

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

REGULAR MEETING

9:00 A.M.

SEPTEMBER 20, 2023

PRESENT:

COMMISSIONERS:

Regular Member

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

Alternate Member

Jim Harvey
Kevin Kenley

STAFF:

Samuel Martinez, Executive Officer
Paula de Sousa, Legal Counsel
Michael Tuerpe, Assistant Executive Officer
Arturo Pastor, Analyst
Rebecca Lowery, Acting Commission Clerk
Tom Dodson, Environmental Consultant

ABSENT:

COMMISSIONERS:

Regular Member

Phill Dupper

Alternate Member

Rick Denison
Dawn Rowe

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –
9:03 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 Regular Meeting of August 16, 2023

3. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Officer's Expense Report for Procurement Card

Purchases from July 25 to August 22, 2023.

4. Ratify Payments as Reconciled and Note Revenue Receipts for the Month of July 2023

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

5. Ratify Action of the Commission Chair Warren's Appointment of Voting Delegate and Alternate Voting Delegate for the CALAFCO Conference

Recommendation: Staff recommends that the Commission ratify the authorization and revise the naming of Vice Chair Steven Farrell and the voting delegate and Jim Bagley as the alternate voting delegate.

6. Consent Items Deferred for Discussion

Executive Officer Samuel Martinez provides a minor correction to the minutes under public comment indicating Mr. Maya spoke on behalf of Item 5, not Item 4 as noted in the minutes.

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

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

DISCUSSION ITEM:

Executive Officer Samuel Martinez requests moving the agenda items out of order and taking the one Discussion item first prior to the Public Hearing items as it contains information that would be a good introduction and segue to the four service contract items.

Commissioner Hagman arrives at the dais at 9:20 a.m.

11. Discussion on Government Code Section 56133 and Policy and Procedure Manual, Section IV, Chapter 2 (Out-of-Agency Service Contracts)

Recommendation: Staff recommends that the Commission:

1. Receive and file this report.
2. Provide staff with any direction on its Policies and Procedures related to Government Code Sections 56133 and 56133.5.

Chair Warren states the item is to receive and file and requires no action from the Commission.

PUBLIC HEARING ITEMS:

7. LAFCO SC#508 – Cucamonga Valley Water District Irrevocable Agreement to Annex for Sewer Service – 8545 Pecan Avenue (APN 0229-171-02)

Recommendation: Staff recommends that the Commission approve LAFCO SC#508 by taking the following actions:

1. For environmental review, take the following actions as a responsible agency:
 - a) Certify that the Commission, staff, and environmental consultant, have independently reviewed and considered the City of Rancho Cucamonga’s Notice of Exemption (“NOE”) package approving a Class 32 Categorical Exemption (Infill Development Project) to develop a 103,945 sq. ft. warehouse distribution facility on approximately 4.75 acres and found it to be adequate for the Commission’s use as Responsible Agency;
 - b) The Commission has considered the City’s NOE and the minimal environmental effects of the project and finds the information adequate for the Commission’s use for its authorization of said service agreement;
 - c) 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 City of Rancho Cucamonga and/or others, not the Commission; and are self-mitigating through the Conditions of Approval; and,
 - d) Direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve SC#508 authorizing the Cucamonga Valley Water District to extend sewer service outside its boundaries to Assessor Parcel Number 0229-171-02; and,
3. Adopt LAFCO Resolution #3383 setting forth the Commission’s determinations and approval of the agreement for service outside the Cucamonga Valley Water District’s boundaries.

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

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

8. LAFCO SC#510 - City of Redlands OSC 23-03 for Water and Sewer Service (APNs 0298-391-01, -03, -09, and -10)

Public Comment: Jan Orbaker, Mentone Chamber of Commerce.

Recommendation: Staff recommends that the Commission approve LAFCO SC#510 by taking the following actions:

1. Certify that LAFCO SC#510 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#510 authorizing the City of Redlands to extend water and sewer service outside its boundaries to Assessor Parcel Numbers 0298-391-01, 0298-391-03, 0298-391-09, and 0298-391-10.
3. Adopt LAFCO Resolution #3382 setting forth the Commission's determinations and approval of the agreement for service outside the City of Redlands' boundaries.

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

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

9. LAFCO SC#513 - City of San Bernardino Irrevocable Agreement to Annex No. 2023-372 for Sewer Service (APN 0267-021-02)

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

1. Certify that LAFCO SC #513 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 #513 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Number 0267-021-02.
3. Adopt LAFCO Resolution #3381 setting forth the Commission's determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

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

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

Commissioner Baca leaves the dais at 10:03 a.m.

Chair Warren leaves the dais at 10:05 a.m. Vice Chair Farrell takes over as Chair for the remainder of the LAFCO proceedings.

10. LAFCO SC#514 – City of Chino Pre-Annexation and Development Agreement for Sewer Service (Yorba Villas, LLC; APNs 1013-211-21 & 1013-211-22)

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

1. For environmental review as a responsible agency:

- a. Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City of Chino's Addendum #1 and the County's Complete Final Environmental Impact Report (EIR) for the Yorba Villas Residential Project (SCH# 2021060049) that includes a County Policy Plan Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR), Zoning Amendment from Single Residential 1-Acre Minimum (RS-1) to Single Residential (RS), Planned Development Permit to Allow for Reduced Setbacks from County Development Code Standards, and Tentative Tract Map (TTM #20394) to Subdivide the Project Site into a 45-Unit Residential Housing Tract and two Lettered Lots on Approximately 13.35 Acres;
 - b. Determine that the City's Addendum #1 and the County's Complete Final EIR for the Yorba Villas Residential Project are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO SC#514;
 - c. 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 and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
 - d. Direct the Executive Officer to file a Notice of Determination within five (5) days of this action.
2. Approve LAFCO SC#514 authorizing the City of Chino to extend sewer service outside its boundaries to Tentative Tract 20394, proposed for a 45-unit residential subdivision on Assessor Parcel Numbers 1013-211-21 and 1013-211-22; and,
 3. Adopt LAFCO Resolution #3384 setting forth the Commission's determinations and approval of the agreement for service outside the City of Chino's boundaries.

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

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

INFORMATION ITEMS:

12. Legislative Update Report

Executive Officer Samuel Martinez states he has no legislative report for today.

13. Executive Officer's Report

Executive Officer Samuel Martinez notes the Commission meeting schedule for the remainder of the calendar year. He notes that the month of October will be dark due to the CALAFCO Conference and that the Commission will return for a November meeting.

Executive Officer Samuel Martinez informs the Commission that staff is processing the service review of the Barstow Cemetery District. He also informs the Commission that staff has attended the CA Department of Conservation's training session on Williamson Act Contracts.

14. Commissioner Comments

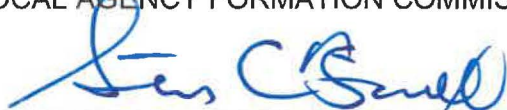
There are none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:22 A.M.

ATTEST:

for : 
ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION


for : ACQUANETTA WARREN, Chair