

**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 2891

HEARING DATE: JULY 17, 2002

RESOLUTION NO. 2739

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 2891, A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE INLAND EMPIRE UTILITIES AGENCY.

On motion of Commissioner Colven, duly seconded by Commissioner Pearson, 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 his 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 is hereby adopted by this Commission. The Clerk is directed to file a Notice of Exemption within five working days of adoption of this resolution; and,

RESOLUTION NO. 2739

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 Inland Empire Utilities Agency (IEUA) should be affirmed as it currently exists, as more specifically described in maps and legal descriptions on file in the LAFCO staff office; and,

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

1. **Infrastructure Needs and Deficiencies.** The IEUA has adopted a 10-year Capital Improvement Plan, along with Agency Wastewater, Recycled Water, and Organics Management Master Plans. These plans address the infrastructure needs and deficiencies within IEUA boundaries and are available for public review in the IEUA offices. No specific issues relevant to this factor were identified by the IEUA.
2. **Growth and Population.** The IEUA provides service to approximately 242 square miles and includes areas within the Cities of Chino, Chino Hills, Montclair, Upland, Ontario, and Fontana, and areas within the Cucamonga County Water District. Growth and population figures are separately provided by each of the member agencies of the IEUA.
3. **Financing Opportunities and Constraints.** The IEUA is primarily funded through fees for service which are annually reviewed. Copies of the IEUA's rate structure have been provided and are on file in the IEUA offices. No specific financing opportunities or constraints were identified by the IEUA.
4. **Cost Avoidance Opportunities.** The IEUA did not identify any specific cost avoidance opportunities that are relevant to this review or come under LAFCO jurisdiction. There is no duplication of the IEUA's services within IEUA boundaries.
5. **Rate Restructuring.** The IEUA conducts an annual rate review and adjusts its connection fees based on Engineering News Record construction cost index for inflation. The IEUA's rate structure is on file in the IEUA offices and is available for review. No rate restructuring opportunities relevant to this review were identified by the IEUA.
6. **Opportunities for Shared Facilities.** No opportunities for shared facilities were identified by the IEUA or its member local agencies.
7. **Government Structure Options.** Because the IEUA overlays multiple cities and other local agencies, it is a regional agency and is deemed to be more efficient than multiple, limited service agencies; and, therefore, the regional service government approach is appropriate.
8. **Management Efficiencies.** The IEUA has a long-range personnel plan to ensure that the growth and development of its organizational structure are effectively matched to the needs of the communities it serves and service level demands.
9. **Local Accountability and Governance.** The IEUA is governed by a seven-member Board elected by districts. The IEUA maintains a web site, and conforms with provisions of the Brown Act requiring open meetings. No other relevant issues concerning this factor have been identified.

WHEREAS, the following findings are made in conformance with Government Code Section 56425 and local Commission policy:

RESOLUTION NO. 2739

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 Inland Empire Utilities Agency. This sphere of influence update and service review have no potential whatsoever to change present or planned land uses within the IEUA's sphere, since no changes to the sphere of influence are contemplated.

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

No changes to the IEUA's sphere of influence are proposed or contemplated through this review. The IEUA has adopted a master plan for service which addresses this issue, and is on file in the IEUA offices.

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

No changes to the IEUA's sphere of influence are proposed or contemplated through this review. The IEUA has adopted a master plan for service which addresses this issue, and is on file in the IEUA offices.

4. **COMMUNITIES OF INTEREST IN THE AREA**

No changes to the IEUA's sphere of influence are proposed or contemplated through this review. 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. Notice of this hearing has been published as required by law in The Sun and the Inland Valley Daily Bulletin, newspapers 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.
- B. Comments from landowners and any affected local agency, if any, have been reviewed and considered by the Commission in making its determination.

WHEREAS, pursuant to the provisions of Government Code Section 56425(h) the range of services provided by the Inland Empire Utilities Agency shall be limited to wholesale (supplemental) water service, sewage treatment, co-composting, non-reclaimable wastewater disposal, non-reclaimable wastewater disposal, and energy recovery and production, 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 affirms and upholds the sphere of influence for the Inland Empire Utilities Agency as it currently exists, and is depicted on maps and legal descriptions on file in the office of the San Bernardino Local Agency Formation Commission.

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 maps and legal descriptions on file in the LAFCO office, as being within the sphere of influence of the Inland Empire Utilities Agency, it being fully understood that establishment of such a sphere of influence is a policy declaration

