

LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO

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FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer

TO: INTERESTED PARTIES

SUBJECT: MUNICIPAL SERVICE REVIEW GUIDELINES

Through adoption of AB 2838, the State of California established the requirements for conducting Municipal Service Reviews (Government Code Section 56430) as well as requiring sphere of influence updates for all agencies under LAFCO purview. In accordance with requirements outlined in Government Code Section 56430, the Governor's Office of Planning and Research (OPR) issued Municipal Service Review Guidelines that provide a step-by-step approach to understanding the service review process as set forth in the laws of the State of California. These Guidelines are attached for your information.

On May 21, 2003, the Local Agency Formation Commission for San Bernardino County adopted the OPR Municipal Service Review Guidelines by reference for its use during the conduct of Municipal Service Reviews and adopted the following local policies related to their processing and those of sphere of influence updates.

POLICY #32 – SERVICE REVIEW POLICIES (*Adopted February 20, 2002; amended May 21, 2003*)

1. General Policy Statement:

The Commission recognizes that service reviews can, in many cases, be an important tool in promoting logical, orderly, and efficient service patterns for local agencies. The Commission also recognizes that such reviews, to be meaningful, must be accomplished with the participation and cooperation of affected local agencies. Finally, the Commission recognizes that the applicability of specific factors required for such reviews may substantially vary based on the unique conditions and circumstances found in San Bernardino County.

2. Function-by-Function Approach:

In furtherance of the goals of Section 56430, the Commission will conduct such reviews on a sub-regional basis, using a function-by-function approach (e.g., water functions,

fire functions, etc.), with the participation of management and/or board members responsible for delivering such services.

3. Responses to Statutory Findings:

The Commission recognizes that Section 56430 requires written responses to specific findings in the conduct of service reviews. The Commission also recognizes, however, that some or all of the factors listed may not be applicable to specific reviews. Based on discussions, testimony, and appropriate other input from affected agencies and interested parties, the Commission finds that its statutory obligation for written findings will be fulfilled by indicating that, "No substantive issues relative to this factor were identified" when appropriate.

The adopted service review procedures are:

It is the Commission's position that service reviews must be conducted, whenever possible, through a participative and cooperative approach with affected agencies. As the Commission begins to undertake its sphere review/service review responsibilities, the first step shall be to convene a meeting with managers/board members of affected agencies.

Through those discussions, specific service review factors can be identified for further review, and some review factors might be set aside as not requiring further study. Where disagreements among agencies or LAFCO staff might exist as to the applicability of a specific factor, the matter will be brought back to the Commission for a public hearing and decision.

It would also be appropriate for the Commission to direct staff to incorporate its findings related to the service reviews within the staff report prepared for the required sphere of influence study. This would streamline the process and provide for a more efficient Commission hearing schedule. The Commission could then incorporate its sphere of influence review/service review findings within one resolution of approval.

POLICY #33 -- SERVICE REVIEW REQUIREMENT FOR SPHERE OF INFLUENCE AMENDMENTS (*Adopted February 20, 2002; amended May 21, 2003*)

The Commission adopts the following policies relative to sphere of influence amendments:

- An amendment to a retail water district sphere of influence will require a service review if both the following are met:
 1. The area is currently outside the sphere of influence of the appropriate wholesale purveyor.
 2. Objection is received from any agency that provides water service and whose sphere of influence underlies or is adjacent to the subject territory.

- Notwithstanding the foregoing, the Commission reserves the discretion to conduct a service review when it deems appropriate based upon unique conditions and circumstances.

Please let us know if you have further questions or need additional information on the municipal service review and sphere of influence update process.

Attachment:

Final OPR Municipal Service Review Guidelines
Appendices