

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

REGULAR MEETING

9:00 A.M.

MAY 17, 2023

PRESENT:

COMMISSIONERS:

Regular Member

Joe Baca, Jr.
James Bagley, Chair
Kimberly Cox
Phill Dupper
Steven Farrell
Curt Hagman
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

ABSENT:

COMMISSIONERS:

Regular Member

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

1. Swear in Regular County Member Supervisor Joe Baca, Jr.

Commission Clerk administers the Oath of Office for Commissioner Joe Baca, Jr.

2. Selection of Chair & Vice Chair

Commissioner Cox nominates Commissioner Warren to position of Chair and Commissioner Farrell to the position of Vice Chair. Seconded by Commissioner Dupper. The motion passes with the following roll call vote:

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

CONSENT ITEMS:

Executive Officer Samuel Martinez provides clarification on Item #7. He states that staff indicated that the City of Chino's Service Contract LAFCO SC#501 sewer main is being constructed or is under construction. He states that staff was informed by the City that the sewer main is not being constructed at this time. Commissioner Farrell requests to pull Item 8 from Consent Items for further discussion. Chair Bagley comments that Item 8 will be separated from the Consent Items with a separate motion and the Commission will vote on the balance of the Consent Items. Commissioner Hagman comments that he will abstain from voting on Item 7 due to his property being within 300 ft. of the service contract item.

3. Approval of Minutes for Regular Meeting of April 19, 2023

4. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Officer's Expense for Procurement Card Purchases from March 23, 2023, to April 24, 2023.

5. Ratify Payments as Reconciled and Note Revenue Receipts for the Month of March 2023

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

6. LAFCO SC#500 – City of San Bernardino Irrevocable Agreement to Annex No. 2022-368 for Water and Sewer Service (APN 0270-161-14)

Recommendation: Staff recommends that the Commission approve LAFCO SC#500 by taking the following actions:

1. Certify that LAFCO SC #500 is statutorily 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 #500 authorizing the City of San Bernardino to extend water and sewer service outside its boundaries to Assessor Parcel Number 0270-161-14.
3. Adopt LAFCO Resolution #3370 setting forth the Commission's determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

7. LAFCO SC#501 – City of Chino Covenant Agreement to Annex for Sewer Service (APN 1023-071-43)

Recommendation: Staff recommends that the Commission approve LAFCO SC#501 by taking the following actions:

1. Certify that LAFCO SC#501 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 #501 authorizing the City of Chino to extend sewer service outside its boundaries to Assessor Parcel Numbers 1023-071-43.
3. Adopt LAFCO Resolution #3371 setting forth the Commission's determinations and approval of the agreement for service outside the City of Chino's boundaries.

Commissioner Baca moves the approval of the balance of Consent Items 1 to 7. Second by Commissioner Warren. The motion passes with the following roll call vote:

Ayes: Baca, Bagley, Cox, Dupper, Farrell, Hagman (Items 1 to 6), and Warren.
Noes: None.
Abstain: Hagman (Recusal on Item 7).
Absent: None.

Item 8 Pulled from Consent Items for Discussion

Commissioner Cox comments that she will recuse herself from Item 8 because Helendale CSD is her employer as well as the applicant. She leaves the dais.

8. Consideration of Fee Reduction Requested by the Helendale Community Services District for its Annexation Application (LAFCO 3262) Pursuant to Commission Policy 1C of Chapter 2 of Section II of its Policy and Procedure Manual

Recommendation: Staff recommends that the Commission approve a reduction in application fees and deposits for LAFCO 3262 to a total of \$19,299.

Commissioner Dupper moves the approval of Item 8. Second by Commissioner Hagman. The motion passes with the following roll call vote:

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

Commissioner Cox returns to the dais at 9:18am.

PUBLIC HEARING ITEMS:

10. Review and Adoption of Amendments to LAFCO Policy and Procedure Manual

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

1. Provide staff with any additional changes, corrections, or amendments to the Policy and Procedure Manual as presented.
2. Adopt the amendments to the Policy and Procedure Manual.
3. Adopt Resolution No. 3372 approving the amendments to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commission's website.

Commissioner Warren moves to approve 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.
Absent: None.

11a. Review and Adoption of Schedule of Fees, Deposits, and Charges Effective July 1, 2023

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

1. For Environmental review:

- a. Make the findings required by Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines as follows:
 - i. Filing and processing fees are authorized by Government Code Section 56383 to cover the estimated reasonable cost of providing the service; and,
 - ii. The rates and charges identified in the Schedule are for the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements.
 - b. Certify that the proposed revisions to the Schedule of Fees, Deposits, and Charges are statutorily exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Adopt the Schedule of Fees, Deposits, and Charges, as revised, to be effective July 1, 2023.
3. Adopt LAFCO Resolution No. 3373 reflecting the Commission's determinations related to the Schedule.

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

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

11b. Review and Adoption of Final Budget for Fiscal Year 2023-24

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

1. Adopt the Fiscal Year 2023-24 Final Budget with the apportionment of net LAFCO costs based upon the Auditor's information attached to this report; and,
2. Direct the Executive Officer to submit to the County Auditor-Controller the adopted Final Budget and request the apportionment of the Commission's net costs to the County, Cities/Towns and Independent Special Districts pursuant to the provisions of Government Code Section 56381 as shown in the approved Final Budget.

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

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

11c. Review and Approve Agreement with Rebecca Lowery for Professional Services

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

1. Approve the agreement with Rebecca Lower for professional services; and

2. Authorize the Executive Officer to sign the agreement.

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

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

INFORMATION ITEMS:

12. Legislative Update Oral Report

Executive Officer Samuel Martinez states he does not have any legislative update to report.

13. Executive Officer's Report

Executive Officer Samuel Martinez reminds the Commission that the month of June will be dark, and the Commission will return for the July 19 Commission meeting. He states that staff provided information for the nomination of the CALAFCO board and will bring this back in July for Commission consideration. He concludes his report stating the announcement of the CALAFCO Achievement Awards and request direction from the Commission.

14. Commissioner Comments

Commissioner Cox comments on Chair Bagley's years of service to the Commission as public member on the Commission and as the Chair for several terms. Chair Bagley thanks Commissioner Cox for her comments and expressed his gratitude to have served with the entire Commission. Commissioner Farrell also expressed his appreciation of Chair Bagley.

15. Comments from the Public

There is none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 9:36 A.M.

ATTEST:


ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

For 
ACQUANNETTA WARREN, Chair