

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

REGULAR MEETING

9:00 A.M.

FEBRUARY 21, 2024

PRESENT:

COMMISSIONERS:

Regular Member

Jim Bagley
Kimberly Cox
Phil Dupper
Steven Farrell, Vice Chair
Acquanetta Warren, Chair

Alternate Member

Rick Denison
Jim Harvey
Kevin Kenley

STAFF:

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

ABSENT:

COMMISSIONERS:

Regular Member

Joe Baca, Jr.
Curt Hagman

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. Comments from the Public

There are none.

CONSENT ITEMS:

2. Approval of Minutes for Regular Meeting of January 17, 2024

3. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Officer's Expense for Procurement Card Purchases from November 23, 2023, to December 22, 2023 and December 23, 2023 to January 22, 2024.

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

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

5. Consent Items Deferred for Discussion (None)

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

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

PUBLIC HEARING ITEMS:

Commissioner Bagley arrives at 9:07am.

6. LAFCO SC#502 – City of San Bernardino Irrevocable Agreement to Annex No. 2022-369 for Sewer Service:

Recommendation: Staff recommends that the Commission approve LAFCO SC#502 by taking the following actions:

1. Certify that LAFCO SC#502 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#502 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Numbers 0271-0131-03 and 0271-031-04.
3. Adopt LAFCO Resolution #3393 setting forth the Commission's determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

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

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

7. LAFCO SC#518 – City of Rialto Extraterritorial Wastewater Agreement (ASG Development Advisors)

Recommendation: Staff recommends that the Commission approve LAFCO SC#518 by taking the following actions:

1. For environmental review as a responsible agency:
 - a. Certify that the Complete Final Environmental Impact Report (EIR) and other related environmental documents prepared by the County of San Bernardino for

the Slover/Cactus Avenue Warehouse Project (SCH No. 2019039033) 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 County of San Bernardino is adequate for the Commission's use as a California Environmental Quality Act (CEQA) Responsible Agency for its determinations related to LAFCO SC#518;
 - c. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the Slover/Cactus Avenue Warehouse Project, and that the mitigation measures identified for the project are the responsibility of the County and others, not the Commission;
 - d. Adopt the Facts, Findings and Statement of Overriding Considerations regarding environmental effects from approval of LAFCO SC#518; and,
 - e. Direct the Executive Officer to file a Notice of Determination for LAFCO SC#518 within five days.
2. Approve LAFCO SC#518 authorizing the City of Rialto to extend sewer service outside its boundaries to Assessor Parcel Number 0257-071-70; and,
 3. Adopt LAFCO Resolution No. 3394 setting forth the Commission's determinations and approval of the agreement for service outside the City of Rialto's boundaries.

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

Ayes: Bagley, Cox, Dupper, Farrell, and Warren.

Noes: None.

Absent: Baca and Hagman.

8. LAFCO SC#519 – City of Chino Covenant Agreement to Annex for Sewer Service (Chino East End Industrial, LLC)

Recommendation: Staff recommends that the Commission approve LAFCO SC#519 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 County of San Bernardino's Notice of Exemption ("NOE") package approving a Class 3 Categorical Exemption (New Construction or Conversion of Small Structures) for a Minor Use Permit to construct a vehicle wholesale auction facility and vehicle storage yard on approximately nine acres and found it to be adequate for the Commission's use as Responsible Agency;
 - b) The Commission has considered the County'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 County 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#519 authorizing the City of Chino to extend sewer service outside its boundaries to the project area, Assessor Parcel Numbers 1013-271-01 and 1013-261-17; and,
 3. Adopt LAFCO Resolution No. 3395, setting forth the Commission's determinations and conditions of approval of the agreement for service outside the City of Chino's boundaries.

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

Ayes: Bagley, Cox, Dupper, Farrell, and Warren.

Noes: None.

Absent: Baca and Hagman.

9. For LAFCO 3263 and LAFCO 3264:

- A. Consideration of (1) CEQA Exemption for LAFCO 3263; and (2) LAFCO 3263 – Sphere of Influence Amendment (Expansion) for West Valley Water District
- B. Consideration of (1) CEQA Exemption for LAFCO 3264; and (2) LAFCO 3264 – Annexation to West Valley Water District (APN 0254-192-02 – GATX Corporation)

Recommendation: Staff recommends that the Commission approve LAFCOs 3263 and 3264 by taking the following actions:

1. With respect to environmental review for LAFCO 3263 and LAFCO 3264:
 - a) Certify that LAFCO 3263 and LAFCO 3264 are exempt from the provisions of the California Environmental Quality Act, and
 - b) Direct the Executive Officer to file the Notices of Exemption within five (5) days.
2. For LAFCO 3263 (Sphere Amendment):
 - a) Determine that the proposed sphere of influence amendment, submitted under the provisions of Government Code Section 56428, does not require a service review;
 - b) Approve the sphere of influence amendment (expansion) for the West Valley Water District;
 - c) Affirm the description of the functions and services for the West Valley Water District, as identified in the *LAFCO Policy and Procedure Manual*; and,

- d) Adopt LAFCO Resolution No. 3396 reflecting the Commission's determinations for the sphere of influence amendment as identified.

3. For LAFCO 3264 (Annexation):

- a) Approve LAFCO 3264, with the standard terms and conditions that include, but not limited to, the "hold harmless" clause for potential litigation costs by the applicants.
- b) Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the annexation proposal; and,
- c) Adopt LAFCO Resolution No. 3397 setting forth the Commission's determinations and conditions for LAFCO 3264.

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

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

10. LAFCO 3265 – Annexation to the Bighorn-Desert View Water Agency and its Improvement Zone CSA 70 W-1 (APN 0631-071-29)

Recommendation: The staff recommends that the Commission approve LAFCO 3265 by taking the following actions:

- 1. For environmental review, certify that LAFCO 3265 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 3265, with the condition for the "hold harmless" clause for potential litigation costs, continuation of fees, charges, assessments, etc.;
- 3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the annexation; and,
- 4. Adopt LAFCO Resolution No. 3391 setting forth the Commission's determinations and conditions of approval concerning LAFCO 3265.

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

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

DISCUSSION ITEM:

**11. Review and Accept Audit Report for Fiscal Year Ended June 30, 2023
(TAKEN OFF CALENDAR)**

INFORMATION ITEMS:

12. Legislative Oral Report

Executive Officer Samuel Martinez states he has no legislative report. He notes that the indemnification bill has been introduced and that he will be requesting the Commission's support on the bill in April along with a number of recommendations.

13. Executive Officer's Oral Report

Executive Officer Martinez states that there will be no March meeting and that the next meeting will be in April. He also makes note that the Commission's Governance Training on Ethics AB 1234 Compliance was held earlier this month stating that the Commission sponsored 10 attendees for that training. He concludes his report that the CALAFCO January Newsletter is attached to the staff report and that the weblink to the new Cortese-Knox-Hertzberg (CKH) Guide is on the staff report, which is available on the LAFCO website.

14. Commissioner Comments

Commissioner Bagley provides comments on the indemnification bill language.

15. Comments from the Public


There is none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 9:37 A.M.

ATTEST:


ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION


ACQUANNETTA WARREN, Chair