

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

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PROPOSAL NO.: LAFCO 2896

HEARING DATE: NOVEMBER 20, 2002

RESOLUTION NO. 2743

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 2896, A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE CITY OF MONTCLAIR.

On motion of Commissioner Bagley, 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,

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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 City of Montclair 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.** A comprehensive capital improvement plan has been adopted by the City setting forth recommendations for a variety of projects. This plan is annually reviewed and updated as part of the City's budget process. A copy of this plan is maintained in City offices. Specifically, the City of Montclair has identified two major capital improvement projects located partially or wholly within its unincorporated sphere of influence. First, the City indicates that it is in the process of entering into a joint redevelopment project with the County for physical improvements to Mission Boulevard. Second, the City has identified the Monte Vista Avenue grade separation project to improve vehicular circulation in the area.
2. **Growth and Population.** The City essentially provides the full range of urban services, with the exception of water service (which is provided by the Monte Vista Water District), to an estimated population of approximately 38,500. The estimated build-out population is 40,000.
3. **Financing Opportunities and Constraints.** The City receives a share of the general levy of property tax revenue, but the bulk of its revenue is derived from fees for service, sales and use revenue, and other revenues. Other than the Mission Boulevard Joint Redevelopment Project identified above, no relevant issues concerning financing opportunities and constraints were identified by the City of Montclair.
4. **Cost Avoidance Opportunities.** The City of Montclair did not identify any specific cost avoidance opportunities relevant to this review.
5. **Rate Restructuring.** The City of Montclair regularly evaluates its cost of services in order to stay in conformance with state requirements and the competitive market place. No relevant issues related to this factor were identified by the City of Montclair.
6. **Opportunities for Shared Facilities.** No relevant findings related to this factor were identified by the City of Montclair.
7. **Government Structure Options.** The City has annexed much of its existing sphere of influence and is in the process of preparing two annexations within its southerly unincorporated sphere. Both of those annexations will be subject to normal protest proceedings, so it is imperative that Montclair work closely with inhabitants of the area on land use and service issues. It should also be noted that in the companion service-sphere review for the Monte Vista Fire Protection District, staff is recommending that the Commission initiate dissolution proceedings for the District, with designation of the City of Montclair as the successor in interest to District functions.
8. **Management Efficiencies.** No relevant issues related to this factor were identified by the City of Montclair.
9. **Local Accountability and Governance.** The City is governed by a five-member Council elected at large. The City 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.

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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 City of Montclair. This sphere of influence update and service review have no potential whatsoever to change present or planned land uses within the City 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 City sphere of influence are proposed or contemplated through this review. The City has adopted a master plan for service which addresses this issue, and is on file in the City offices.

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

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

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

No changes to the City 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 have been reviewed and considered by the Commission in making its determination.

WHEREAS, having reviewed and considered the findings as outlined above, the Commission affirms and upholds the sphere of influence for the City of Montclair 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 City of Montclair, 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.

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BE IT FURTHER RESOLVED that the Local Agency Formation Commission of the County of San Bernardino, State of California, does hereby determine that the City of Montclair 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, COLVEN, PEARSON, SMITH, WILLIAMS

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: MIKELS, POSTMUS

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

I, JAMES M. RODDY, 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 20, 2002.

DATED: November 20, 2002

James M. Roddy
JAMES M. RODDY, Executive Officer
