

**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 2996

HEARING DATE: JUNE 21, 2006

RESOLUTION NO. 2927

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 2996 AND APPROVING THE REORGANIZATION TO INCLUDE FORMATION OF THE HELENDALE COMMUNITY SERVICES DISTRICT AND DISSOLUTION OF COUNTY SERVICE AREA 70 IMPROVEMENT ZONES B AND C. (The project area is located north of the Cities of Adelanto and Victorville, southwest of the City of Barstow, west of Interstate 15 and extending one mile east of Highway 395. The modified reorganization area encompasses approximately 58,880 +/- acres (92 square miles) and is generally described as follows: Sections 1 through 12, Township 7 North, Range 4 West, Sections 1 through 12, Township 7 North, Range 5 West, Sections 1 and 12, Township 7 North, Range 6 West, Sections 4 through 9, 16 through 21 and 25 through 36, Township 8 North, Range 4 West, Sections 1 through 36, Township 8 North, Range 5 West, and Sections 1, 12, 13, 24, 25, and 36, Township 8 North, Range 6 West, San Bernardino Meridian, in the County of San Bernardino, State of California.)

On motion of Commissioner Hansberger, duly seconded by Commissioner Pearson, and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, an application for the proposed reorganization in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (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 the Executive Officer has examined the application and executed her certificate in accordance with law, determining and certifying that the filings are sufficient; 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 the 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 plans and proposed changes of organization, objections and evidence which were made, presented, or filed; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing; and

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WHEREAS, the Commission determines to modify the boundary of the reorganization to include formation to exclude the 10 +/- square miles within the southeast portion of the boundary, outside the existing Helendale School District boundary;

NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby determine, find, resolve, and order as follows:

DETERMINATIONS:

SECTION 1. The proposal is approved subject to the terms and conditions hereinafter specified:

CONDITIONS:

Condition No. 1. The boundaries are approved as set forth in Exhibits "A", "A-1", "B" and "C" attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 2996.

Condition No. 3. The proponents of LAFCO 2996 shall indemnify, defend, and hold harmless the Commission from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

Condition No. 4. Upon the effective date of this reorganization to include formation, County Service Area 70 Improvement Zones B and C shall be dissolved and their functions, assets (including cash on hand and monies due but uncollected), liabilities, contracts, obligations, responsibilities and continuing property tax distribution shall become those of the Helendale Community Services District as the designated successor agency. Those funds held in trust by County Service Area 70 Improvement Zones B and C for a prescribed purpose shall only be used by the Helendale Community Services District for said prescribed purpose.

Condition No. 5. If approved by the electorate at the November 7, 2006 general election, the County Board of Supervisors, through its County Special Districts Department, shall continue the administration of water and sewer services within the previous territory of County Service Area 70 Improvement Zones B and C dissolved for a transition period until July 1, 2007, or until the Board of Directors of the Helendale Community Services District directs discontinuance, whichever comes first. The Helendale Community Services District shall be required to reimburse the County of San Bernardino, through its Special Districts Department, for the direct costs of providing the services to the Helendale Community Services District during this transition period. Nothing in this condition precludes a future Board of Directors of the Helendale Community Services District to contract for an extended period of time for the provision of administration, maintenance, operation, billing, etc. services through the County of San Bernardino and its Special Districts Department.

Condition No. 6. All lands, buildings, appurtenances and equipment held by County Service Area 70 for the purpose of providing services within the boundaries of Improvement Zones B and C shall be transferred to the Helendale Community Services District upon its formation. The Helendale Community Services District shall assume complete maintenance and operation responsibilities for these facilities.

Condition No. 7. The Board of Directors of the successor agency, the Helendale Community Services District, shall consist of five members, elected at-large, pursuant to the provisions of Government Code Section 61020, as outlined in the petition initiating the proposal.

RESOLUTION NO. 2927

Condition No. 8. The Helendale Community Services District shall be authorized the following functions and services as active powers, authorized to be provided within its boundaries:

Water Supply water for any beneficial use as outlined in the Municipal Water District Law of 1911 (commencing with Section 71000) of the Water Code.

Sewer Collect, treat, or dispose of sewage, waste water, recycled water, and storm water, in the same manner as a sanitary district formed pursuant to the Sanitary District Act of 1923 (commencing with Section 6400) of the Health and Safety Code.

Streetlighting Acquire, construct, improve, maintain and operate street lighting and landscaping on public property, public rights-of-way, and public easements.

Refuse Collection Collect, transfer, and dispose of solid waste and provide solid waste handling service, including, but not limited to, source reduction, recycling, composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code.

Recreation and Parks Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law (commencing with Section 5780) of the Public Resources Code.

Graffiti Abatement Abate graffiti.

Condition No.9. All property tax revenues attributable to either County Service Area 70 Improvement Zone B or County Service Area 70 Improvement Zone C, prior to calculations required by Section 96.1 of the Revenue and Taxation Code, including delinquent taxes, return of property tax revenues deducted for "ERAF III" and any and all other collections or assets of the Districts to be dissolved, shall accrue and be transferred to the successor District, the Helendale Community Services District, pursuant to the provisions of Government Code Section 56810.

Condition No. 10. All previously authorized charges, fees, assessments, and/or taxes of County Service Area 70 Improvement Zones B and C currently in effect shall be continued and assumed by the Helendale Community Services District as the successor agency in the same manner as provided in the original authorization pursuant to the provisions of Government Code Section 56886(t).

Condition No. 11. Upon the effective date of this reorganization, any funds currently deposited for the benefit of County Service Area 70 Improvement Zones B and C and future receipts of revenues or refunds which have been impressed with a public trust, use or purpose shall be transferred to the Helendale Community Services District, as the successor agency, and the successor agency shall separately maintain such funds in accordance with the provisions of Government Code Section 57462.

Condition No. 12. Pursuant to the provisions of Government Code Section 56811, the provisional appropriation limit of the Helendale Community Services District shall be set at \$219,890. The permanent appropriation limit shall be established at the first district election held following the first full fiscal year of operation and shall not be considered to be a change in the appropriations of the District pursuant to Article XIII B of the California Constitution.

Condition No. 13. All streetlights currently the responsibility of County Service Area 70 Improvement Zone B shall be transferred to the Helendale Community Services District upon successful formation of the

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Helendale Community Services District. The County Special Districts Department shall prepare the appropriate documentation to transfer the lights; LAFCO staff shall verify the data, and forward the signed authorization form requesting Southern California Edison to transfer the specific lights to the Helendale Community Services District accounts upon successful completion of LAFCO 2996.

Condition No. 14. Pursuant to the provisions of Government Code Section 56885.5(a)(4), the County Board of Supervisors, as the governing body for County Service Area 70 Improvement Zones B and C, is prohibited from taking the following actions unless an emergency situations exists as defined in Section 54956.5:

- Approve any increase in compensation or benefits for members of the governing board, its officers, or the executive officer of the agency;
- Appropriating, encumbering, expending, or otherwise obligating, any revenue of the agencies beyond that provided in the current budget at the time the dissolution is approved by the Commission.

The Commission identifies that the budget to be utilized in this condition shall be the proposed budget for Fiscal Year 2006-07 anticipated to be adopted by the County Board of Supervisors on June 27, 2006.

Condition No. 15. Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts.

Condition No. 16. The effective date of this reorganization shall be the date of issuance of the Certificate of Completion, which should occur on or about December 1, 2006 in the event the electors approve LAFCO 2996 on November 7, 2006.

SECTION 2. The following determinations are made in conformance with Government Code Sections 61014 and 56301:

1. Pursuant to the requirements of Government Code Section 61014, the Commission determines, based upon existing information, that the Helendale Community Services District has sufficient revenues to carry out its purposes of providing water service, sewer service and streetlighting to the existing service areas of the districts to be dissolved, has the ability to provide for planning for the extension of those services and the services of park and recreation, solid waste and graffiti abatement services for the future, and will have a reasonable reserve during the first three fiscal years following formation.
2. The Commission determines, pursuant to Government Code Section 56301, that existing agencies cannot provide the range and level of services contemplated to be provided by the Helendale Community Services District in a more efficient and accountable manner.

SECTION 3. FINDINGS. The following findings are noted in conformance with Commission policy and State law:

1. The modified reorganization area encompasses approximately 58,880 +/- acres (92 +/- square miles) and is legally inhabited as certified by the County Registrar of Voters office on June 2, 2006.
2. The modified reorganization including formation does not conflict with the sphere of influence of any other agency currently providing the services of water, sewer, streetlighting, solid waste, park and recreation or graffiti abatement.

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3. The County Assessor has determined that the value of land and improvements within the modified boundary is \$492,458,936 (\$154,467,833 – land; \$337,991,103 – improvements).
4. Notice of this hearing has been advertised as required by State law through publication in The Sun and Daily Press, newspapers of general circulation in the area. As required by State law, individual notification was provided to affected and interested agencies, County departments, and those individuals wishing mailed notice.
5. In compliance with Commission policy and Government Code Section 56157, the notice of hearing has been provided by publication of an eighth-page legal ad in The Sun, a newspaper of general circulation, and the Daily Press, a local newspaper. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination. Opposition has been received and considered by the Commission in making its determination.
6. The reorganization including formation does not conflict with the established County General Plan for the area and has no direct impact on such land use designations.
7. The Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, has prepared an environmental assessment and Negative Declaration for the reorganization pursuant to the provisions of the California Environmental Quality Act (CEQA), which indicate that approval of the reorganization, as modified, will not have a significant adverse impact on the environment. The Commission certifies that it has reviewed and considered the Negative Declaration and environmental effects as outlined in the Initial Study prior to reaching a decision on the project and finds the information substantiating the Negative Declaration adequate for its use in making a decision as a CEQA lead agency.

The Commission hereby adopts the Negative Declaration and the related California Department of Fish and Game De Minimis Impact Finding. The Commission determines that it does not intend to adopt mitigation measures or alternatives for the project. The Commission, as a CEQA lead agency, notes that this proposal is exempt from Department Fish and Game fees because the De Minimis Impact Finding has been adopted. The Commission directs its Clerk to file a Notice of Determination and Certificate of Fee Exemption within five (5) working days.

8. The local agencies currently serving the area are: County of San Bernardino, Mojave Water Agency, Mojave Desert Resource Conservation District, County Service Area 38 (fire protection – majority of the area), County Service Area 60 (Apple Valley Airport), County Service Area 70 (multi-function agency), County Service Area 70 Improvement Zone B (sewer and streetlights – Silver Lakes area only), County Service Area 70 Improvement Zone C (water service – Silver Lakes area only) and County Service Area 70 Improvement Zone FP-5 (fire protection, emergency medical response/paramedics – being created at the present time and encompassing a majority of the area).

The only affected agencies are County Service Area 70 Improvement Zones B and C which will be dissolved as a function of this reorganization. None of the other agencies will be affected by this reorganization as they are regional in nature.

9. The proponents of LAFCO 2996 have submitted a Feasibility Study which addresses the issues required in a plan for the provision of services as required by Government Code Section 56653. This document, including its amendments and supplements, shows that the Community Services District has sufficient revenues to provide its active range of services (water, sewer, and streetlighting) upon formation; and has the ability to plan for the extension of the balance of its requested services through franchise fee revenues and potential implementation of development impact fees authorized the

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agency. The Feasibility Study and its supplements have been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Study and its supplements conform to those adopted standards and requirements.

10. The modified reorganization area can benefit from the availability and extension of services, as evidenced by the Feasibility Study and its supplements.
11. This proposal complies with Commission and State policies that indicate the preference for the creation of multiple purpose agencies to service growing communities; to allow for areas proposed for development at an urban-level land use to be included within a multi-purpose agency which is accountable to the local constituency; and showing that the agency to be formed will have a reasonable reserve for at least the first three years following its formation.
12. The maps and legal description, as revised, are in substantial conformance with LAFCO and State standards as determined by the County Surveyor's Office.

SECTION 4. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code noting that its approval is subject to the confirmation of the registered voters within the affected territory.

SECTION 5. The reason for the reorganization, as specified in the Petition for Formation, is to establish a local government that is responsive to the needs of the people within the boundaries of the proposed Helendale Community Services District and provide local control and accountability for the delivery of services and management of revenues.

SECTION 6. Upon formation, the Helendale Community Services District shall utilize the regular County Assessment Roll and such shall be identified in the final resolution confirming the formation.

SECTION 7. The Executive Officer, on behalf of the Local Agency Formation Commission, in compliance with this resolution and State law (Part 4, commencing with Government Code Section 57000), hereby requests that the County of San Bernardino Board of Supervisors direct the County Elections Official to conduct the necessary election, setting the matter for consideration on the November 7, 2006 general election, pursuant to Government Code Sections 57077 and 57100 et seq.

SECTION 8. The question to be submitted to the voters shall read as follows:

"Shall the order adopted on June 21, 2006, by the Local Agency Formation Commission for San Bernardino County ordering the reorganization to include formation of the Helendale Community Services District and the Dissolution of County Service Area 70 Improvement Zone B and County Service Area 70 Improvement Zone C, known as LAFCO 2996, be approved subject to the terms and conditions as more particularly described in the order?"

SECTION 9. The election shall be held within the territory of the reorganization, as described in Exhibit "A".

SECTION 10. The election to be held shall include a call for election of a five-member board of directors to be elected at-large pursuant to the provisions of the Uniform Election Law, Part 4 (commencing with Section 10500) of the Elections Code.

SECTION 11. A simple majority of ballots cast in favor of the measure is required to confirm the order for the reorganization to include formation.

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SECTION 12. Upon completion of the canvass of ballots cast at the election, as required pursuant to Sections 15300 to 15309, inclusive of the Elections Code, the Executive Officer shall issue the final resolution and direct that either a Certificate of Completion or a Certificate of Termination, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204, shall be prepared and filed for the proposal.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission of the County of San Bernardino by the following vote:

AYES: COMMISSIONERS: Colven, Gonzales, Hansberger, Pearson


NOES: COMMISSIONERS: Curatalo

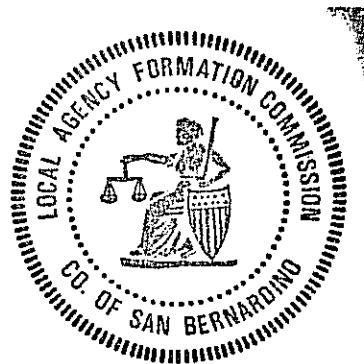
ABSENT: COMMISSIONERS: Biane (Gonzales voting in his stead), Cox (Curatalo voting in her stead), McCallon, Nuami

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 regular meeting of June 21, 2006.

DATED: June 22, 2006


KATHLEEN ROLLINGS-McDONALD
Executive Officer



LAFCO 2996

**Reorganization to Include Formation of Helendale Community Service District and
Dissolution of County Service Area 70 Improvement Zones B and C.**

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Township 7 North, Range 4 West, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Township 7 North, Range 5 West, Sections 1 and 12, Township 7 North, Range 6 West, Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, Township 8 North, Range 4 West, Sections 1 through 36, Township 8 North, Range 5 West, Sections 1, 12, 13, 24, 25 and 36, Township 8 North, Range 6 West, all of San Bernardino Meridian, in the County of San Bernardino, State of California, described as follows:

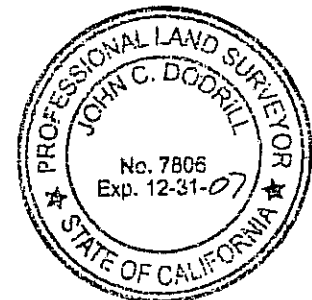
Beginning at the southwest corner of Section 12, Township 7 North, Range 6 West, S.B.M.;

1. Thence northerly along the west line of said Section 12 and continuing northerly along section lines to the northwest corner of Section 1, Township 8 North, Range 6 West, S. B. M.;
2. Thence easterly along the north line of said Section 1 and continuing easterly along section lines to the northeast corner of Section 4, Township 8 North, Range 4 West, S. B. M.;
3. Thence southerly along the east line of said Section 4 and continuing southerly along section lines to the northwest corner of Section 27, Township 8 North, Range 4 West, S. B. M.;
4. Thence easterly along the north line of said Section 27 and continuing easterly along section lines to the northeast corner of Section 25, Township 8 North, Range 4 West, S.B.M.;
5. Thence southerly along the east line of said Section 25 and continuing southerly along section lines to the southeast corner of Section 12, Township 7 North, Range 4 West, S.B.M.;
6. Thence westerly along the south line of said section 12 and continuing westerly along section lines to the **Point of Beginning**.

The above described area contains 92 square miles, more or less.

This legal description was prepared by me
or under my direction.

By: John C. Dodrill 6/22/06
John C. Dodrill, P.L.S. 7806 Date
Deputy County Surveyor

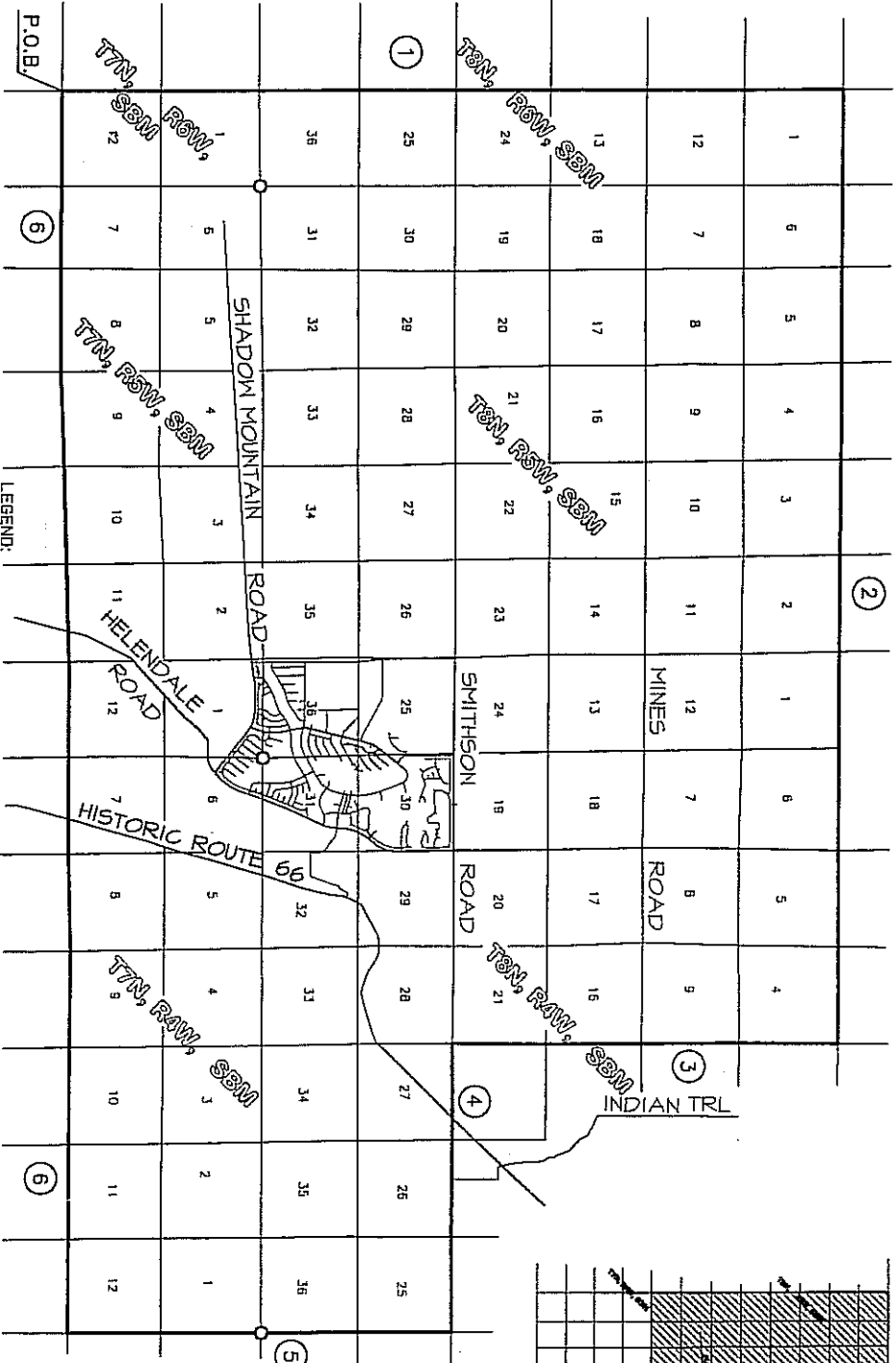


Prepared By
AEM

EXHIBIT A

REORGANIZATION TO INCLUDE FORMATION OF HELENDALE COMMUNITY SERVICE DISTRICT & DISSOLUTION OF COUNTY SERVICE AREA 70 IMPROVEMENT ZONES B AND C

LAFCO 2996



LEGEND:
 (1) INDICATES THE COURSE NUMBER FOR THE LEGAL DESCRIPTION
 (2) INDICATES THE PROPOSED BOUNDARY
 (3) INDICATES TOWNSHIP CORNERS
 (4) INDICATES POINT OF BEGINNING AREA
 THIS PROPOSAL CONTAINS 92 SQUARE HILES MORE OR LESS

AFFECTED AGENCIES:
 COUNTY SERVICE AREA 70
 IMPROVEMENT ZONES B & C.



SAN BERNARDINO COUNTY SUPERVISOR
 825 E. Third Street San Bernardino, CA 92415-0925

DATE: 10/1/01
 BY: DANIEL E. MOYE
 COUNTY SERVICE DISTRICT: HELENDALE COMMUNITY SERVICES DISTRICT (C.S.D.)
 LOCATION: HELENDALE, CALIFORNIA
 HWY: I-15 / East of I-210/
 DISTRICT: HELENDALE
 PROJECT: 00171 LFD

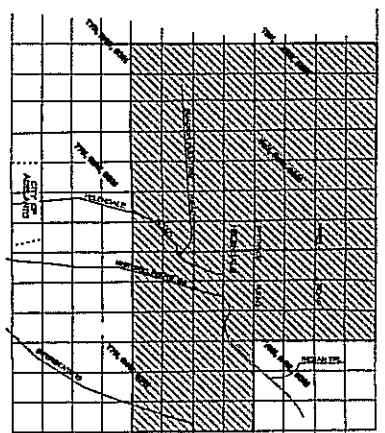
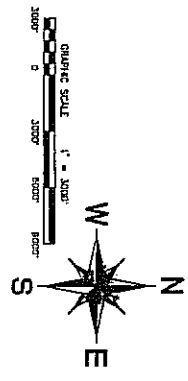
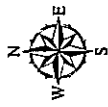
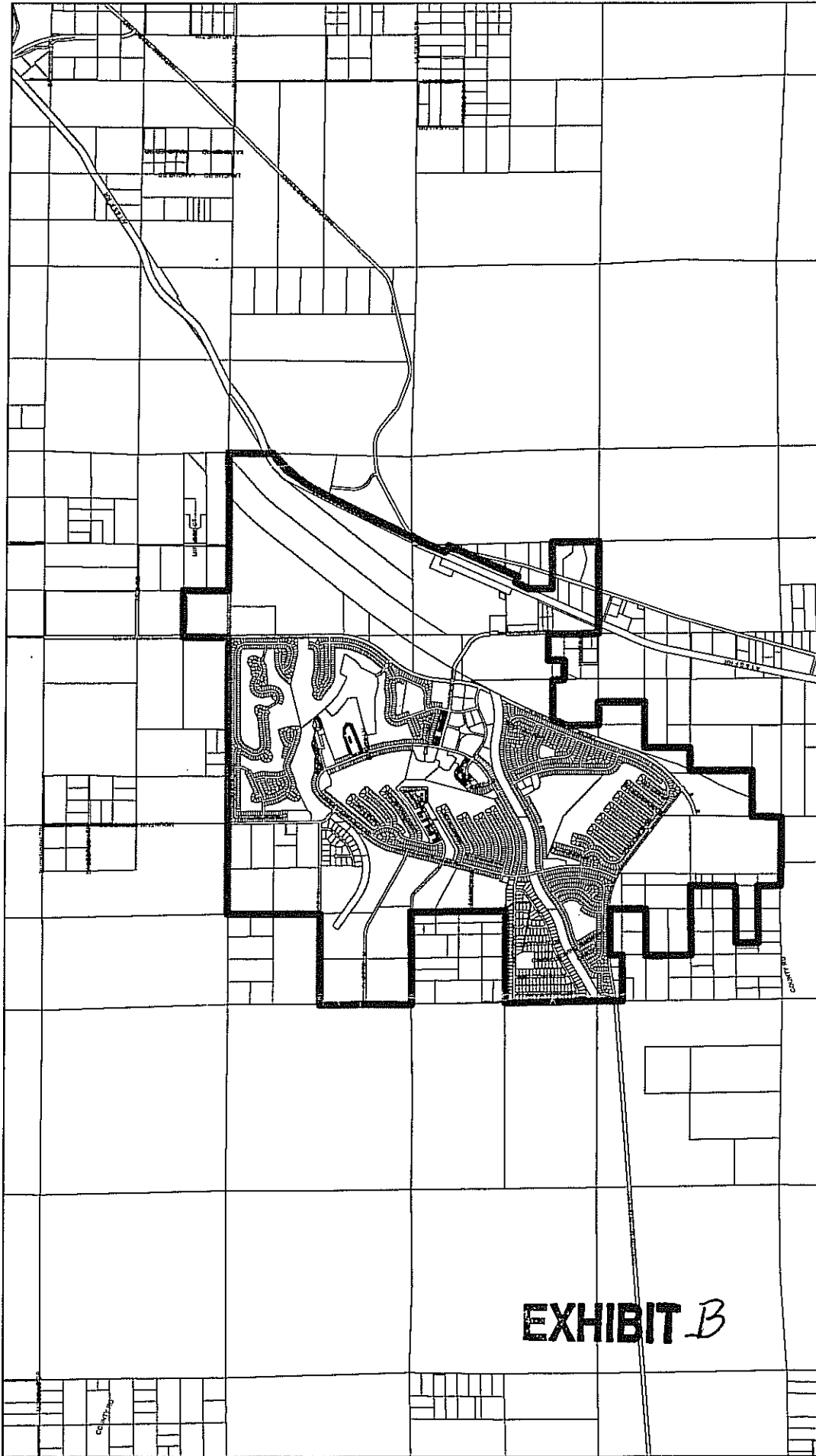


EXHIBIT A-1

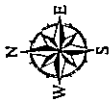
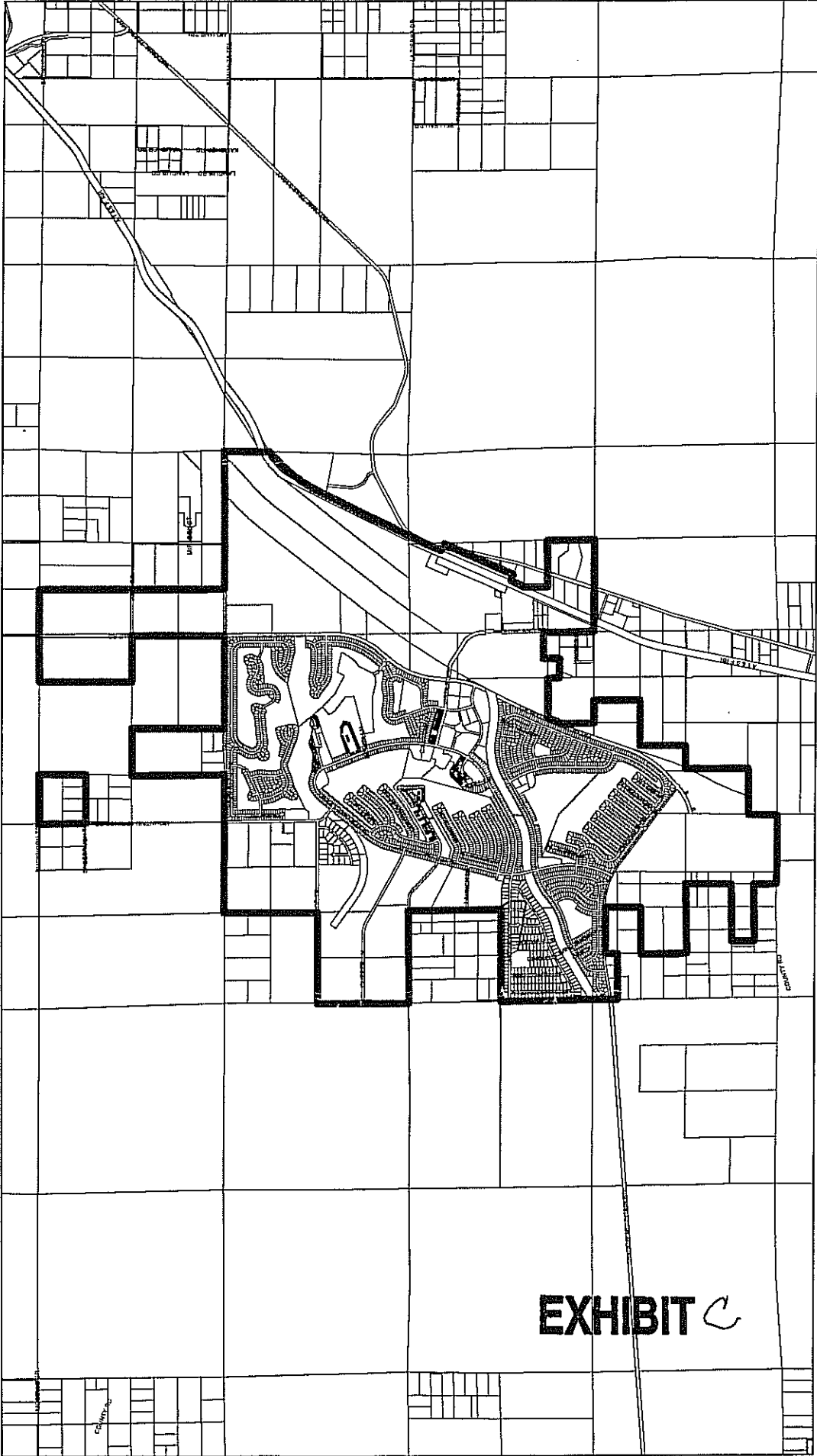


LAFCO 2996
DISSOLUTION OF CSA 70 IMPROVEMENT ZONE B



CSA 70 B Boundary

EXHIBIT B



CSA 70 C Boundary

DISSOLUTION OF CSA 70 IMPROVEMENT ZONE C



LAFCO 2996

EXHIBIT C

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

215 North "D" Street, Suite 204
San Bernardino, CA 92415-0490 • (909) 383-9900 • Fax (909) 383-9901
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www.sbclafco.org

CERTIFICATE OF COMPLETION

I, Debby Chamberlin, Clerk to the Local Agency Formation Commission for the County of San Bernardino, hereby certify that the **Local Agency Formation Commission** has completed a change of organization.

The short title of the action is: LAFCO 2996-Reorganization to Include Formation of the Helendale Community Services District and Dissolution of County Service Area 70 Improvement Zones B and C

The name of each district involved in this change of organization or reorganization and the kind or type of change of organization ordered for each district are as follows:

<u>District</u>	<u>Type of Change of Organization</u>
Helendale Community Services District	Formed
County Service Area 70 Improvement Zones B and C	Dissolved

The above-listed districts are located within the following county: County of San Bernardino.

The change of organization was confirmed by the voters. Resolution No. 2951 confirming the order of reorganization after confirmation of the voters, a copy of which is attached as LAFCO Exhibit "A", was adopted by the Executive Officer of the Local Agency Formation Commission on December 4, 2006. The terms and conditions of the change of organization are set forth in this resolution. The legal description of the formation area is set forth in Exhibit "A" to Resolution No. 2951. A map of the formation area is attached to Resolution No. 2951 as Exhibit "A-1". Maps of the dissolution areas are attached to Resolution No. 2951 as Exhibits "B" and "C".

The reorganization area is legally inhabited.

KATHLEEN ROLLINGS-McDONALD
Executive Officer



By: 
Debby Chamberlin
Clerk to the Commission

Dated: December 4, 2006

THE EFFECTIVE DATE OF THIS ACTION IS DECEMBER 4, 2006

RECORDING REQUESTED BY:
LOCAL AGENCY FORMATION COMMISSION

WHEN RECORDED, PLEASE MAIL TO:

LAFCO
175 W. Fifth Street, 2nd Floor
San Bernardino CA 92415-0490
Inter-Office Mail Code 0490

COPY

Exempt from Fee Pursuant to Government Code Section 6103

Recorded In Official Records, County of San Bernardino

12/04/2006
10:13 AM
EM



LARRY WALKER
Auditor/Controller - Recorder

P Counter

Doc#: 2006--0835338



Titles: 1 Pages: 11

Fees	0.00
Taxes	0.00
Other	0.00
PAID	\$0.00

This Space for Recorder's Use Only

COPY

CERTIFICATE OF COMPLETION --- LAFCO 2996---REORGANIZATION TO INCLUDE FORMATION OF
THE HELENDALE COMMUNITY SERVICES DISTRICT AND DISSOLUTION OF COUNTY SERVICE AREA
70 IMPROVEMENT ZONES B AND C

Title of Document

COPY