

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

**REGULAR MEETING**

**9:00 A.M.**

**NOVEMBER 16, 2022**

**PRESENT:**

**COMMISSIONERS:**

<b>Regular Member</b>	<b>Alternate Member</b>
<b>Joe Baca</b>	<b>Rick Denison</b>
<b>Jim Bagley, Chair</b>	<b>Jim Harvey</b>
<b>Kimberly Cox</b>	<b>Kevin Kenley</b>
<b>Phill Dupper</b>	
<b>Steven Farrell</b>	
<b>Curt Hagman</b>	
<b>Acquanetta Warren, Vice Chair</b>	

**STAFF:**

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

**ABSENT:**

**COMMISSIONERS: Dawn Rowe, Alternate**

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –  
9:02 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

**ANNOUNCEMENT OF CONTRIBUTIONS**

*Commissioner Baca states he has a conflict of interest on a few of the items on the agenda due to campaign contributions made by the property owners of said items; therefore, he indicates he will recuse himself on Items 4 and 5 on the Consent calendar and Items 7A, 7B and 7C on the Public Hearing Items and will remove himself from the dais and leave the room when Items 7A, 7B, and 7C are presented (note: that for consent items there is no need to leave the dais and room).*

**CONSENT ITEMS**

- 1. Approval of Minutes for Regular Meeting of September 21, 2022**
- 2. Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Officer's Expense Report for Procurement Card Purchases from August 22 to September 22, 2022 and September 23 to October 24, 2022.

**3. Ratify Payments as Reconciled and Note Cash Receipts for Months of June and July 2022**

Recommendation: Ratify payments as reconciled for the months of August and September 2022 and note revenue receipts for the same period.

**4. LAFCO SC#490 – City of Rialto Extraterritorial Wastewater Service Agreement (Bloomington Hills, LLC)**

Recommendation: Staff recommends that the Commission approve LAFCO SC#490 by taking the following actions:

1. For Environmental Review as a responsible agency:
  - a. Certify that the Commission, its staff, and Environmental Consultant have reviewed and considered the environmental assessment and Mitigated Negative Declaration (SCH #201010107) prepared by the County of San Bernardino for a Conditional Use Permit, Policy Plan Amendment, and Zone Amendment to construct a gas station and convenience store, a car wash, a drive-thru restaurant, and a storage building on approximately 2.31 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 are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
  - c. Note that this proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as CEQA Lead Agency, and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.
2. Approve LAFCO SC#490 authorizing the City of Rialto to extend wastewater service outside its boundaries to Assessor Parcel Number 0257-101-09; and,
3. Adopt Resolution #3355 setting forth the Commission's determinations and approval of the agreement for service outside the City of Rialto's boundaries.

**5. LAFCO SC#491 – City of Rialto Extraterritorial Wastewater Service Agreement (Kareem Oil, LLC)**

Recommendation: Staff recommends that the Commission approve LAFCO SC#491 by taking the following actions:

1. For Environmental Review as a responsible agency:
  - a. Certify that the Commission, its staff, and Environmental Consultant have reviewed and considered the environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a Minor Use Permit to construct a gas station and convenience store, a car wash, with a quick service restaurant and a Minor Variance to provide for a reduced front yard landscape setback on approximately 1.57 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 are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
  - c. Note that this proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as CEQA Lead Agency, and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.
- 2. Approve LAFCO SC#491 authorizing the City of Rialto to extend sewer service outside its boundaries to Assessor Parcel Number 0257-013-12.
  - 3. Adopt Resolution #3356 setting forth the Commission's determinations and approval of the agreement for service outside the City of Rialto's boundaries.

**6. Consent Items Deferred (none)**

*Commissioner Cox moves the approval of the Consent Items. Second by Commissioner Dupper. The motion passes with the following roll call vote:*

*Ayes: Baca, Bagley, Cox, Dupper, Farrell, and Warren.  
Noes: None.  
Abstain: Baca (Recused from Items 4 and 5)  
Absent: Hagman.*

**PUBLIC HEARING ITEMS:**

*Commissioner Hagman arrives at 9:07. Commissioner Baca leaves the dais and the room due to conflict of interest stated at the beginning of the meeting.*

**7A. Environmental Review for LAFCO 3255 and 3256:**

- o **Consideration of Final Environmental Impact Report adopted by the City of Rancho Cucamonga for the Speedway Commerce Development Project (SCH No. 2020090076), as CEQA Responsible Agency for LAFCO 3255 and LAFCO 3256; and,**
- o **Adoption of Candidate Findings of Fact Regarding Environmental Effects from Approval of LAFCO 3255 and LAFCO 3256**

Recommendation: Staff recommends that the Commission make the following determinations with respect to the environmental review for LAFCO 3255 and LAFCO 3256;

- a) Certify that the Complete Final Environmental Impact Report (EIR) and other related environmental documents prepared by the City of Rancho Cucamonga for the Speedway Commerce Development Project (SCH No. 2020090076) have been independently reviewed and considered by the Commission, its staff and its Environmental Consultant;

- b) Determine that the Complete Final EIR for the project prepared by the City of Rancho Cucamonga is adequate for the Commission's use as a California Environmental Quality Act (CEQA) Responsible Agency for its determinations related to LAFCO 3255 and LAFCO 3256;
- c) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the Speedway Commerce Development Project, and that the mitigation measures identified for the project are the responsibility of the City of Rancho Cucamonga and others, not the Commission;
- d) Adopt the Candidate Findings of Fact regarding environmental effects from approval of LAFCO 3255 and LAFCO 3256; and,
- e) Direct the Executive Officer to file Notices of Determination for both LAFCO 3255 and LAFCO 3256 within five days and find that no further Department of Fish and Wildlife filing fees are required since the City of Rancho Cucamonga, as CEQA lead agency, has paid said fees.

**7B. LAFCO 3255 – Sphere of Influence Amendment for the City of Rancho Cucamonga (expansion), Cucamonga Valley Water District (expansion), Rancho Cucamonga Fire Protection District (expansion), West Valley Mosquito and Vector Control District (expansion), City of Fontana (reduction), and Fontana Fire Protection District (reduction)**

Recommendation: Staff recommends that the Commission approve LAFCO 3255 by taking the following actions:

1. Determine that the proposed sphere of influence amendments, submitted under the provisions of Government Code Section 56428, does not require a service review;
2. Approve the sphere of influence expansion for the City of Rancho Cucamonga and the concurrent sphere of influence reduction for the City of Fontana;
3. Approve the sphere of influence expansion for the Cucamonga Valley Water District;
4. Approve the sphere of influence expansion for the Rancho Cucamonga Fire Protection District and the concurrent sphere of influence reduction for the Fontana Fire Protection District;
5. Approve the sphere of influence expansion for the West Valley Mosquito and Vector Control District;
6. Affirm the descriptions of the functions and services for the Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, West Valley Mosquito and Vector Control District, and Fontana Fire Protection District, as identified in the *LAFCO Policy and Procedure Manual*; and,
7. Adopt LAFCO Resolution No. 3357 reflecting the Commission's determinations for LAFCO 3255.

**7C. LAFCO 3256 – Reorganization to Include Annexations to the City of Rancho Cucamonga, Cucamonga Valley Water District, Rancho Cucamonga Fire Protection District, West Valley Mosquito and Vector Control District, and Detachments from Fontana Fire Protection District and County Service Area 70 (Speedway Commerce Development Project)**

Recommendation: The staff recommends that the Commission approve LAFCO 3256 by taking the following actions:

1. Approve LAFCO 3256, with the standard terms and conditions that include, but are not limited to, the “hold harmless” clause for potential litigation costs, continuation of fees, charges, assessments, and the identification that the transfer of utility accounts will occur within 90 days of the recording of the Certificate of Completion; and,
2. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization proposal; and,
3. Adopt LAFCO Resolution No. 3358 setting forth the Commission’s determinations and conditions of approval concerning for LAFCO 3256.

*John Grace, the applicant representative, provides comments during public comment.*

*Chair Bagley states that there will be one motion for all three items.*

*Commissioner Cox moves the approval of staff recommendations for Items 7A, 7B, and 7C. Second by Commissioner Warren. The motion passes with the following roll call vote:*

*Ayes: Bagley, Cox, Dupper, Farrell, Hagman and Warren.  
Noes: None.  
Abstain: Baca.  
Absent: None.*

**8. LAFCO 3254 – Reorganization to Include Annexation to Running Springs Water District, Dissolution of CSA79 and CSA 79 Zone R-1, and Formation of CSA 70 Zone R-52**

*Commissioner Baca returns to the dais.*

Recommendation: The staff recommends that the Commission approve LAFCO 3254 by taking the following actions:

1. For environmental review, certify that LAFCO 3254 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 3254, with the standard terms and conditions that include, but are not limited to, the “hold harmless” clause for potential litigation costs by the applicants, and the continuation of fees, charges, assessments, etc. currently charged by County Service Area 79; and,

3. Adopt LAFCO Resolution #3359, setting forth the Commission's determinations and conditions of approval concerning LAFCO 3254.

*Staff makes a minor correction to the staff report and the resolution that references County Fire's North Desert Service Zone as a local agency currently serving the area instead of its Mountain Service Zone. The staff report will be corrected after the hearing and the resolution will be corrected prior to issuance.*

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

*Ayes: Baca, Bagley, Cox, Dupper, Farrell, Hagman and Warren.  
Noes: None.  
Abstain: None.  
Absent: None.*

### **DISCUSSION ITEMS:**

#### **9. Review and Approve LAFCO Strategic Plan**

Recommendation: Staff recommends that the Commission take the following actions:

1. Rescind the Current LAFCO Mission Statement (Policy and Procedure Manual, Section I, Chapter 1, Item 2).
2. Adopt the New LAFCO Mission Statement (Policy and Procedure Manual, Section I, Chapter 1, Item 2);
3. Adopt LAFCO's Two-Year Strategic Plan (July 1, 2022 – June 30, 2024).

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

*Ayes: Baca, Bagley, Cox, Dupper, Farrell, Hagman and Warren.  
Noes: None.  
Abstain: None.  
Absent: None.*

#### **10. First Quarter Financial Review for FY 2022/23**

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

*No action was taken by the Commission, Chair Bagley notes receipt and file the report.*

#### **11. Review and Amend the Commission Meeting Schedule for FY 2022/2023**

Recommendation: Staff recommends that the Commission meet on December 21, 2022

Commissioner Dupper moves the approval of staff recommendation. Second by Commissioner Cox. The motion passes with the following roll call vote:

- Ayes: Baca, Bagley, Cox, Dupper, Farrell, Hagman and Warren.
- Noes: None.
- Abstain: None.
- Absent: None.

**INFORMATION ITEMS:**

**12. Legislative Update Report**

Executive Officer Samuel Martinez states that there is no report for the week.

**13. Executive Officer’s Report**

Executive Officer Samuel Martinez announces Art Pastor as the new LAFCO Analyst. He states that the Governance Training program was held with 40 attendees and also states that the CALAFCO News regarding the conference is provided as attachments.

**14. Commissioner Comments**

Commissioner Farrell conveys his attendance at the CALAFCO conference and states his appreciation of the conference and the networking opportunity with other LAFCO Commissioners from all over the State. Commissioners Harvey, Kenley, and Chair Bagley also echo their appreciation of the conference.

**15. Comments from the Public**


There is none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:03 A.M.**

ATTEST:

  
ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

  
Jim Bagley, Chair