

**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 2906

HEARING DATE: NOVEMBER 20, 2002

RESOLUTION NO. 2762

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 2906, A SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE CITY OF FONTANA.

On motion of Commissioner Williams, 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 Fontana 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 a seven-year plan that is annually reviewed and updated as part of the City's budget process. The City of Fontana has provided extensive responses to infrastructure issues including capital improvement plans, master service plans, water and sewer plans and facilities, capacity analysis (sewer), age and condition of facilities, future development, and reserve capacity. A copy of the City's response is on file in the LAFCO office (and is attached to the staff report for this item), and a copy of the City's master plan is maintained in City offices.
2. **Growth and Population.** Based on the 2000 census data, the population of the City of Fontana is 128,929. The City's projected population is over 200,000, based on the 1990 Fontana General Plan. Significant growth areas are generally located within the northern portion of the City's sphere of influence. A copy of the General Plan is maintained in the LAFCO staff office and in City offices.
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, utility users tax, sewer fees, development fees, state subventions, grants, community facilities districts, redevelopment project funds, and other revenues. Revenues for the City, as is the case for all other local agencies, are constrained by a variety of state laws that govern revenue generation. A complete list of the sources of City revenues is contained within the City budget, which is on file and available for public review in City offices.
4. **Cost Avoidance Opportunities.** The City of Fontana receives water service from the Fontana Water Company within the bulk of its sphere territory, and it receives fire protection and emergency medical services from the Central Valley Fire Protection District. The City of Fontana also takes a cooperative approach and encourages coordination with other local agencies on a variety of projects. Beyond that, the City of Fontana did not identify any specific cost avoidance opportunities relevant to this review.
5. **Rate Restructuring.** The City of Fontana regularly evaluates its cost of services in order to stay in conformance with state requirements and the competitive market place. Copies of the City's rate structures are maintained in City offices and are available for public review. No relevant issues related to this factor were identified by the City of Fontana.
6. **Opportunities for Shared Facilities.** The City of Fontana indicates that future opportunities or options for shared facilities may be found through enhanced service for street maintenance and flood control within unincorporated areas of the City sphere of influence. No other relevant findings related to this factor were identified by the City of Fontana.
7. **Government Structure Options.** The most important governmental structure option is continuation of the City of Fontana's annexation program within its unincorporated sphere. By promoting more logical boundaries, service delivery for both the City and the County of San Bernardino can be made more efficient and effective. No other options for governmental structure were identified by the City of Fontana.

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8. **Management Efficiencies.** The City of Fontana provides for on-going training of employees through the use of conferences, workshops, and memberships in professional organizations. Staffing levels are also continually reviewed, and the current City goal is to maintain five employees per 1,000 City residents to maximize the effectiveness of City services. The City's current staffing level is approximately 2.7 employees per 1,000 residents. The City also identified improved use of technology, programs for public involvement, and various joint powers agreements that have already been implemented as ways to promote management efficiency.

9. **Local Accountability and Governance.** The City is governed by a City Council elected at large, along with a separately elected Mayor, all of which serve four year terms in office. The City maintains a web site, and conforms with provisions of the Brown Act requiring open meetings. In addition, the City provides surveys, newsletters, complaint tracking services, quarterly public meetings within special assessment districts, and requires regular progress reports on City programs and projects.

WHEREAS, the following findings are made in conformance with Government Code Section 56425 and local Commission policy for a sphere of influence update:

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 Fontana. 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. The City of Fontana endorses this approach by indicating that no sphere of influence changes are contemplated within the next five years.

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 Fontana Herald News, 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.

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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 Fontana 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 Fontana, 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 City of Fontana 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

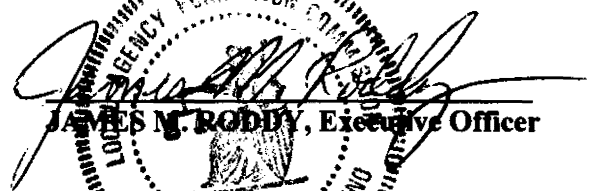
NOES: COMMISSIONERS: None

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, Executive Officer
