

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

REGULAR MEETING

9:00 A.M.

MAY 19, 2021

The Commission conducts the meeting virtually by videoconference (via Zoom) and teleconference (via Zoom phone) and broadcast live via YouTube live stream in compliance with the Governor's Executive Order N-29-20 in response to the COVID-19 pandemic.

PRESENT:

COMMISSIONERS:

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

STAFF:

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

ABSENT:

None

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

Chair McCallon makes an announcement regarding the meeting/hearing being conducted via videoconference and teleconference as well as broadcast live via YouTube in compliance with waivers to certain Brown Act provisions under the Governor's Executive Orders due to the COVID-19 Coronavirus pandemic.

ANNOUNCEMENT OF CONTRIBUTIONS

1. Swear in Regular County Commissioner

Supervisor Curt Hagman is sworn-in and the oath of office is administered.

2. Selection of Chair

Commission McCallon moves to nominate Jim Bagley as Chair. Second, by Commission Cox. Commissioner Cox motions to close the nomination. The motion passes with the following roll call vote:

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

2. Selection of Vice Chair

Commission McCallon moves to nominate Acquanetta Warren as Vice Chair. Second, by Commission Hagman. Commissioner Cox motions to close the nomination. The motion passes with the following roll call vote:

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

ANNOUNCEMENT OF CONTRIBUTIONS

3. PUBLIC COMMENTS ON CLOSED SESSION

No public comment was provided.

4. CONVENE CLOSED SESSION – 9:16 A.M.

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

5. RECONVENE PUBLIC SESSION -- 10:37 A.M.

LAFCO Legal Counsel indicates there is no reportable action from Closed Session.

CONSENT ITEMS:

6. Approval of Minutes for Regular Meeting of March 17, 2021

7. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Office's Expense for Procurement Card Purchases from February 23, 2021 to March 22, 2021 and March 23, 2021 to April 22, 2021.

8. Ratify Payments as Reconciled and Note Cash Receipts for the Months of February and March 2021 and Note Revenue Receipts

Recommendation: Ratify payments as reconciled for the months of February 2021 and March 2021 and note revenue receipts for the same period.

9. LAFCO SC#464 – City of Upland Sewer Service Agreement No. 2021-5-01

Recommendation: Staff recommends that the Commission approve LAFCO SC#464 by taking the following actions:

1. Certify that LAFCO SC#464 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 #464 authorizing the City of Upland to extend sewer service outside its boundaries to Assessor Parcel Numbers 1003-091-47.
3. Adopt LAFCO Resolution #3330 setting forth the Commission's determinations and approval of the agreement for service outside the City of Upland's boundaries.

10. Review and Approval of Lease Agreement at the Norton Regional Event Center for use of Commission Meetings

Staff recommends that the Commission approve the contract amendment with the Inland Valley Development Agency that extends the agreement for another two years and authorize the Executive Officer to sign the Second Amendment to License Agreement.

11. Consent Items Deferred for Discussion (None)

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

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

PUBLIC HEARING ITEMS:

12. Third Quarter Financial Review for FY 2020-21

Recommendation: Staff recommends that the Commission note receipt of this report and file.

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

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

13. Review and Adoption of Schedule of Fees, Deposits, and Charges Effective July 1, 2021

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, 2021.
 3. Adopt LAFCO Resolution No. 3331 reflecting the Commission's determinations related to the Schedule.

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

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

14. Review and Adoption of Amendments to LAFCO Policy Procedure Manual 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 Procedural Manual as presented.
2. Adopt the amendments to the Policy and Procedure Manual, Section III (Human Resources).
3. Adopt Resolution No. 3332 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 Cox points out a correction to the staff report related to the Retirement Medical Trust Fund contribution percentages, which was verified as correct in the Resolution Exhibit A.

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

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

15. Review and Adoption of Final Budget for Fiscal Year 2021-22

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

1. Adopt the Fiscal Year 2021-22 Final Budget as presented including:
 - a. Making the finding, as required by Government Code Section 56381, that the approval of a budget less than that adopted for Fiscal Year 2020-21 for the upcoming fiscal year will allow the Commission to fulfill its obligations under Government Code Section 56000 et seq; and,
 - b. Direction that the apportionment of net LAFCO costs 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 Hagman moves to approve staff recommendations. Second by Commissioner Baca Jr. The motion passes with the following roll call vote:

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

DISCUSSION ITEMS:

16. Continued Monitoring for the Barstow Cemetery District related to LAFCO 3245 – Countywide Service Review for Public Cemetery Districts

Recommendation: Staff recommends that the Commission:

1. Review and file this report.
2. Schedule an update for the Barstow Cemetery District for the July 21, 2021 meeting, unless otherwise directed by the Commission.

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

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

17. Continued Monitoring for the Twentynine Palms Public Cemetery District related to LAFCO 3245 – Countywide Service Review for Public Cemetery Districts

Recommendation: Staff recommends that the Commission:

1. Receive and file this report.
2. Schedule an update for the Twentynine Palms Public Cemetery District for the September 15, 2021 meeting, unless otherwise directed by the Commission.

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

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

18. Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for San Bernardino County Fire Protection District (Continued from the March 17, 2021; to be Continued to the July 21, 2021 Meeting)

Recommendation: Staff recommends that the Commission continue this item to the July 21, 2021 meeting.

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

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

19. Adoption of Impartial Analysis for LAFCO 3244 – Reorganization to include Annexation to the Town of Apple Valley and Detachment from County Service Area 70

Recommendation: Staff recommends that the Commission approve the Impartial Analysis for LAFCO 3244 – Reorganization to include Annexation to the Town of Apple Valley and Detachment from County Service Area 70.

Commissioner Bagley asks that the acronym LAFCO be spelled out on the Impartial Analysis.

Commissioner Baca Jr., moves to approve staff recommendation together with the amendment to spell out LAFCO. Second by Commissioner Warren. The motion passes with the following roll call vote:

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

INFORMATION ITEMS:

20. Legislative Update Report

Recommendation: Staff recommends that the Commission:

1. Receive and file the Legislative Report;
2. Affirm its support for AB 1581 (Assembly Local Government Committee) related to the annual CALAFCO sponsored Omnibus bill;

3. Indicate its support for SB 13 (Dodd), the pilot program for Napa and San Bernardino Counties; 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 Cox moves to approve staff recommendation. Second by Commissioner Curatalo. The motion passes with the following roll call vote:

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

21. Executive Officer's Oral Report

Executive Officer Samuel Martinez states there will not be a June meeting, and the next scheduled meeting will be on July 21. He also states that the July 21 meeting is anticipated to be the last meeting via Zoom. He indicates he will be coordinating with the new chair on moving towards having an in person meeting following the July meeting.

Mr. Martinez notes that a new copy of the 2021 Brown Act booklet that is published by BB&K every year is provided to Commission via a link on the staff report.

22. Commissioner Comments

Commissioner Curatalo expresses his thanks to Mr. McCallon for serving as chair with capabilities, commitment, and dedication, and has always done a good job. He further congratulates Commissioners Bagley and Warren and looking forward to their continued practice of their leadership. Commissioner Curatalo also welcomes aboard the two new board of supervisors.

Commissioners Warren and Bagley also expresses their thanks to Mr. McCallon for his great service as chair.

13. Comments from the Public

There is none.

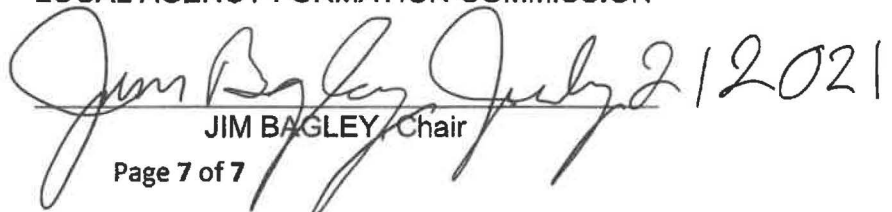
THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 11:31 A.M.

ATTEST:



ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION



JIM BAGLEY, Chair