

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

REGULAR MEETING

9:00 A.M.

MAY 15, 2024

PRESENT:

COMMISSIONERS:

Regular Member

Jesse Armendarez

Joe Baca, Jr.

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

Curt Hagman

Alternate Member

None

**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 and Special District Commissioners

Commission Clerk administers the Oath of Office for Commissioners Acquanetta Warren and Kimberly Cox.

2. Reappointment of Alternate Public Member

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

Ayes: Armendarez, Baca, Cox, Dupper, Farrell, and Warren.

Noes: None.
Abstain: Bagley.
Absent: Hagman (Armendarez voting in his stead).

Commission Clerk administers the Oath of Office for Commission Jim Harvey.

3. Selection of Chair and Vice Chair

Commissioner Dupper nominates to continue with the current Chair (Warren) and Vice Chair (Farrell). Second by Commission Cox. The motion passes with the following roll call vote:

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

4. Public Comments on Closed Session

There are none.

5. Convene Closed Session

Conference Room Adjacent to the Event Center Auditorium

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

- A. Conference with Legal Counsel – Significant Exposure to Litigation (Government Code Section 54956.9(d)(2) – 1 Potential Case
- B. Conference with Real Property Negotiators (Government Code Section 54956.8)

Property: Norton Regional Event Center, 1601 E. 3rd Street, San Bernardino
Agency Negotiator: Samuel Martinez, LAFCO Executive Officer
Negotiating Party: Inland Valley Development Agency
Under Negotiation: Price and Terms of Lease

6. Reconvene Public Session

Legal Counsel Paula de Sousa states there is no reportable action taken in Closed Session.

7. Comments from the Public

There are none.

CONSENT ITEMS:

- 8. Approval of Minutes for Regular Meeting of April 17, 2024**
- 9. Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Officer's Expense for Procurement Card Purchases from March 23, 2024, to April 22, 2024.

10. Ratify Payments as Reconciled for the Month of March 2024 and Note Revenue Receipts

Recommendation: Ratify payments as reconciled for the month of March 2024 and note revenue receipts for the same period.

11. Review and Approve Amendment No. 1 to the Agreement for Services with Rebecca Lowery

Recommendation: Staff recommends that the Commission approve Amendment No. 1 to the Agreement for Services between LAFCO and Rebecca Lowery and authorize the Executive Officer to sign.

12. 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: Armendarez, Baca, Bagley, Cox, Dupper, Farrell, and Warren.

Noes: None.

Abstain: None.

Absent: Hagman (Armendarez voting in his stead).

PUBLIC HEARING ITEMS:

13. LAFCO SC#523 -- City of San Bernardino Irrevocable Agreement to Annex No. 2022-368 for Sewer Service (APNs 0262-021-09 & 0267-021-13)

1. For environmental review as a responsible agency:
 - a. Certify that the Commission and its staff have reviewed and considered the environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a Conditional Use Permit to construct a truck terminal with a 28,680 sq. ft. cargo terminal on a total of approximately 9.2 acres, and found them to be adequate for Commission use;
 - b. 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 implementation of the Conditions of Approval; and,
 - c. Note that this proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as CEQA Lead Agency and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.

2. Approve LAFCO SC#523 authorizing the City of San Bernardino to extend sewer service outside its corporate boundaries to Assessor Parcel Numbers 0262-021-09 and 0267-021-13; and,
3. Adopt LAFCO Resolution No. 3402 setting forth the Commission's determinations and approval of the agreement for sewer service outside the City of San Bernardino's boundaries.

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

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

14. LAFCO SC#524 – City of San Bernardino Irrevocable Agreement to Annex No. 2024-375 for Sewer Service (APN 0265-221-23)

Recommendation: Staff recommends that the Commission approve LAFCO SC#524 by taking the following actions:

1. Certify that LAFCO SC#524 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#524 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Number 0265-221-23.
3. Adopt LAFCO Resolution No. 3401 setting forth the Commission's determination 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 Farrell. The motion passes with the following roll call vote:

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

15. Review and Adoption of Amendments to LAFCO Policy and Procedure Manual, Section II – (Internal Operations, Accounting, and Financial) and Section III (Human Resources)

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. 3403 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 Baca moves to approve staff recommendations. Second by Commissioner Cox. The motion passes with the following roll call vote:

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

16. Review and Adoption of Schedule of Fees, Deposits, and Charges Effective July 1, 2024

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, 2024.
3. Adopt LAFCO Resolution No. 3404 reflecting the Commission's determinations related to the Schedule.

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

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

Absent: Hagman (Armendarez voting in his stead).

17. Review and Adoption of Final Budget for Fiscal Year 2024/25 including the Apportionment for Independent Special Districts, Cities and Counties

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

1. Adopt the Fiscal Year 2024/25 Final Budget with the apportionment of net LAFCO cost 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 Baca moves to approve staff recommendations. Second by Commissioner Cox. The motion passes with the following roll call vote:

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

DISCUSSION ITEM:

18. Update on the Barstow Cemetery District

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

1. Receive and file the update of the Barstow Cemetery District.
2. Direct staff to return to the Commission at its September 18, 2024, meeting with an update.

Presenters:

*Ashley Tarpley, General Manager, Barstow Cemetery District
Emily Helm, General Manager, Twentynine Palms Cemetery District & Consultant to Barstow Cemetery District*

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

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

INFORMATION ITEMS:

19. Legislative Update Report

Executive Officer Sam Martinez provides updates on support letters submitted last month. He states that indemnification bill SB 1209 is now on the Senate floor for its third reading and will now move to the Assembly. He concludes his report stating the CALAFCO stand-alone bill, AB 3277, passed the Assembly floor and now sits in Senate Rules waiting for committee assignments.

20. Executive Officer's Report

Executive Officer Samuel Martinez reminds the Commission that there will be no meeting for June and the next meeting will be on July 17.

21. Commissioner Comments

Commissioner Farrell states his interest in attending the Southern Region of LAFCOs meeting. Executive Officer Samuel Martinez indicates that the meeting will be via Zoom and the Zoom link will be provided to any Commissioner interested in attending.

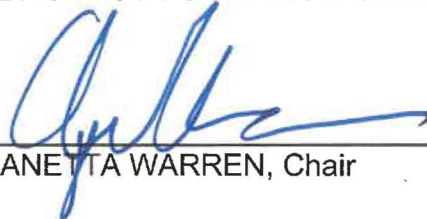
THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:18 A.M.

ATTEST:



ANGELA SOHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION



ACQUANNETTA WARREN, Chair