

**ACTION MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION
FOR SAN BERNARDINO COUNTY**

SPECIAL MEETING

10:00 A.M.

November 20, 2024

PRESENT:

COMMISSIONERS:

Regular Member

Joe Baca Jr.
Jim Bagley
Kimberly Cox
Steven Farrell, Vice Chair
Curt Hagman
Acquanetta Warren, Chair

Alternate Member

Rick Denison
Jim Harvey
Kevin Kenley

STAFF:

Samuel Martinez, Executive Officer
Paula de Sousa, Legal Counsel
Michael Tuerpe, Senior Analyst
Arturo Pastor, Analyst
Angela Schell, Commission Clerk

ABSENT:

COMMISSIONERS:

Regular Member

Phill Dupper

Alternate Member

Jesse Armendarez

**CONVENE SPECIAL MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –
10:02 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

ANNOUNCEMENT OF CONTRIBUTIONS

1. Comments from the Public

There are none.

CONSENT ITEMS:

2. Approval of Minutes for Regular Meeting of September 18, 2024

3. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Officer's Expense for Procurement Card Purchases from August 23, 2024 to September 23, 2024 and September 23, 2024 to October 22, 2024.

4. Ratify Payments as Reconciled for the Months of August and September 2024 and Note Revenue Receipts

Recommendation: Ratify payments as reconciled for the months of August and September 2024 and note revenue receipts for the same period.

5. Consent Items Deferred for Discussion (None)

Commissioner Baca moves the approval of the Consent Items. Second by Commissioner Hagman. The motion passes with the following roll call vote:

Ayes: Baca, Bagley, Denison, Hagman, Kenley, and Warren.

Noes: None.

Abstain: None.

Absent: Farrell, Cox (Kenley voting in her stead), Dupper (Denison voting in his stead).

PUBLIC HEARING ITEMS:

Commissioner Farrell arrives at the dais at 10:09 a.m.

6. LAFCO SC#532 – City of Rialto Extraterritorial Wastewater Service Agreement (Avila Collection, LLC):

Recommendation: Staff recommends that the Commission approve LAFCO SC532 by taking the following actions:

1. For environmental review as a responsible agency:
 - a. Certify that the Commission, its staff, and its Environmental Consultant have reviewed and considered the Initial Study and Mitigated Negative Declaration prepared by the County of San Bernardino for a Zone Change from RS-20M (Single Residential 20,000 Square Foot Minimum) to RM (Multiple Residential) in conjunction with a Conditional Use Permit and a Condominium Tentative Tract Map (TTM 20481) to construct a 181-unit multi-family condominium complex on approximately 12.6 acres and found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures identified in the County's environmental documents are the responsibility of the County and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
 - c. Direct the Executive Officer to file a Notice of Determination within five (5) days of this action.
2. Approve LAFCO SC#532 authorizing the City of Rialto to extend sewer service outside its boundaries to Assessor Parcel Numbers 0257-012-12, 0257-021-02, 0257-021-28, and 0257-031-35.

3. Adopt LAFCO Resolution No. 3409 setting forth the Commission's determinations and approval of the agreement for service outside the City of Rialto's boundaries.

Public Comment: Greg Young, President, Board of Directors, West Valley Water District

Commissioner Baca moves approval of staff recommendations. Second by Commissioner Hagman. The motion passes with the following roll call vote:

Ayes: Baca, Bagley, Denison, Farrell, Hagman, Kenley, and Warren.

Noes: None.

Abstain: None.

Absent: Cox (Kenley voting in her stead), Dupper (Denison voting in his stead).

7. LAFCO 3270 – Annexation to the Cucamonga Valley Water District (Southeastern Sphere of Influence)

Recommendation: Staff recommends that the Commission approve LAFCO 3270 by taking the following actions:

1. For environmental review, certify that LAFCO 3270 is exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3270, with the standard LAFCO terms and conditions that include the "hold harmless" clause for potential litigation costs by the applicant and the continuation of fees, charges, and/or assessments currently authorized by the annexing agency; and,
3. Adopt LAFCO Resolution No. 3410, setting forth the Commission's determinations and conditions of approval concerning this reorganization proposal.

Commissioner Baca moves approval of staff recommendations. Second by Commissioner Hagman. The motion passes with the following roll call vote:

Ayes: Baca, Bagley, Denison, Farrell, Hagman, Kenley, and Warren.

Noes: None.

Abstain: None.

Absent: Cox (Kenley voting in her stead), Dupper (Denison voting in his stead).

8. LAFCO 3272 – Service Review for the Big River Community Services District

Commissioner Cox arrives at the dais at 10:44 a.m.

Recommendation: Staff recommends that the Commission take the following actions related to LAFCO 3272:

1. For environmental review, certify that the service review is exempt from environmental review and direct the Executive Officer to file the Notice of Exemption within five (5) days.

2. Accept and file the Service Review for the Big River Community Services District which sets forth the written statements for the six determinations outlined in Government Code Section 56430 made by the Commission.
3. Adopt LAFCO Resolution No. 3411 reflecting the Commission's determinations and directions as required by Government Code Section 56430 and Commission policy.

Public Comment: Mike Gebel, President, Board of Directors, Big River Community Services District

Commissioner Hagman moves to approve staff recommendation including the updated legal language recommended by Legal Counsel on Pages 4 and 14 of the Service Review, as outlined by staff. Second by Commissioner Bagley. The motion passes with the following roll call vote:

*Ayes: Baca, Bagley, Cox, Denison, Farrell, Hagman, and Warren.
Noes: None.
Abstain: None.
Absent: Dupper (Denison voting in his stead).*

Chair Warren states amending staff's recommendation adding Recommendation #4 that provides for the County to review its capability to help with the audit.

DISCUSSION ITEMS:

9. First Quarter Financial Review for FY 2024/2025

Recommendation: Staff recommends that the Commission note receipt of this report and file.

Chair Warren states the item is to receive and file.

10. Report to the Legislature on Government Code Section 56133.5 Pilot Program

Recommendation: Staff recommends that the Commission direct staff to file the required report with the California State Legislature (Attachment #2)

Commissioner Hagman moves to approve staff recommendation. Second by Commissioner Baca. The motion passes with the following roll call vote:

*Ayes: Baca, Bagley, Cox, Denison, Farrell, Hagman, and Warren.
Noes: None.
Abstain: None.
Absent: Dupper (Denison voting in his stead).*

11. Review and Consider Continuation of Membership with CALAFCO

Paula de Sousa, Legal Counsel, recuses herself and leaves the room due to ethical conflict.

Recommendation: Staff recommends that the Commission discuss and provide direction to staff.

Chair Warren moves to withdraw its membership from CALAFCO starting Fiscal Year 2025-26. Second by Commissioner Hagman. The motion passes with the following roll call vote:

Ayes: Baca, Bagley, Cox, Denison, Farrell, Hagman, and Warren.

Noes: None.

Abstain: None.

Absent: Dupper (Denison voting in his stead).

Commissioner Hagman leaves the dais at 11:36 a.m.

INFORMATION ITEMS:

Paula de Sousa, Legal Counsel, returns at the dais.

12. Legislative Oral Report

Executive Officer Samuel Martinez informs the Commission that both bills it supported, AB 3277 and SB 1209, were signed by the Governor.

13. Executive Officer's Oral Report

Executive Officer Samuel Martinez reminds the Commission that there will be no December meeting. He concludes by thanking Chair Warren for her time serving on the CALAFCO Board.

14. Commissioner Comments

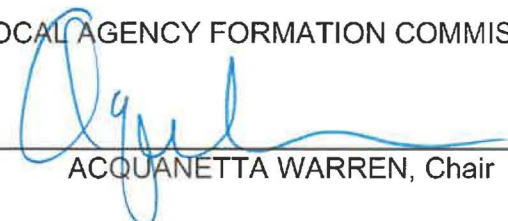
Commissioner Bagley commented he enjoyed the CALAFCO Conference and expressed his appreciation to Chair Warren and Commissioner Cox for their time and commitment for serving on the CALAFCO Board.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 11:39 A.M.

ATTEST:


ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION


ACQUANETTA WARREN, Chair