

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

**REGULAR MEETING**

**9:00 A.M.**

**MARCH 16, 2022**

**PRESENT:**

**COMMISSIONERS:**

<b>Regular Member</b>	<b>Alternate Member</b>
<b>Larry McCallon</b>	<b>Rick Denison</b>
<b>Joe Baca, Jr.</b>	<b>Steven Farrell</b>
<b>James Bagley, Chair</b>	
<b>Kimberly Cox</b>	
<b>James Curatalo</b>	
<b>Curt Hagman</b>	
<b>Acquanetta Warren, Vice-Chair</b>	

**STAFF:**

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

**ABSENT:**

**COMMISSIONERS:**

**Dawn Rowe  
Dieter Dammeier (resigned)**

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION  
– 9:07 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

**ANNOUNCEMENT OF CONTRIBUTIONS**

**1. PUBLIC COMMENTS ON CLOSED SESSION**

*No public comment was provided.*

**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 announcement on the matters being discussed in closed session:*

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

### **3. RECONVENE PUBLIC SESSION**

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

*Chair Bagley directs the Clerk to recognize Commissioners Baca, Cox, Curatalo and Hagman who are now present at the dais.*

### **CONSENT ITEMS:**

#### **4. Approval of Minutes for Regular Meeting of February 16, 2022**

#### **5. Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Officer's Expense Report for Procurement Card Purchases from January 23, 2022 to February 22, 2022.

#### **6. Ratify Payments as Reconciled and Note Cash Receipts for the Months of January 202**

Recommendation: Ratify payments as reconciled for the month of January 2022 and note revenue receipts for the same period.

#### **7. Consent Items Deferred for Discussion (None)**

*Commissioner Hagman asks to amend the February 16 minutes to include a statement that the applicant also made a campaign contribution as part of his conflict of interest related to Item 8. Commissioner Hagman moves the approval of the Consent Items, as amended. Second by Commissioner McCallon, with a requested correction of the misspelling of his name. 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#479 – City of San Bernardino Irrevocable Agreement to Annex No. 2021-367 for Sewer Service (APN 0262-022-07)**

Recommendation: Staff recommends that the Commission approve LAFCO SC#479 by taking the following actions:

1. For environmental review as 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 Minor Use Permit to establish a truck terminal—an overflow truck parking facility—on approximately seven 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#479 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Number 0262-022-07; and,
  3. Adopt Resolution #3347 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 approval of staff recommendations. Second by Commissioner Hagman. The motion passes with the following roll call vote:*

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

**9. LAFCO SC#480 – City of Montclair Irrevocable Agreement No. 21-86-I-107 for Sewer Service (APN 1012-411-51)**

Recommendation: Staff recommends that the Commission approve LAFCO SC#480 by taking the following actions:

1. For environmental review as 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 a Minor Use Permit to re-establish a previous land use approval to allow three developed buildings, to include a two-story 3,000 square-foot office building and two pre-fabricated metal buildings totaling 7,000 square feet on approximately 0.88-acres;
  - b. Determine that Commission has considered the minimal environmental effects caused by approval of the service extension request and finds the information substantiating the Notice of Exemption adequate for its authorization of the out-of-agency service agreement;

- 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, Conditions of Approval were adopted, which are the responsibility of the County to implement; and,
  - d. Direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC#480 authorizing the City of Montclair to extend sewer service outside its boundaries to Assessor Parcel Number 1012-411-51; and,
  3. Adopt Resolution #3348 setting forth the Commission's determinations and approval of the agreement for sewer service outside the City of Montclair's boundaries

*Commissioner Hagman moves approval of 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. Service Review for the Twentynine Palms Community (REMOVE FROM CALENDAR)**

Recommendation: Staff recommends that the Commission remove the Service Review for the Twentynine Palms Community from the calendar.

*Commissioner Warren moves approval of the staff recommendation. Second by Commissioner Curatalo. The motion passes with the following roll call vote:*

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

**11a. Preliminary Budget Review for Fiscal Year 2022-23:**

Recommendation: Staff recommends that the Commission take the following actions related to the Proposed Schedule of Fees, Deposits and Charges for Fiscal Year 2022/23:

1. Review the proposed amendments and provide staff with direction on changes, corrections, or modifications to be included.
2. Direct staff to forward the Proposed Schedule of Fees, Deposits, and Charges for FY 2022/23 to the County, all Cities/Towns, and all Independent Special Districts for their review and comments pursuant to Government Code Section 56383.
3. Schedule the final review and adoption of the Schedule of Fees, Deposits, and Charges for the May 18, 2022 hearing.

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

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

**11b. Proposed Budget and Work Plan for Fiscal Year 2022/23:**

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

1. Adopt the Proposed Budget and Work Plan for FY 2022/23 as presented by staff.
2. Direct staff to forward the adopted Proposed Budget, as may be modified at this hearing, to all the independent special district, all Cities/Towns, and the County for their comment pursuant to Government Code Section 56381
3. Schedule a public hearing for May 18, 20122 for formal:
  - a. Approval of the amendment to the Policy and Procedure Manual for Salaries and Benefits; and,
  - b. Adoption of the Final Budget for FY 2022/23
4. Authorize the Executive Officer to commence recruitment to fill a staff position due to the retirement of the LAFCO Clerk, not to exceed \$7,000 in total costs.

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

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

**DISCUSSION ITEM:**

**12. Legislation Update Report**

Recommendation: Staff recommends that the Commission:

1. Receive and file the Legislative Report;
2. Indicate its support for AB 2957 (Assembly Local Government Committee) related to the annual CALAFCO sponsored Omnibus bill;
3. Indicate its support for SB 938 (Hertzberg) which seeks to amend and consolidate the protest provisions; and,

4. Provide direction to staff on legislation of interest or future actions, if any, and authorize the Chairman to sign letters identifying these positions and direct staff to forward said letters to the appropriate recipients.

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

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

### **INFORMATION ITEMS:**

#### **13. Executive Officer's Oral Report**

Executive Officer Samuel Martinez states that the Commission will not have an April meeting and that the next meeting will be on May 18. He states that due to the cancelled CALAFCO staff workshop, the southern region LAFCOs are in the process of putting together a workshop for staff in the southern region, which will happen sometime in April.

He continues his report by stating that the Commission's strategic planning workshop will probably be scheduled for August pending finding someone to facilitate it. He concludes his report by reminding the Commission to submit their annual Form 700 before the April deadline.

Commissioner Farrell comments on the budget report in regards to the contract expiration date of 2023 for the Norton Regional Event Center facility. He states that he is pleased with the facility and asked the intentions of the Executive Officer, and if he intends to extend the contract. Mr. Martinez responds by stating that the contract is and has always been a two year contract that gets renewed every two years.

#### **14. Commissioner Comments**

Commissioner Warren announces that Pamela Miller, CALAFCO Executive Director needs our prayers and well wishes for her speedy recovery. Chair Bagley suggests that Executive Officer Martinez to send flowers and a note. He thanks Commissioner Warren for bringing this up to the Commission's attention.

Commissioner Farrell acknowledges that perhaps this is Commissioner Curatalo's last meeting. Commissioner Curatalo expresses his gratitude to serve on LAFCO and to represent the county of San Bernardino and special districts. He also comments that there were many commissioners that he had the pleasure and honor to serve with. He further comments that he has had the honor to serve as Chair on the Commission and he has valued the relationships the Commissioners have with one another as well as everything he has learned. He concludes his comments by wishing this the best for the Commission. He also acknowledges that Commissioner Farrell has put in for the Regular Voting member and expresses to him that he has been an excellent member as an alternate and that he will be successful and continue to do a great job if voted in

as the regular Special Districts Member. Commissioner Farrell responds that Commissioner Curatalo has inspired him and has been a great mentor. He further expresses his appreciation for the support, welcoming spirit and leadership that he has shown.

Chair Bagley thanks Mr. Curatalo for his service. Lastly, Commissioner Curatalo states his appreciation for Commissioner Cox's support as a partner representing Special Districts.

**15. Comments from the Public**

Dr. Denise Meek, representing, Save The Barstow Cemetery Group, provides concerns and complaints regarding the Barstow Cemetery Renovation.

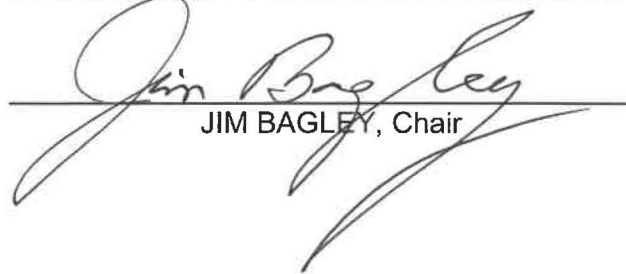
Chair Bagley adjourns the meeting until the May 18 meeting.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:35 A.M.**

ATTEST:

  
ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

  
JIM BAGLEY, Chair