

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

REGULAR MEETING

9:00 A.M.

FEBRUARY 16, 2022

**PRESENT:
COMMISSIONERS:**

Regular Member	Alternate Member
Jim Bagley, Chair	Rick Denison
Joe Baca, Jr.	
Kimberly Cox	
James Curatalo	
Curt Hagman	
Larry McCallon	
Acquanetta Warren, Vice Chair	

STAFF:

**Samuel Martinez, Executive Officer
Paula de Sousa, Legal Counsel
Michael Tuerpe, Senior Analyst
Hannah Larsen, Analyst
Angela Schell, Commission Clerk**

**ABSENT:
COMMISSIONERS:**

**Dieter C. Dammeier
Steven Farrell
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

Commissioner Hagman states he has a conflict of interest arising out of a financial interest with regard to Item 8 stating he lives within 1,000 feet of the project and the proponent made a campaign contribution; therefore, he will be recusing himself for that item.

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 Counsel Paula de Sousa provides an oral announcements 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
- Conference with Legal Counsel - Existing Litigation (Government Code Section 54956.9(d)(1)) – Montecito Equities, Ltd v. San Bernardino Local Agency Formation

Commission, County of San Bernardino Superior Court Case No. CIVSB2029401

- Conference with Legal Counsel – Initiation of Litigation (Government Code Section 54956.9(d)(4)) – 1 Potential Case

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 January 19, 2022

5. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Office's Expense for Procurement Card Purchases from December 23, 2021 to January 24, 2022

6. Ratify Payments as Reconciled for the Month of December 2021 and Note Revenue Receipts

Recommendation: Ratify payments as reconciled for the month of December 2021 and note revenue receipts for the same period.

7. Consent Items Deferred for Discussion (None)

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

Ayes: Baca, Bagley, Cox, Curatalo, Hagman, McCallon, and Warren.
Noes: None.
Abstain: None.
Absent: None.

PUBLIC HEARING ITEMS:

8. LAFCO SC#478 – City of Chino Irrevocable Agreement to Annex for Sewer Service (APN 1023-011-51)

After Chair Bagley announces Item 8 and prior to the Commissions consideration of Item 8, Commissioner Hagman excuses himself from the dais and leaves the meeting room, due to his previously stated conflict of interest (financial interest since his residence is within 1,000 feet of the project area and the proponent made a campaign contribution) noted on the record.

Recommendation: Staff recommends that the Commission approve LAFCO SC#478 by taking the following actions:

1. For Environmental review as a responsible agency:
 - a. Certify that the Commission, its staff, and its Environmental Consultant have reviewed and considered the environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a General Plan Amendment and Conditional Use Permit for a 3-story residential care facility consisting of 109 units on approximately 3.16 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 on 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 Lead 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#478 authorizing the City of Chino to extend sewer service outside its boundaries to Assessor Parcel Number 1023-011-51; and
 3. Adopt LAFCO Resolution #3345 setting forth the Commission's determinations and approval of the agreement for service outside the City of Chino's boundaries.

Commissioner Warren moves approval of staff recommendations. Second by Commissioner Cox. The motion passes with the following roll call vote:

*Ayes: Baca, Bagley, Cox, Curatalo, McCallon, and Warren.
 Noes: None.
 Abstain: Hagman (recused).
 Absent: None.*

Commissioner Hagman enters the meeting room and rejoins the Commission at the dais following the Commission's action.

DISCUSSION ITEMS:

9. Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for Barstow Fire Protection District and the City of Barstow (CONTINUED FROM THE NOVEMBER 17, 2021 MEETING)

Recommendation: Staff recommends that the Commission:

1. Receive and file this report; and,
2. Cease monitoring of the City of Barstow and its subsidiary district, the Barstow Fire Protection District.

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

*Ayes: Baca, Bagley, Cox, Curatalo, Hagman, McCallon, and Warren.
 Noes: None.
 Abstain: None.
 Absent: None.*

10. Review and Consider Methods on Additional Contributions towards LAFCO's Net Pension Liability

Recommendation: The Commission modifies staff's recommendation to be:

Budget for additional contributions to SBCERA in order to pay down the Commission's share of the pension plan's net pension liability by a static amount of \$50,000 beginning with the FY 2022-23 budget with annual increases tied to the CPI for the Riverside-San Bernardino-Ontario Region, not to exceed 5%.

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

Ayes: Baca, Bagley, Cox, Curatalo, Hagman, McCallon, and Warren.

Noes: None.

Abstain: None.

Absent: None.

Commissioner Hagman leaves the dais at 10:32 am following the vote on Item 10.

11. Review and Accept the 2021 Mapping of the Disadvantaged Unincorporated Communities for San Bernardino County

Recommendation: Staff recommends that the Commission:

1. Approve the updated maps showing the 2021 Disadvantaged Unincorporated Communities for cities/towns;
2. Direct the Executive Officer to provide the Disadvantaged Unincorporated Communities maps to each of the respective City/Town Managers and LAFCO contact for each city/town; and,
3. Direct staff to use the same methodology and the same 2021 data to generate the Disadvantaged Unincorporated Communities for sphere of influence updates pursuant to Government Code Section 56425(e)(2), until the next data cycle is to be generated pursuant to Commission policy.

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

Ayes: Baca, Bagley, Cox, Curatalo, McCallon and Warren.

Noes: None.

Abstain: None.

Absent: Hagman.

INFORMATION ITEMS:

12. Legislative Update Oral Report

Executive Officer Samuel Martinez states that he has no update on legislation at this time. He indicates that staff is still awaiting the final changes on the CALAFCO Omnibus bill from the Assembly Local Government Committee noting that as soon as it is introduced as a bill, he will be bringing that to the Commission for its consideration.

13. Executive Officer's Report

Executive Officer Samuel Martinez reminds the Commission that there will be a meeting in March. He also states that staff will be attending the Morongo Valley CSD Board of Directors meeting on February 16, 2022 to present the special study that the Commission reviewed and considered at last month's meeting regarding the CSD.

He concludes his report with a reminder that the Commissioners will need to submit a copy of their Form 700, which is due in April.

14. Commissioner Comments

Commissioner Bagley comments about the lack of timely data from SBCERA. He states, that as the Chair, he would be happy to sign a letter as a recommendation from LAFCO for more timely data from SBCERA for a more accountable process of presenting that information, not only for LAFCO but for all other agencies under LAFCO purview. He further states that this could be an action item in a future meeting. Commissioner Warren asks for clarification on whether the Commission needs to take action on Commissioner Bagley's comment.

Counsel Paula de Sousa indicates that the Commission will not be taking an action today since this was not on the agenda. She further states that the Commission can place an item on a future agenda so there can be discussion and for the Commission, if it so desires, take action or provide direction to LAFCO staff.

Commissioner McCallon makes a suggestion to have SBCERA come before the Commission and give a presentation about this particular subject. Commissioner McCallon suggests reaching out to Supervisor Rutherford, who is the County representative on SBCERA, regarding this matter.

Commissioner Bagley comments that he is happy that staff is presenting in Morongo tonight and he is glad that LAFCO is being proactive and thanks staff for their action.

15. Public Comment.

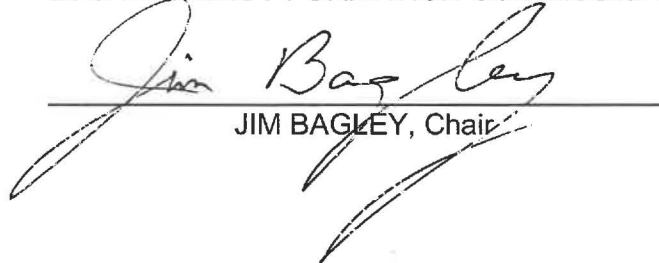
There is none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:50 A.M.

ATTEST:


ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION


JIM BAGLEY, Chair