

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

**REGULAR MEETING**

**9:00 A.M.**

**MARCH 15, 2023**

**PRESENT:**

**COMMISSIONERS:**

**Regular Member**

Joe Baca  
James Bagley, Chair  
Dr. Kimberly Cox  
Phill Dupper  
Curt Hagman  
Acquanetta Warren

**Alternate Member**

Rick Denison  
Jim Harvey  
Kevin Kenley

**STAFF:**

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

**ABSENT:**

**COMMISSIONERS:**

**Regular Member**

Steven Farrell

**Alternate Member**

Dawn Rowe

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

**ANNOUNCEMENT OF CONTRIBUTIONS**

**CONSENT ITEMS:**

*Vice Chair Acquanetta Warren states she has a conflict of interest on Item #7 on the agenda due to campaign contributions and will abstain from that item. Legal Counsel Paula de Sousa clarifies that Vice Chair Warren will not abstain from the Consent Item, but for Item #7 of the Public Hearing Items.*

- 1. Approval of Minutes for Regular Meeting of January 18, 2023**
- 2. Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Office's Expense for Procurement Card Purchases from December 23, 2022 to January 23, 2023 and January 24, 2023 to February 22, 2023.

**3. Ratify Payments as Reconciled for the Month of November 2022 and Note Revenue Receipts**

Recommendation: Ratify payments as reconciled for the months of December 2022 and January 2023 and note revenue receipts for the same period.

**4. Consent Items Deferred for Discussion (none)**

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

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

**PUBLIC HEARING ITEMS:**

**5. LAFCO SC#497 – City of Redlands OSC 22-01 for Water Service (APN 0298-301-33)**

Recommendation: Staff recommends that the Commission approve LAFCO SC#497 by taking the following actions:

1. Certify that LAFCO SC#497 is exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC#497 authorizing the City of Redlands to extend water service outside its boundaries to Assessor Parcel Number 0298-301-33.
3. Adopt LAFCO Resolution #3366 setting forth the Commission's determinations and approval of the agreement for service outside the City of Redlands' boundaries.

*Commissioner Dupper moves the approval of Item 5. Second by Commissioner Warren. The motion passes with the following roll call vote:*

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

**6. LAFCO SC#498 – City of Colton Extra-Territorial Water Service Agreement (APN 0274-122-05) TAKEN OFF CALENDAR – ITEM PULLED INDEFINITELY BY APPLICANT**

*Chair Bagley, for the record, states Item #6 on the agenda has been pulled off the calendar.*

*Commissioners Hagman and Cox arrive at 9:12 am.*

**7. LAFCO SC#495 – City of Fontana Pre-Annexation Agreement No. 22-006 for Sewer Service (APNs 0230-031-20 and 0230-031-21 – Serena Village)**

*Commissioner Warren leaves the dais and the room due to a conflict of interest stated at the beginning of the meeting. Legal Counsel Paula de Sousa states that Commissioner Warren is recusing herself due to a conflict of interest related to campaign contributions pertaining to this item, as previously stated for the record by Commissioner Warren at the beginning of the meeting.*

*Chair Bagley comments that for the record, recognizes that Commissioner Hagman and Commissioner Cox has joined the Commission on the dais.*

Recommendation:

1. For environmental review, take the following actions as a responsible agency:
  - Certify that the Commission has reviewed and considered the environmental assessment and the Mitigated Negative Declaration prepared by the County of San Bernardino for a Conditional Use Permit and Tentative Tract Map 20016 to develop a 112-unit multiple family condominium project on approximately 6.7 acres, and found them to be adequate for the Commission's use;
  - 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 the Conditions of Approval; and,
  - Direct the Executive Officer to file a Notice of Determination within five (5) days of this action.
2. Approve SC#495 authorizing the City of Fontana to extend sewer service outside its Boundaries to the project area comprised of Assessor Parcel Numbers 0230-031-20 & 0230-031-21; and,
3. Adopt LAFCO Resolution #3367 setting forth the Commission's determinations and approval of the agreement for service outside the City of Fontana's boundaries.

*Mohammad Monshizadeh, representing the property owner, Inland Senior Development, LLC, provides comments during public comment.*

*Commissioner Baca moves the approval of Item 7. Second by Commissioner Hagman. The motion passes with the following roll call vote:*

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

**DISCUSSION ITEM:**

**8. Nominations for the Special District Risk Management Authority Board of Directors**

*Commissioner Warren returns to the dais.*

Recommendation: Staff Recommends that the Commission take one of the following actions:

1. If the Commission nominates a member of the Commission or its management staff for the SDRMA Board of Directors 2023 Election, direct the Executive Officer to prepare a resolution for candidate nomination for Commission action at the April meeting and submit the required documents by the May 1, 2023 deadline; or,
2. If there is no nomination, note receipt and file the information.

*After Commission discussion and Vice-Chair Warren signifying her interest to be nominated to the SDRMA Board, Commissioner Baca moves the approval of Recommendation #1 nominating Commissioner Warren. Second by Commissioner Hagman. The motion passes with the following roll call vote:*

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

**INFORMATION ITEMS:**

**9. Legislative Update Report**

Executive Officer Samuel Martinez states Legislative Report item is to receive and file. He provides comments on each of the CALAFCO legislative priorities for 2023 as identified in the staff report. Commissioner Cox comments that CSDA is putting forth some modifications to the Brown Act as a follow-up to last year's AB 2449 that would also benefit LAFCOs. Executive Officer Martinez states that staff will come back at a later date to provide the Commission with an update on the CSDA sponsored bill, as well as the other Brown Act related legislation, for its review.

**10. Executive Officer's Report**

Executive Officer Martinez provides updates on the two proposals identified in the staff report and informs the Commission that he will be attending a meeting tonight in Morongo Valley to do a presentation on LAFCO. He concludes his report by reminding the Commission to submit their 700 form by the April 3 deadline. Chair Bagley comments his appreciation to the Executive Officer for taking the time to attend the meeting in Morongo.

**11. Commissioner Comments**

Commissioner Baca comments on Item 6 that was pulled off calendar by the applicant. He states that it is in his Supervisorial District and expressed his concerns regarding the transition of the residents in this community to connect to water and hopes that staff can help with this transition process. Executive Officer Martinez states that he has reached out to the State Division of Drinking Water and the other parties involved and will provide Commissioner Baca with an update.

Commissioner Hagman comments on the Barstow Cemetery District issues that was brought up at the Board of Supervisors meeting. Staff indicated that an update was provided in the past but will provide the Commission with a new update in the near future.

**12. Public Comments**

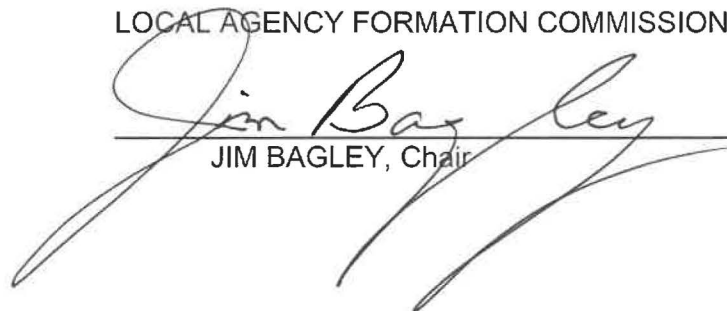
There is none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:33 A.M.**

ATTEST:

  
ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

  
JIM BAGLEY, Chair