands, and Yucaipa. The current population of the District is estimated at 576,000. The District estimates a population of 973,000 in the Year 2025.

3. **Financing Opportunities and Constraints.**

The District is funded through its share of the general property tax levy, Bonds, State of California Proposition 13 and 50, United States Environmental Protection Agency Grants, State funding opportunities, Federal funding opportunities, and other agencies through participation in joint facilities. No specific financing opportunities or constraints were identified by the District.

4. **Cost Avoidance Opportunities.**

The District's facilities have been constructed with the participation of other agencies, thereby reducing costs and eliminating parallel facilities. The District works to reduce costs by sharing field personnel with other agencies. Examples include the recent Department of Water Resources East Branch Extension Project. Rather than hire additional field staff, DWR will be contracting with SBVMWD to provide the field personnel to operate and maintain the East Branch Extension. In reference to the District's current level of service, it meets or exceeds the requirements of most retail water agencies within its service area.

5. **Rate Restructuring.**

The District is responsible for maintaining the safe yield of the San Bernardino groundwater basin. The basin is plagued by groundwater contamination plumes. The District is a water wholesaler and sells water from the State Water Project to supplement the retail water supply. Faced with the contamination plumes in the area, the primary users of the basin are forced to evaluate other options to meet their water demand. One option is to purchase State Water Project water from SBVMWD.

RESOLUTION NO. 2791

The District has established a new rate structure, outlined in the response document on page 14, noting that the base rate for water for delivery is \$148 per acre foot.

6. Opportunities for Shared Facilities.

Nearly all of the District's facilities have been constructed through participation with other agencies. The following is a summary of joint financed/shared facilities:

| FACILITY(S) | STATUS | PARTICIPATING AGENCIES |
|---|----------------------------------|---|
| Lytle Creek Pipeline | Complete | San Gabriel Valley MWD |
| Foothill Pipeline, SARC Pipeline, Greenspot Pipeline, Yucaipa Pipeline, East Branch Extension | Complete | San Gorgonio Pass Water Agency |
| Baseline Feeder, Wells and Pipeline | Complete | West Valley Water District (formerly West San Bernardino CWD), City of Rialto, Riverside Highland Water Company |
| Central Feeder Pipeline, San Bernardino Reservoir and Pump Station, Redlands Reservoir and Pump Station | Conceptual Design Complete | Metropolitan Water District |
| Phase 1A Reservoir | Preliminary Design Complete | City of San Bernardino |
| Baseline Feeder Extension South | Preparing Construction Documents | Western Municipal Water District, City of San Bernardino, City of Riverside |
| Baseline Feeder West Extension | Preparing Preliminary Design | Metropolitan Water District, Inland Empire Utilities Agency, Fontana Water Company |
| Mentone Feeder Pipeline | Preparing Preliminary Design | San Gorgonio Pass Water Agency California Department of Water Resources |
| Mentone Reservoir and Pump Station | Preparing Preliminary Design | San Gorgonio Pass Water Agency, California Department of Water Resources |
| Seven Oaks Dam Plunge Pool Pipeline | Preparing Preliminary Design | Western Municipal Water District |
| Devil Canyon Bypass | Preparing Preliminary Design | Western Municipal Water District |

7. Government Structure Options.

The District accomplishes its Basin Recharge role in the Yucaipa, San Timoteo, Colton-Rialto, Lytle, and Bunker Hill basins primarily by using the facilities of the San Bernardino County Flood Control District. Occasionally, the District also uses the spreading grounds of the San Bernardino Valley Water Conservation District (whose lands completely lie within the boundaries of SBVMWD) to recharge the sub-area of the District.

RESOLUTION NO. 2791

8. **Management Efficiencies.**

The District has a small staff which it supplements with professional consultants to complement District staff and improve productivity. This management philosophy minimizes the possibility of laying off personnel in time of financial crisis. The District is proactive in using technology to improve the production and efficiency of its small staff. The District participates in a number of Joint Powers Agreements/Agencies to increase efficiency.

9. **Local Accountability and Governance.**

The District is governed by a five-member Board elected from separate political divisions. Each division is sized based upon population and adjusted following each census. The District maintains a web site, and conforms to provisions of the Brown Act requiring open meetings. No other relevant issues concerning this factor have been identified; and,

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 San Bernardino Valley Municipal Water District. The sphere of influence update and service review have no potential to change present or planned land uses within the sphere, since the only change proposed would be to accommodate the County Boundary Exchange, approved by the Boards of Supervisors for Riverside and San Bernardino Counties on October 28, 2003. The SBVMWD endorses this approach by indicating that no sphere of influence changes are contemplated within the next five years except for the request that the County Boundary Exchange be acknowledged.

2. **PRESENT AND PROBABLE NEED FOR PUBLIC FACILITIES AND SERVICES IN THE AREA**

The only change to the District sphere of influence proposed through this review relates to the County Boundary Exchange approved by the Boards of Supervisors for Riverside and San Bernardino Counties. The District has adopted a master plan for service which addresses this issue, and is on file in the District office.

3. **PRESENT CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES PROVIDED**

The change to the District sphere of influence proposed through this review relates to the County Boundary Exchange previously described. The District has adopted a master plan for service which addresses this issue through discussion of the overlay of the West Valley Water District and the Rubidoux Community Services District. This document is on file in the District office.

RESOLUTION NO. 2791

4. COMMUNITIES OF INTEREST IN THE AREA

The change proposed to the District's sphere of influence does not affect the community of interest. 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. It is requested that the Local Agency Formation Commission for Riverside County address the County Boundary Exchange within the Agua Mansa area as it relates to the sphere of influence of the San Bernardino Valley Municipal Water District within their County.
- B. Notice of this hearing has been published as required by law in The Sun, a newspaper 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.
- C. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination; and,

WHEREAS, the following functions and services are provided by the District and are as outlined in the Rules and Regulations affecting the functions and services of Special Districts (originally adopted on November 10, 1976); and Exhibit "A" of the Rules and Regulations lists each special district and its services and functions pursuant to the requirements of Section 6 of the Rules and Regulations; and,

WHEREAS, the Local Agency Formation Commission of the County of San Bernardino is required to review and update the Exhibit "A" of the Rules and Regulations of Special Districts to outline the services provided:

| SERVICE | FUNCTIONS |
|-------------------------|--|
| Water | Wholesale, retail, agricultural, domestic, replenishment, conservation |
| Sewer | Collection, transportation, treatment, reclamation, disposal |
| Power | Generation, distribution |
| Electrical Production | |
| Electrical Transmission | |
| Park & Recreation | Development, operation, recreation (cannot perform the function within an existing agency with park and recreation services) |

WHEREAS, pursuant to the provisions of Government Code Section 56425(h) the range of services provided by the San Bernardino Valley Municipal Water District are limited those identified above, and such range of services shall not be changed unless approved by this Commission; and,

WHEREAS, having reviewed and considered the findings as outlined above, the Commission modifies the sphere of influence to include the area of the County Boundary Exchange effective December 1, 2003, as depicted on the maps and legal descriptions attached as Exhibits "B" through "B-4, and affirms and upholds the balance of the sphere of influence for the San Bernardino Valley Municipal Water District as it currently exists and is depicted on the map attached as Exhibit "A" to this resolution.

RESOLUTION NO. 2791

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 the maps and legal descriptions attached as Exhibits "A" and "B" through "B-4" as being within the sphere of influence of the San Bernardino Valley Municipal 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.

BE IT FURTHER RESOLVED that the Local Agency Formation Commission of the County of San Bernardino, State of California, does hereby determine that the San Bernardino Valley Municipal 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, Biane, Colven, Pearson, Postmus, Smith, Williams

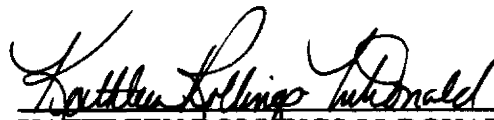
NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: None

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

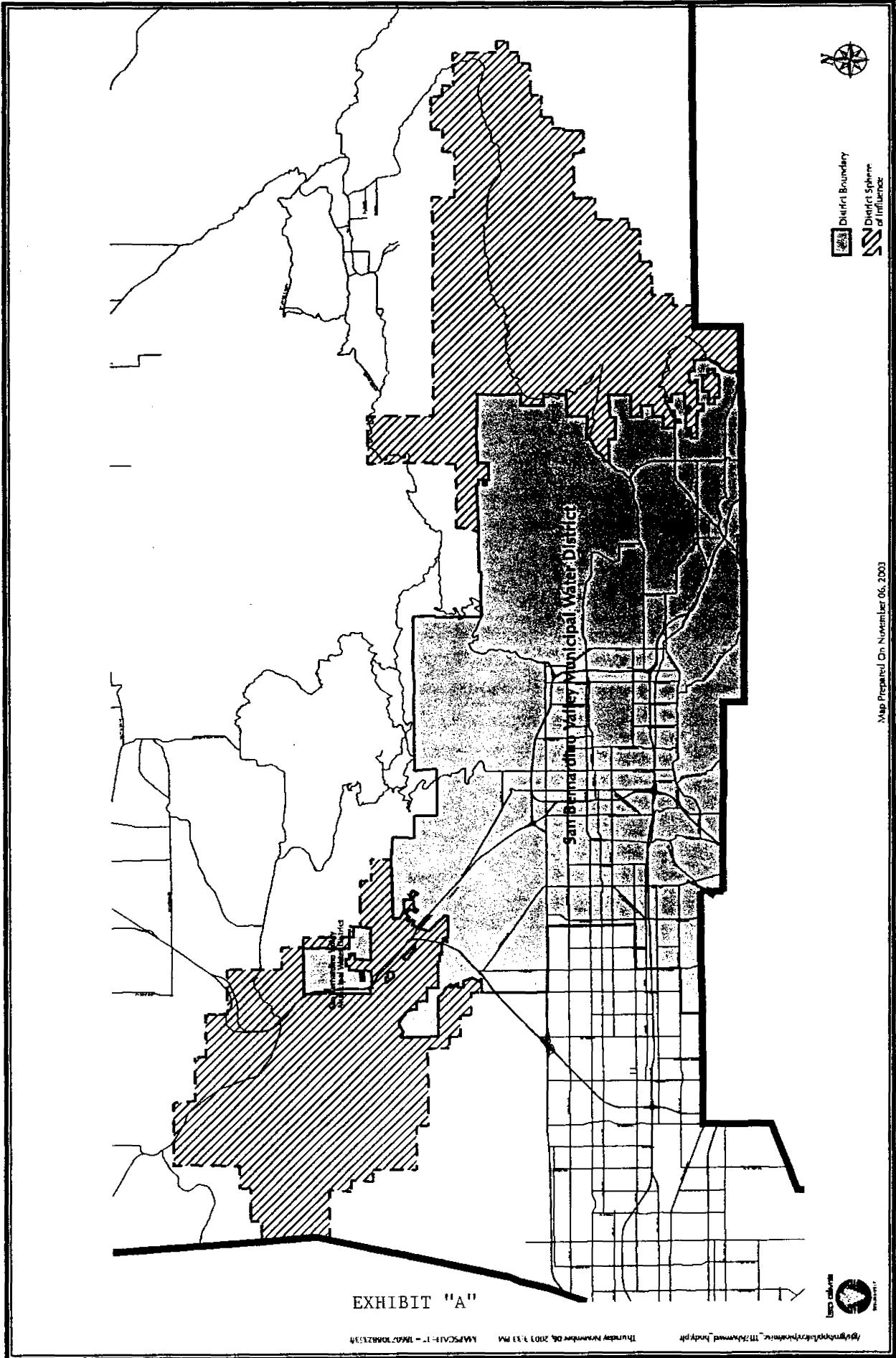
I, **KATHLEEN ROLLINGS-McDONALD**, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of November 19, 2003.

DATED: November 19, 2003



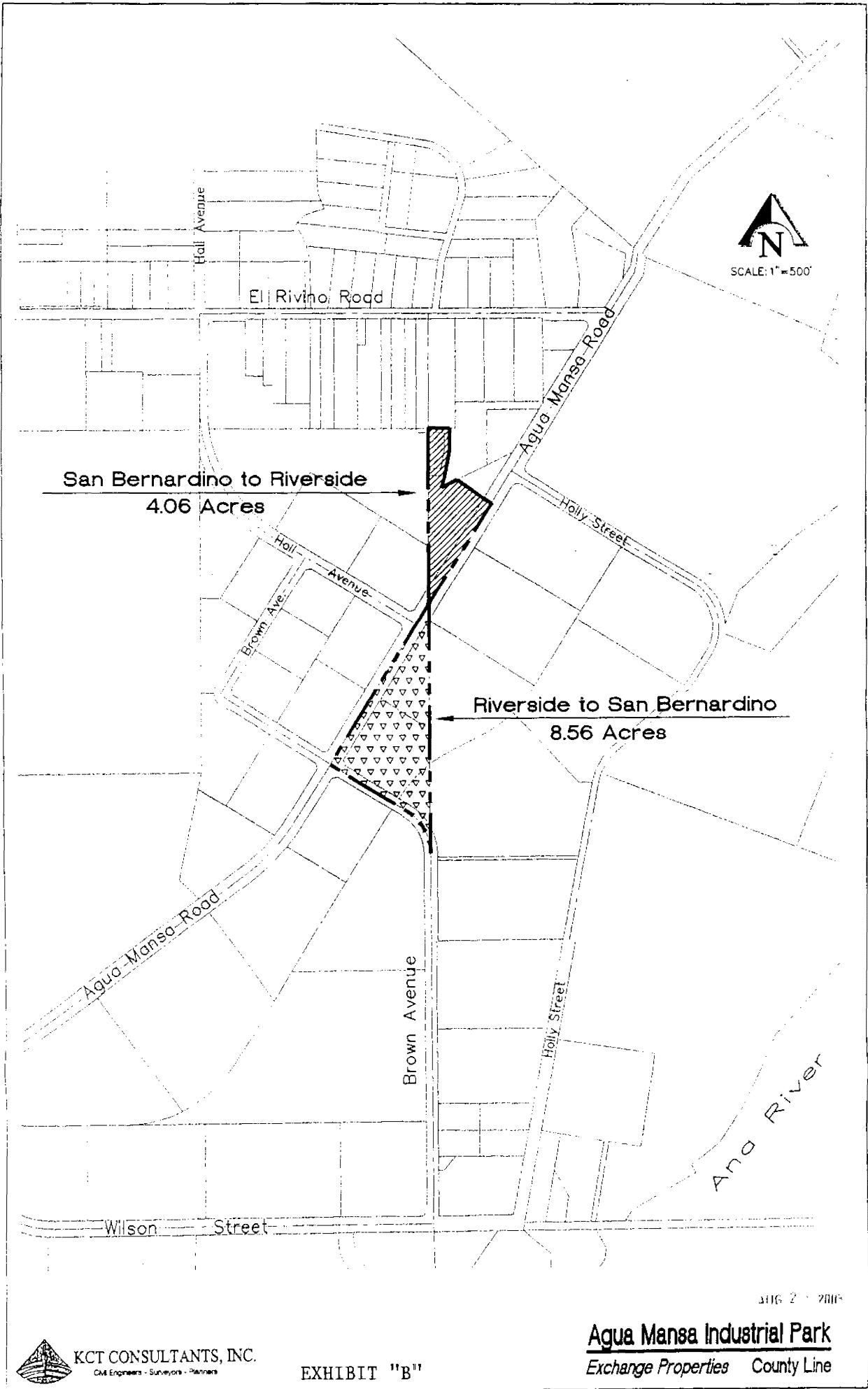
KATHLEEN ROLLINGS-McDONALD
Executive Officer





Map Prepared On November 06, 2003

EXHIBIT "A"



3116 2 - 2003

March 6, 2003

ANNEXATION TO SAN BERNARDINO COUNTY
COUNTY LINE ADJUSTMENT
BETWEEN
RIVERSIDE AND SAN BERNARDINO COUNTIES

That portion of the Southwest one-quarter of Section 2, Township 2 South, Range 5 West, San Bernardino Meridian, State of California, located in the County of Riverside, and being more particularly described as follows:

BEGINNING at the centerline intersection of Agua Mansa Road and Hall Avenue, as shown by Parcel Map No. 24088, on file in Book 177 of Parcel Maps, Pages 37 through 41 thereof, Records of said Riverside County;

Course 1: Thence N.31°54'55"E. along centerline of said Agua Mansa Road, a distance of 142.08 feet, to the East line of said Southwest one-quarter of Section 2, being the existing County Line between Riverside County and San Bernardino County;

Course 2: Thence S.0°08'04"E. along said East line, a distance of 962.80 feet, to an angle point therein as shown on said Parcel Map No. 24088;

Course 3: Thence S.0°07'49"E., continuing along said East line and the southerly prolongation thereof, a distance of 483.52 feet, to the beginning of curve on the centerline of Brown Avenue as shown on Parcel Map No. 24088-1, on file in Book 177 of Parcel Maps, Pages 37 through 41 thereof, Records of Riverside County, California;

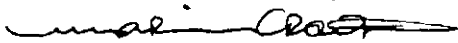
Course 4: Thence northwesterly along said centerline, along a non-tangent curve, concave southwesterly, having a radius of 300.00 feet, through an angle of 57°57'16" and an arc length of 303.45 feet (the initial radial line bears N.89°52'11"E.);

Course 5: Thence N.58°05'05"W. along said centerline of Brown Avenue, a distance of 513.17 feet, to the intersection of the centerline of said Agua Mansa Road;

Course 6: Thence N.31°54'55"E., along the centerline of said Agua Mansa Road, a distance of 943.00 feet, to the Point of Beginning.

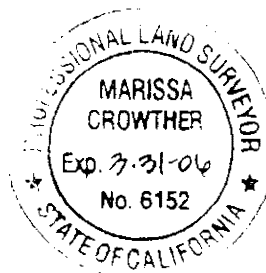
The above described parcel of land contains 8.56 acres, more or less.

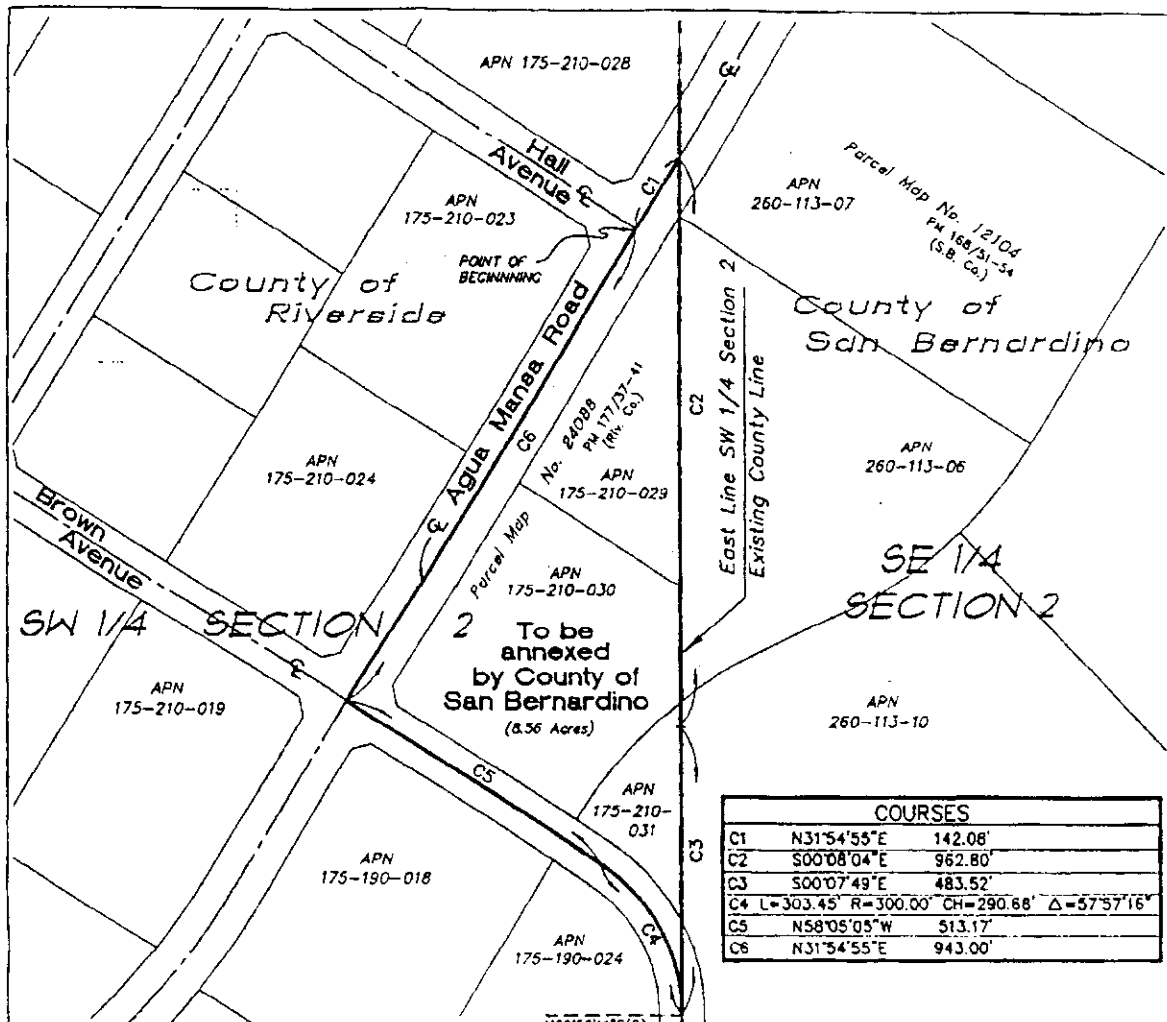
Prepared under the supervision of:
KCT CONSULTANTS, INC.


Marissa Crowther,

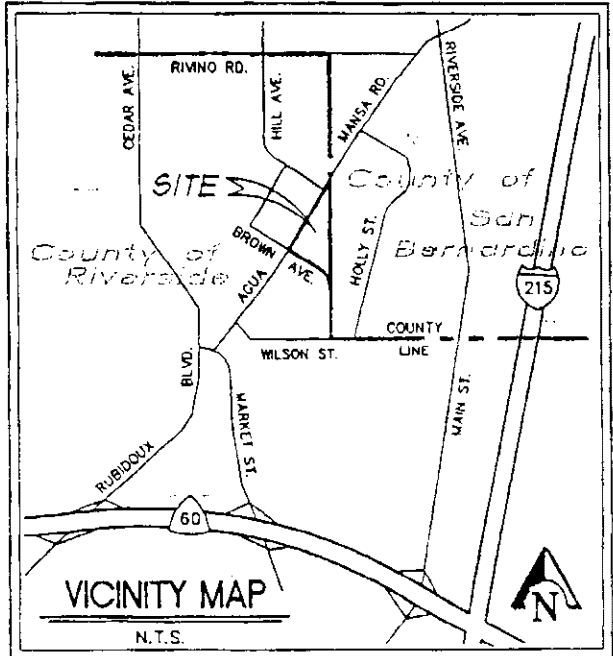
PLS 6152

Date: 7-25-03

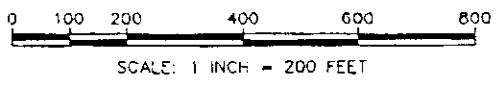




| COURSES | | |
|---------|--|---------|
| C1 | N31°54'55"E | 142.08' |
| C2 | S00°08'04"E | 962.80' |
| C3 | S00°07'49"E | 483.52' |
| C4 | L=303.45' R=300.00' CH=290.88' Δ=57°57'16" | |
| C5 | N58°05'05"W | 513.17' |
| C6 | N31°54'55"E | 943.00' |



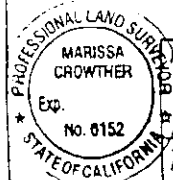
SCALE: 1"=200'



BASIS OF BEARINGS. BEARINGS ARE BASED ON THE CENTERLINE OF AGUA MANSÁ ROAD PER PARCEL MAP NO. 24088 ON FILE IN BOOK 177 OF PARCEL MAPS, PAGES 37 THROUGH 41 THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, BEING N.31°54'55"E.

SUBJECT ANNEXATION WITHIN A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 5 WEST, S.B.B.M.

EXHIBIT "B-2"



Prepared under the supervision of:
 MARISSA CROWTHER
 Exp. 7-25-03
 MARISSA CROWTHER, PLS 6152 DATE

COUNTY LINE ADJUSTMENT
 BETWEEN
 RIVERSIDE AND SAN BERNARDINO COUNTIES

KCT CONSULTANTS, INC.
 Civil Engineers - Surveyors - Planners

Sheet 1 of 1
 Scale: 1"=200'
 March 6, 2003
 WO 1251-02

March 6, 2003
Revised July 22, 2003

ANNEXATION TO RIVERSIDE COUNTY
COUNTY LINE ADJUSTMENT
BETWEEN
RIVERSIDE AND SAN BERNARDINO COUNTIES

That portion of Northeast one-quarter of Section 2, Township 2 South, Range 5 West, San Bernardino Meridian, State of California, located in the County of San Bernardino, and being more particularly described as follows:

COMMENCING at the centerline intersection of Agua Mansa Road and Hall Avenue, as shown by Parcel Map No. 24088, on file in Book 177 of Parcel Maps, Pages 37 through 41 thereof, Records of Riverside County, California;

Thence N.31°54'55"E. along the centerline of said Agua Mansa Road, a distance of 142.08 feet, to the West line of said Northeast one-quarter of Section 2, being the existing County Line between Riverside County and San Bernardino County, and being the **POINT OF BEGINNING**;

Course 1: Thence N.0°07'52"W. along said East line, a distance of 1020.96 feet, to the northerly line of Crest Avenue as shown by map of Record of Survey on file in Book 84 of Record of Surveys, Pages 30 through 34 thereof, Records of Riverside County, California;

Course 2: Thence N.86°51'39"E. along said northerly line, a distance of 121.01 feet, to the northwest corner of said Crest Avenue

Course 3: Thence S.05°18'15"E. along the easterly line of said Crest Avenue, a distance of 100.01 feet, to an angle point therein;

Course 4: Thence S.08°47'45"W. continuing along said easterly line, a distance of 156.01 feet, to an angle point therein;

Course 5: Thence S.16°12'23"W. continuing along said easterly line, also being along the northeasterly line of Parcel 9 of Parcel Map No. 12104, on file in Book 168 of Parcel Maps, Pages 51 through 54 thereof, Records of San Bernardino County, California, a distance of 99.97, to an angle point in said northeasterly line;

Course 6: Thence N.63°46'46"E. continuing along said northeasterly line, a distance of 99.55 feet, to the northeasterly corner thereof;



Annexation to Riverside County
County Line Adjustment
Riverside and San Bernardino Counties

Course 5: Thence S.55°17'05"E. continuing along the northeasterly line of said Parcel 9,
a distance of 211.39 feet;

Course 6: Thence S.58°05'05"E., a distance of 30.00 feet, to the centerline of said Agua
Mansa Road, as shown by said Parcel Map No. 12104;

Course 7: Thence S.31°54'55"W. along said centerline, a distance of 689.48 feet, to the
Point of Beginning.

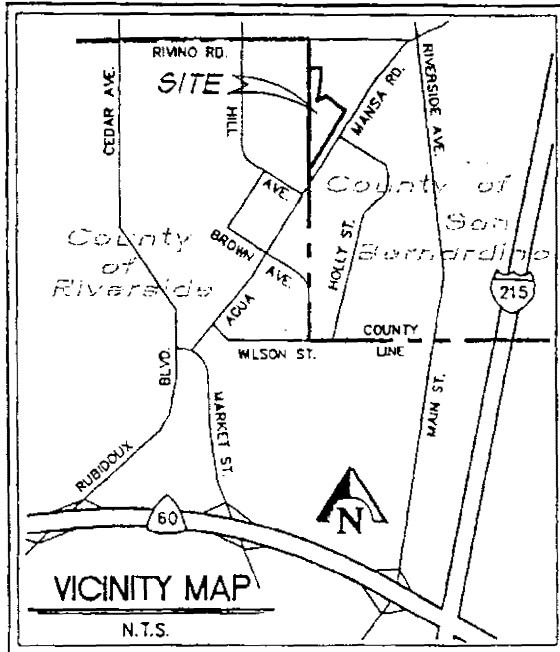
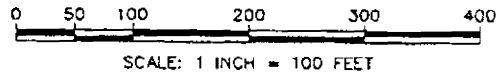
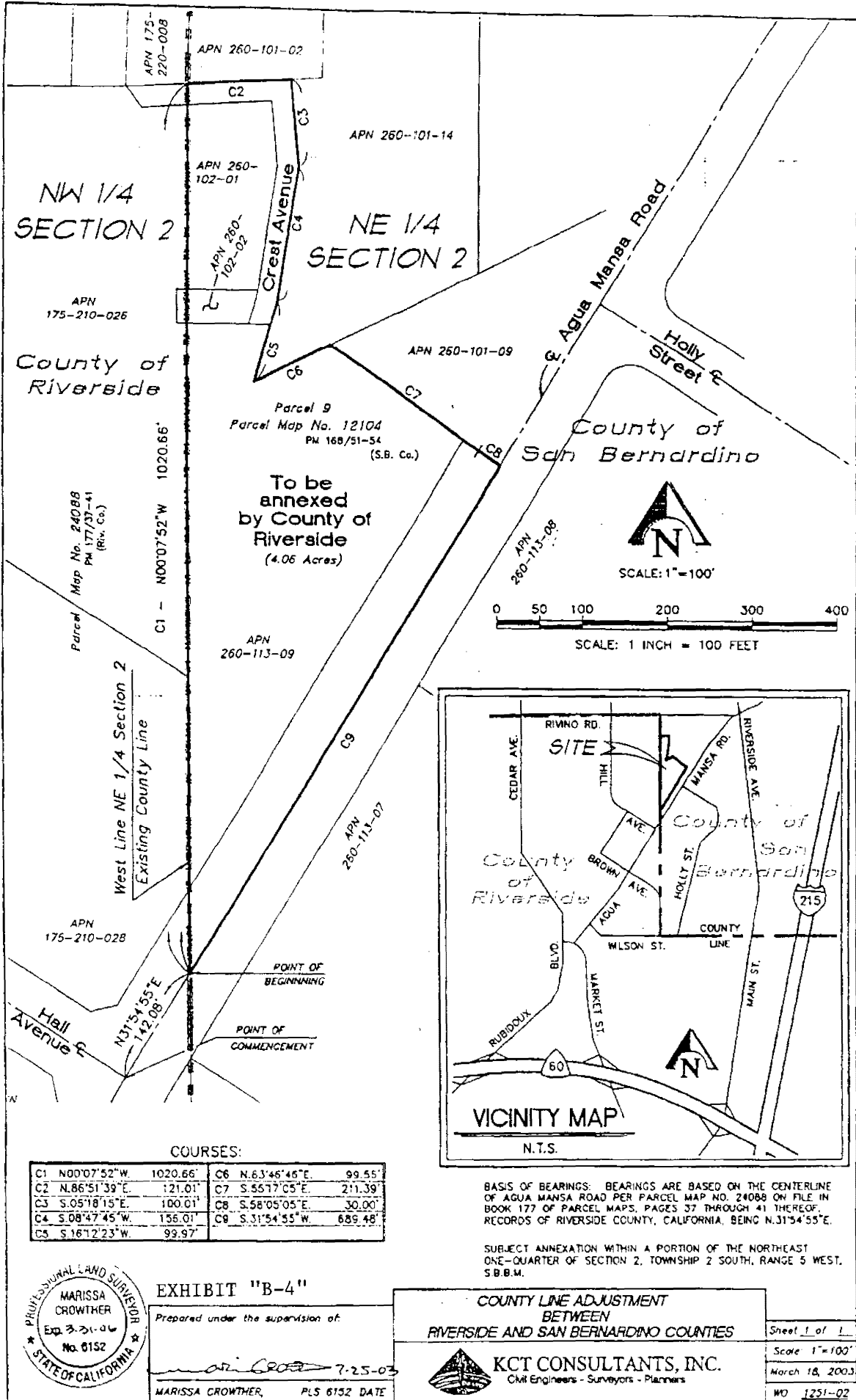
The above described parcel of land 4.06 acres, more or less.

Prepared under the supervision of:
KCT CONSULTANTS, INC.

Marissa Crowther
Marissa Crowther, PLS 6152

Date: 7-25-03





COURSES:

| | | | | | |
|----|--------------|----------|----|--------------|---------|
| C1 | N00°07'52"W | 1020.66' | C6 | N.63°46'46"E | 99.55' |
| C2 | N.86°51'39"E | 121.01' | C7 | S.55°17'05"E | 211.39' |
| C3 | S.05°18'15"E | 100.01' | C8 | S.58°09'05"E | 30.00' |
| C4 | S.08°47'45"W | 135.01' | C9 | S.31°54'55"W | 689.48' |
| C5 | S.16°12'23"W | 99.97' | | | |

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE CENTERLINE OF AGUA MANSÁ ROAD PER PARCEL MAP NO. 24088 ON FILE IN BOOK 177 OF PARCEL MAPS, PAGES 37 THROUGH 41 THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, BEING N.31°54'55"E.

SUBJECT ANNEXATION WITHIN A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 5 WEST, S.B.B.M.



EXHIBIT "B-4"

Prepared under the supervision of:

Marissa Crowther 7-25-03
 MARISSA CROWTHER, PLS 6152 DATE



KCT CONSULTANTS, INC.
 Civil Engineers - Surveyors - Planners

COUNTY LINE ADJUSTMENT
 BETWEEN
 RIVERSIDE AND SAN BERNARDINO COUNTIES

Sheet 1 of 1
 Scale 1"=100'
 March 18, 2003
 MO 1251-02