

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

REGULAR MEETING

9:00 A.M.

JANUARY 19, 2022

PRESENT:

COMMISSIONERS:

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

STAFF:

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

ABSENT:

**Acquanetta Warren, Vice Chair
Steven Farrell
Dawn Rowe**

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –
9:00 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

ANNOUNCEMENT OF CONTRIBUTIONS

- 1. Presentation of Resolutions of Appreciation to Robert Lovingood and Janice Rutherford for their LAFCO Service as County Members, and Louisa Amis for her LAFCO Service as Alternate Public Member**

Chair Bagley presents Supervisor Janice Rutherford and Louisa Amis with a Resolution of Appreciation for their service as county member and alternate public member. Commissioners Curatalo and Baca express appreciation and thank both Supervisor Rutherford and Louisa Amis for their service and wish them both the very best.

Chair Bagley directs the clerk to add Commissioner Hagman to the roll at 9:07am.

CONSENT ITEMS:

- 2. Approval of Minutes for Regular Meeting of November 2021**
- 3. Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Officer's Expense Report for Procurement Card Purchases from October 23, 2021 to November 22, 2021 and November 23, 2021 to December 22, 2021.

4. Ratify Payments as Reconciled and Note Cash Receipts for the Months of October 2021 and November 2021 and Note Revenue Receipts

Ratify payments as reconciled for the months of October 2021 and November 2021 and note revenue receipts for the same period.

5. Review and Approve Agreement with Event Design Lab for Video Production of Commission Meetings at the Norton Regional Event Center

Recommendation: Staff recommends that the Commission

1. Approve the agreement with Event Design Lab for Video Production of LAFCO Meetings, and
2. Authorize the Executive Officer to sign the agreement.

6. Consent Items Deferred for Discussion (None)

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

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

Chair Bagley asks the Commission Clerk if there were any public comment submitted for any of the consent items. Clerk responds that there were none received.

PUBLIC HEARING ITEMS:

7. LAFCO SC#475 – City of Montclair Irrevocable Agreement to Annex No. 21-58-I-100 for Sewer Service (APN 1011-341-51)

Recommendation: Staff recommends that the Commission approve LAFCO SC#475 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 Notice of Exemption filed by the County of San Bernardino for Minor Use Permit to establish a carwash on approximately 1.04 acres;

*Commissioner Denison was inadvertently not called on to vote in Commissioner Warren's stead.

- b. Determine that the Commission has considered the less than significant environmental effects caused by approval of the service extension request and finds the information adequate for the Commission's use;
 - c. Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project and that no mitigation measures were required for this project; however, the Conditions of Approval adopted for the project will remain the responsibility of the County to implement; and,
 - d. Direct the Executive Officer to file a Notice of Exemption as CEQA Responsible Agency within five (5) days of this action.
2. Approve LAFCO SC #475 authorizing the City of Montclair to extend sewer service outside its boundaries to a proposed car wash on Assessor Parcel Number 1011-341-51.
 3. Adopt LAFCO Resolution #3342 setting forth the Commission's findings, determinations, and approval of the agreement for service outside the City of Montclair's boundaries.

Chair Bagley acknowledges the written public comment received and states that the written objection letter be noted for the record. Commissioner Hagman moves the approval of staff recommendations. Second by Commissioner McCallon. The motion passes with the following roll call vote:

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

8. LAFCO SC#476 – City of Loma Linda Irrevocable Agreement to Annex for Water and Sewer Service (APN 0293-111-15)

Recommendation: Staff recommends that the Commission approve LAFCO SC#476 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 Conditional Use Permit to construct and operate a 29,860 square-foot place of worship with related on-site facilities on approximately 5.53 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,

**Commissioner Denison was inadvertently not called on to vote in Commissioner Warren's stead.*

- 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 #476 authorizing the City of Loma Linda to extend water and sewer service outside its boundaries to Assessor Parcel Number 0293-111-15.
3. Adopt LAFCO Resolution #3343 setting forth the Commission's determinations and approval of the agreement for service outside the City of Loma Linda's boundaries.

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

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

9. LAFCO 3251 – Annexation to the Yucaipa Valley Water District (I-10 Logistics Owner, LLC)

Recommendation: The staff recommends that the Commission approve LAFCO 3251 by taking the following actions:

1. With respect to environmental review:
 - a. Certify that the complete Final Environmental Impact Report (EIR), which includes the complete Final (Recirculated) Environmental Impact Report, the complete Final Supplemental Environmental Impact Report, and the other related environmental documents prepared for the County of Riverside for the San Gorgonio Crossing project (Project), have been independently reviewed and considered by the Commission, its staff and its Environmental Consultant;
 - b. Determine that the complete Final EIR (State Clearinghouse No. 2014011009) for the Project is adequate for the Commission's use as a California Environmental Quality Act (CEQA) Responsible Agency for its determinations related to LAFCO 3251;
 - c. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the Project; that the mitigation measures identified in the County's environmental documents are the responsibility of the County and/or others, not the Commission;
 - d. Adopt the Facts, Findings and Statement of Overriding Considerations as presented by the Commission's Environmental Consultant and attached to the staff report as part of Attachment #7; and,
 - e. Direct the Executive Officer to file the Notice of Determination within five (5) days and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval of LAFCO 3251 since the County of Riverside, as CEQA lead agency, has paid said fees.

**Commissioner Denison was inadvertently not called on to vote in Commissioner Warren's stead.*

2. Approve LAFCO 3251, with the standard LAFCO terms and conditions that include the “hold harmless” clause for potential litigation costs by the applicant, and the continuation of fees, charges, and/or assessments currently authorized by the annexing agency;
3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the annexation; and,
4. Adopt LAFCO Resolution #3344, setting forth the Commission’s determinations and conditions of approval concerning LAFCO 3251.

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

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

DISCUSSION ITEMS:

10. Review and Accept Audit Report for Fiscal Year Ended June 30, 2021

Recommendation: Staff recommends that the Commission receive and file the materials submitted by Davis Farr LLP related to the Commission’s audit for Fiscal Year 2020-21.

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

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

11. LAFCO 3253 – Special Study for the Morongo Valley Community Services District

Recommendation: Staff recommends that the Commission take the following actions related to LAFCO 3253:

1. Receive and accept the Special Study for the Morongo Valley Community Services District (LAFCO 3253), as amended by staff at the hearing.
2. Direct staff to work with the Morongo Valley Community Services District on presenting this special study to the Morongo Valley community.

Comments provided by:

Curtis Yakimow, Town Manager, Town of Yucca Valley (read by Senior Analyst Michael Tuerpe)

**Commissioner Denison was inadvertently not called on to vote in Commissioner Warren’s stead.*

*Johnny Tolbert, Director-Board Member, Morongo Valley CSD
Jim Brakebill, Interim Fire Chief, Morongo Valley CSD
Christina Gorke, Director-Board Member, Morongo Valley CSD*

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

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

12. Mid-Year Financial Review for Fiscal Year 2021-22 and Consideration of Increasing Appropriation to Legal Counsel Account

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

1. Note receipt of this report and file.
2. Approve the following amendments to the FY 2021-22 Budget:
 - a. Increase Revenue Account 9970 (Carryover of Fund Balance) by \$42,072 to \$96,575 to recognize the additional carryover into FY 2021-22.
 - b. Increase Expenditure Account 2400 (Legal Counsel) by \$42,072 to \$76,272 to increase appropriation related to unrecoverable legal costs.

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

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

13. Review and Consider Methods on Additional Payment towards LAFCO's Net Pension Liability (MOVED TO THE FEBRUARY 16, 2022 MEETING)

14. Review and Accept the 2021 Mapping of the Disadvantaged Unincorporated Communities for San Bernardino County (MOVED TO THE FEBRUARY 16, 2022 MEETING)

Chair Bagley states both Items 13 and 14 are being deferred to the February meeting. Commissioner Hagman moves to defer both items to the February meeting. Second by Commissioner Baca. The motion passes with the following roll call vote:

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

**Commissioner Denison was inadvertently not called on to vote in Commissioner Warren's stead.*

INFORMATION ITEMS:

15. Legislative Update Oral Report

Executive Officer Martinez summarizes the CALAFCO Legislative priorities for 2022, as noted in the staff report.

16. Executive Officer's Oral Report

Mr. Martinez reminds the Commission that there will be a February in-person meeting and referenced the amended calendar showing the February meeting date. He also recognizes Commissioner Dammeier and LAFCO Analyst Hannah Larson for their first in-person meeting.

17. Commissioner Comments

Chair Bagley welcomes Commissioner Dammeier who introduces himself. Chair Bagley comments on the importance of the Commission's governance training program and providing a CSD 101. He states he has received a lot of inquiries from the Morongo Valley community and they do not know what the CSD does. He emphasizes on the lack of education for the community.

He also mentions that there was another resolution for retired Supervisor Robert Lovingood who was unable to make it today and would like to give him an opportunity to receive it in person. He expresses his appreciation and thanks Supervisor Lovingood for his service on the Commission and hopes all is well with him. Chair Bagley acknowledges the nice letter received from Pamela Miller, retiring Executive Director of CALAFCO, thanking the Commission for the resolution it gave her. He concludes his comments by acknowledging the presence of Kathleen Rollings-McDonald and glad to see her back in the community.

16. Comments from the Public

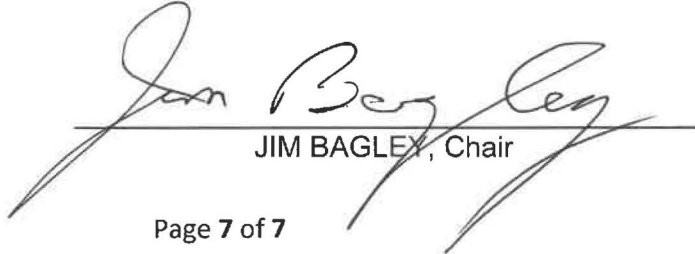
There are none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:30 A.M.

ATTEST:


ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION


JIM BAGLEY, Chair