

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

REGULAR MEETING

9:00 A.M.

APRIL 19, 2023

PRESENT:

COMMISSIONERS:

Regular Member

Joe Baca Jr.
James Bagley, Chair
Kimberly Cox
Phill Dupper
Steven Farrell
Acquanetta Warren, Vice 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
Tom Dodson, Environmental Consultant
Jeffrey Dunn, Special Legal Counsel (for closed session only)

ABSENT:

COMMISSIONERS:

Regular Member

Curt Hagman

Alternate Member

Dawn Rowe

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –
9:00 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

ANNOUNCEMENT OF CONTRIBUTIONS

1. PUBLIC COMMENTS ON CLOSED SESSION

There are no comments.

2. CONVENE CLOSED SESSION

Conference Room Adjacent to Event Center Auditorium

Prior to convening in closed session, Legal County Paula de Sousa provides an oral announcement of the matters to be discussed in closed session as follows:

Conference with Legal Counsel – Existing Litigation – (Government Code Section 54956.9(d)(1)) – C.O.M.E.T. (Citizens of Mentone Empowered Together) v. City of Redlands et al, County of San Bernardino Superior Court Case No. CIVDS1906437

3. RECONVENE PUBLIC SESSION

Legal Counsel Paula de Sousa states there is no reportable action taken in closed session.

CONSENT ITEMS

4. Approval of Minutes for Regular Meeting of March 15, 2023

5. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Officer's Expense Report for Procurement Card Purchases from February 22, 2023, to March 22, 2023.

6. Ratify Payments as Reconciled and Note Cash Receipts for Month of February 2023

Recommendation: Ratify payments as reconciled for the month of February 2023 and note revenue receipts for the same period.

7. Third Quarter Financial Review for FY 2022-23 and Consideration of Increasing Appropriation

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

1. Note receipt of this report and file.
2. Approve the following amendments to the FY 2022/23 Budget:
 - a. To account for County IT account code changes and rate increases:
 - i. Increase appropriation for the following:
 1. Account 2410 (IT Infrastructure) by \$6,254 from \$586 to \$6,840
 2. Account 2414 (Application Development and Maintenance) by \$8,076 from \$0 to \$8,076
 3. Account 2420 (Other IT Services) by \$4,517 from \$211 to \$4,728
 - ii. Decrease appropriation for the following:
 1. Account 2417 (Enterprise Content Management) by \$1,848 from \$1,848 to \$0
 2. Account 2418 (Data Storage Services) by \$4,116 from \$4,116 to \$0
 3. Account 2450 (Systems Development Charges) by \$7,764 from \$7,764 to \$0
 - b. To account for unrecoverable legal costs, increased costs related to the SALC Grant, and the FY 2021/22 SBCERA payment:
 - i. Increase appropriation for the following:
 1. Account 2400 (Legal Counsel) by \$19,718 from \$40,800 to \$60,518
 2. Account 2445 (Other Professional Services) by \$25,000 from \$101,092 to \$126,092
 3. Account 9990 (SBCERA Additional Payment) by \$50,163 from \$50,000 to \$100,163

- c. To balance the budget and account for reimbursements from the SALC Grant and increased carryover into FY 2022/23, increase Account 9930 (Miscellaneous) by \$100,000 from \$0 to \$100,000.

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

Recommendation: Adopt Resolution No. 3369 Nominating Commissioner Acquanetta Warren to the SDRMA Board of Directors and transmit said resolution including Commissioner Warren's Candidate's Statement of Qualifications to SDRMA before May 1, 2023.

9. Consent Items Deferred for Discussion (none)

Commissioner Baca moves to approve the Consent Items. Second by Commissioner Warren. The motion passes with the following roll call vote:

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

PUBLIC HEARING ITEMS

10. LAFCO 3261 – Reorganization to Include Annexation to the City of Fontana and Detachment from County Service Area 70

Recommendation: Staff recommends that the Commission approve LAFCO 3261 by taking the following actions:

1. With respect to environmental review:
 - a. Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City of Fontana's Final Environmental Impact Report for the I-15 Logistics Project and Addendum #1 (SCH No. 218011008);
 - b. Determine that the City of Fontana's Final Environmental Impact Report for the I-15 Logistics Project and Addendum #1 are adequate for the Commission's use as a CEQA Lead Agency for its consideration of LAFCO 3261;
 - c. Adopt the Addendum, as presented, that addresses the reorganization area and the debris basin associated with the I-15 Logistics Project;
 - d. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the proposal; that the mitigation measures identified in the City's environmental documents associated with the I-15 Logistics Project are the responsibility of the city and/or others, not the Commission; and,
 - e. Direct the Executive Officer to file the Notice of Determination within Five (5) days.

2. Approve LAFCO 3261 with the standard LAFCO terms and conditions that include, but are not limited to, 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;
3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization proposal; and,
4. Adopt LAFCO Resolution No. 3368, setting forth the Commission's determinations and conditions of approval concerning LAFCO 3261.

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

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

11. Proposed Amendments to LAFCO Policy and Procedure Manual

Recommendation: Staff recommends that the Commission:

1. Provide staff with any additional changes, corrections or amendments to the Policy and Procedure Manual as presented.
2. Schedule a public hearing for May 17, 2023, for formal approval of the amendments to the Policy and Procedure Manual.

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

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

12. Preliminary Budget Review for Fiscal Year 2023-24 [Items (a) and (b) were considered by the Commission together]

a. Proposed Schedule of Fees, Deposits, and Charges for Fiscal Year 2023-24

Recommendation: Staff recommends that the Commission take the following actions related to the Proposed Schedule of Fees, Deposits and Charges for Fiscal Year 2023/24:

1. Review the proposed amendments and provide staff with direction on changes, corrections, or modifications to be included.
2. Direct staff to forward the Proposed Schedule of Fees, Deposits, and Charges for FY 2023/24 to the County, all Cities/Towns, and all independent Special Districts for their review and comments pursuant to Government Code Section 56383.

3. Schedule the final review and adoption of the Schedule of Fees, Deposits, and Charges for the May 17, 2023, hearing.

b. Proposed Budget for Fiscal Year 2023-24

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

1. Adopt the Proposed Budget and Work Plan for FY 2023/24 as presented by staff.
2. Direct staff to forward the adopted Proposed Budget, as may be modified at this hearing, to all the independent special districts, cities/towns, and the County for their comment pursuant to Government Code Section 56381.
3. Schedule a public hearing for May 17, 2023, for formal:
 - a. Approval of the amendments to the Policy and Procedure Manual for Salaries and Benefits;
 - b. Approval of reclassification of Michael Tuerpe from Senior Analyst (Grade 67) to Assistant Executive Officer (Grade 72) with entrance at Step 10 pursuant to Policy and Procedure Manual Section III – Human Resources, Chapter 2 – Employment, Policy 4E – Promotions, effective July 1, 2023;
 - c. Authorization for the Executive Officer to sign a contract with Rebecca Lowery for staff support; and
 - d. Adoption of the Final Budget for FY 2023/24.

Commissioner Warren moves to approve staff recommendation for both Items 12a and 12b. Second by Commissioner Baca. The motion passes with the following roll call vote:

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

13. Legislative Update Report

Recommendation: Staff recommends that the Commission:

1. Note receipt of the report and file;
2. Indicate its support for AB 1753 (Assembly Local Government Committee) related to the annual CALAFCO sponsored Omnibus bill; and,
3. Authorize the Chair to sign the support letter for AB 1753 and direct staff to forward to the Assembly Local Government Committee and CALAFCO.

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

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

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

INFORMATION ITEMS

14. Executive Officer's Report

Executive Officer Samuel Martinez notes that the staff report outlines the Executive Officer's report but provides an additional update on the Morongo Valley CSD regarding its current deficit as outlined in its mid-year report. He concludes his report by stating that staff will continue to monitor the District and may come back to the Commission with an update. Chair Bagley compliments Mr. Martinez for attending and participating in the District's meeting.

15. Commissioner Comments

None.

16. Comments from the Public

None.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:47 A.M.

ATTEST:



ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION



JIM BAGLEY, Chair