

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

REGULAR MEETING

9:00 A.M.

MAY 18, 2022

PRESENT:

COMMISSIONERS:

Regular Member	Alternate Member
Joe Baca	Rick Denison
Jim Bagley, Chair	Kevin Kenley
Phillip Dupper	
Steven Farrell	
Curt Hagman	

STAFF:

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

ABSENT:

COMMISSIONERS:

**Kimberly Cox
Dawn Rowe
Acquanetta Warren**

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –
9:01 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

ANNOUNCEMENT OF CONTRIBUTIONS

Commissioner Baca states he has a conflict of interest on Item 11 for receiving campaign contribution made from the property owner of the project. Supervisor Hagman states that he also has a conflict of interest on Item 11 due to a campaign contribution made by the property owner as well. Legal Counsel Paula de Sousa comments that it will be stated on the record and that both Commissioners Baca and Hagman must remove themselves from the dais when agenda item 11 is presented.

- 1. Presentation of Resolutions of Appreciation to Larry McCallon for his LAFCO Service as City Member, James Curatalo for his LAFCO Service as Special Districts Member, and Dieter Dammeier for his LAFCO Service as Alternate Public Member**

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

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

Larry McCallon and Jim Curatalo express their gratitude to the Commission and staff.

2. Swear in Regular and Alternate Special District and City Commissioners

Executive Officer Samuel Martinez states that the City Selection Committee selected Phil Dupper, Mayor of City of Loma Linda, as the new Regular City Member and reappointed Rick Denison as the Alternate City Member. Executive Officer Martinez also states that the Special Districts Selection Committee selected Steve Farrell as the new Regular Special Districts member and Kevin Kenley from the Cucamonga Valley Water District as the Alternate Special Districts member.

Clerk administers the Oath of Office for Phil Dupper, Rick Denison, Kevin Kenley and Steve Farrell. Chair Bagley welcomes Commissioners Dupper and Kenley and asks that they join the Commission at the dais.

Commissioners Dupper and Kenley express their comments of appreciation and the opportunity to serve on the Commission.

3. Reappointment of Regular Public Member

Commissioner Hagman moves the approval of Reappointment of Jim Bagley as Regular Public Member. Second by Commissioner Dupper. The motion passes with the following roll call vote:

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

4. Interview and Select Alternate Public Member

*Alternate Public Member Candidates:
Dr. Dwayne Williams Sr.
James Harvey
Louisa Amis*

Commissioner Denison moves to select Jim Harvey as the Alternate Public Member. Second by Commissioner Hagman. The motion passes with the following roll call vote:

*Ayes: Baca, Dupper, Farrell, Hagman, Denison and Kenley.
Noes: None.
Abstain: None.
Absent: Cox (Kenley voting in her stead) and Warren (Denison voting in her stead).*

Clerk administers the Oath of Office for James Harvey and Chair asked that he join the Commission at the dais.

5. Selection of Chair and Vice-Chair

Commissioner Hagman moves the approval of Reappointment of Commissioner Bagley as Chair and and Commissioner Warren as Vice Chair. Second by Commissioner Dupper. Commissioner Hagman moves to close the nomination. Second by Commissioner Denison. The motion passes with the following roll call vote:

Ayes: Baca, Dupper, Farrell, Hagman, Denison and Kenley.
Noes: None.
Abstain: Bagley.
Absent: Cox (Kenly voting in her stead) and Warren (Denison voting in her stead).

CONSENT ITEMS:

6. Approval of Minutes for Regular Meeting of March 16, 2022

7. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Office's Expense for Procurement Card Purchases from February 23 to March 22, 2022 and March 23 to April 22, 2022.

8. Ratify Payments as Reconciled and Note Revenue Receipts for the Months of February and March 2022 and Note Revenue Receipts

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

9. Note Receipt of Proposal – LAFCO 3258 – Reorganization to Include Annexation to the City of San Bernardino County Fire Protection District and its Valley Service Zone, and Detachment from City of Redlands

10. Consent Items Deferred for Discussion (None)

Commissioner Dupper moves the approval of staff recommendation. Second by Commissioner Denison. The motion passes with the following roll call vote:

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

PUBLIC HEARING ITEMS:

11. LAFCO SC#484 – City of Rialto Extraterritorial Wastewater Service Agreement (Chandi Enterprises, LLC)

Paula de Sousa, General Counsel states for the record that Commissioners Baca and Hagman have left the dais due to conflicts of interest as they have stated at the beginning of the meeting.

Recommendation: Staff recommends that the Commission approve LAFCO SC#484 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 including the Addendum prepared by the County of San Bernardino for a Conditional Use Permit, Tentative Parcel Map, and Zone Amendment to establish a Commercial/Retail Center on approximately 8.9 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#484 authorizing the City of Rialto to extend wastewater service outside its boundaries to Assessor Parcel Number 0257-101-01; and,
 3. Adopt LAFCO Resolution #3349 setting forth the Commission's determinations and approval of the agreement for service outside the City of Rialto's boundaries.

Commissioner Farrell moves the approval of staff recommendation. Second by Commissioner Denison. The motion passes with the following roll call vote:

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

12. Review and Adoption of Schedule of Fees, Deposits, and Charges Effective July 1, 2022

Commissioners Baca and Hagman return to the dais.

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

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.

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

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

Commissioner Kenley leaves the dais and the meeting at 10:00 am following the vote on Item 12.

13. Review and Adoption of Amendment to LAFCO Policy and Procedure Manual Section III – Human Resources

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

1. Provide staff with additional changes, corrections or amendments to the Policy and Procedure Manual as presented;
2. Adopt the amendment to the Policy and Procedure Manual, Section III (Human Resources); and
3. Adopt Resolution No. 3351 approving the amendment to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commission's website.

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

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

14. Review and Adoption of Final Budget for Fiscal Year 2022-23

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

1. Adopt the Fiscal Year 2022-23 Final Budget with 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 cost 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 Farrell moves to approve staff recommendation. Second by Commissioner Hagman. The motion passes with the following roll call vote:

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

DISCUSSION ITEM:

15. Third Quarter Financial Review for FY 2021-22

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 Expenditure Account 2400 (Legal Counsel) by \$19,000 from \$76,272 to \$95,272 to increase appropriation related to unrecoverable legal costs.
 - b. Increase Revenue Account 9800 (LAFCO Fee) by \$19,000 from \$54,019 to \$73,019 to recognize revenues in excess of the budget.

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

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

INFORMATION ITEMS:

16. Legislative Update Report

Executive Officer Samuel Martinez states that there is no report for this month.

17. Executive Officer's Oral Report

Executive Officer Samuel Martinez reminds the Commission that there will be a June 15 meeting, no meeting in July, and a Commission Strategic Planning Workshop in August. He also states the new website is completed and recognized Hannah for the work being done. Chair Bagley thanks Hannah for her work on the website.

Chair Bagley comments on the Strategic Planning Workshop.

18. Commissioner Comments

There are none.

19. Comments from the Public

There are none.

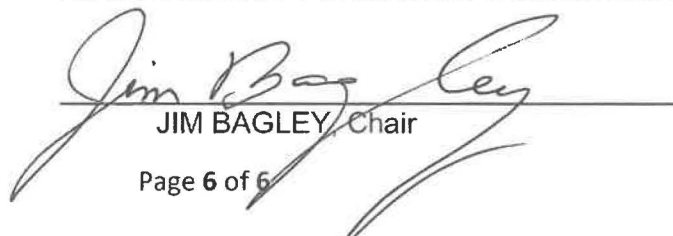
THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:10 A.M.

ATTEST:



ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION



JIM BAGLEY, Chair