

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

**REGULAR MEETING**

**9:00 A.M.**

**NOVEMBER 17, 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 Assembly Bill 361 in response to the COVID-19 pandemic.

**PRESENT:**

**COMMISSIONERS:**

<b>Regular Member</b>	<b>Alternate Member</b>
<b>Jim Bagley, Chair</b>	<b>Dieter Dammeier</b>
<b>Joe Baca Jr.</b>	<b>Rick Denison</b>
<b>Kimberly Cox</b>	<b>Steven Farrell</b>
<b>James Curatalo</b>	
<b>Curt Hagman</b>	
<b>Larry McCallon</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:**

**Dawn Rowe**

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

Chair Bagley 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. Presentation of Resolution of Appreciation to Pamela Miller for her Service as CALAFCO Executive Director**

*Chair Bagley presents Pamela Miller with a Resolution of Appreciation for her service as the Executive Director for CALAFCO. Commissioners Cox, Warren, and Curatalo thank Ms. Miller for her service. Ms. Miller acknowledges and thanks the Commission for the recognition.*

**CONSENT ITEMS:**

*Executive Officer Martinez notes a correction to Recommendation #3 for Item 7, switching out the city name from City of Chino to City of San Bernardino.*

**2. Approval of Minutes for Regular Meeting of November 2021**

**3. Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Office's Expense for Procurement Card Purchases from August 24, 2021 to September 22, 2021 and September 23, 2021 to October 22, 2021.

**4. Ratify Payments as Reconciled and Note Cash Receipts for the Months of August 2021 and September 2021 and Note Revenue Receipts**

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

**5. First Quarter Financial Review for Period July 1 through September 30, 2021**

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

**6. LAFCO SC#470 – City of Chino Irrevocable Agreement to Annex for Water and Sewer Service (APN 1019-071-32)**

Recommendation: Staff recommends that the Commission approve LAFCO SC#470 by taking the following actions:

1. Certify that LAFCO SC#470 is statutorily 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#470 authorizing the City of Chino to extend water and sewer service outside its boundaries to Assessor Parcel Number 1019-071-32.
3. Adopt LAFCO Resolution #3338 setting forth the Commission's determinations and approval of the agreement for service outside the City of Chino's boundaries.

**7. LAFCO SC#474 – City of San Bernardino Irrevocable Agreement to Annex No. 2021-366 for Sewer Service (APN 0265-191-19)**

*[As updated per Executive Officer Martinez]*

Recommendation: Staff recommends that the Commission approve LAFCO SC#474 by taking the following actions:

1. Certify that LAFCO SC#474 is statutorily exempt from environmental review and direct the Executive to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC#474 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Number 0265-191-19.

- 3. Adopt LAFCO Resolution #3341 setting forth the Commission’s determinations and approval of the agreement for service outside the City of San Bernardino’s boundaries.

**8. Consent Items Deferred for Discussion (None)**

*Commissioner Hagman moves the approval of the Consent Items as amended (switching out the city name from City of Chino to City of San Bernardino, Recommendation #3 for Item 7). Second by Commissioner McCallon. 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:**

**9. Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for Barstow Fire Protection District and the City of Barstow (CONTINUED TO JANUARY 19, 2022 MEETING)**

Recommendation: Staff recommends that the Commission continue the update for the Barstow Fire Protection District/City of Barstow for the January 19, 2022 meeting.

*Commissioner Warren moves approval of 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.*

**10. 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. Receive and file this report.
- 2. Schedule an update for the Barstow Cemetery District for the March 16, 2022 meeting unless otherwise directed by the Commission.

*Commissioner Cox moves approval of staff recommendations. 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.*

**11. Initiation of Service Review for the Twentynine Palms Community Per Request of the City of Twentynine Palms and Retaining Special Counsel for the Service Review**

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

1. Initiate the Service Review for the Twentynine Palms Community;
2. Note Ms. de Sousa's disqualification from representation on the Service Review for the Twentynine Palms Community;
3. Grant a waiver of conflict to Twentynine Palms Water District for the Service Review for the Twentynine Palms Community to use BB&K;
4. Direct staff to retain the firm of CH&W as Special counsel to represent the Commission in the matter of the Service Review for the Twentynine Palms Community and,
5. Authorize the Executive Officer to sign the agreement retaining Colantuono, Highsmith & Whatley, PC to provide legal services.

*Commissioner Warren 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.*

**12. Discussion on Conducting Future LAFCO Meetings via Teleconference or In-Person**

Recommendation: Staff recommends that the Commission:

1. Receive and file the report and the information related to AB 361; and,
2. Provide direction to staff on the following:
  - a) Whether to resume meeting in-person – if the Commission determines to resume meetings in-person, direct staff to schedule the next meeting (January 19, 2022) and all other subsequent meetings, unless otherwise thereafter determined by the Commission, at the Commission's usual meeting venue – the Norton Regional Event Center; or,
  - b) Whether to continue to have the flexibility to meet virtually (via video/teleconference) in light of the continued COVID-19 pandemic—if the Commission determines it best to continue to meet virtually (via video/teleconference), direct staff to call a special Commission meeting within 30 days prior to the January 19, 2022 Commission meeting—scheduled virtually—to consider adoption of required findings outlined in Government Code Section 54953(e).

*Commissioner McCallon moves to approve Staff Recommendations 1 and 2a. 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.

**INFORMATION ITEMS:**

**13. Legislative Update Oral Report**

Executive Officer Martinez summarizes the Legislative Update staff report noting that the Commission's pilot program bill, SB13, was signed by the Governor.

**14. Executive Officer's Oral Report**

Mr. Martinez reminds the Commission that December will be dark and the next meeting will be January 19, 2022, in-person, at the Norton Regional Event Center. He also states that the staff report includes the Commission's calendar for 2022. Mr. Martinez informs the Commission that Commissioner Warren was selected by the CALAFCO Board of Directors to be one of its officers. Mr. Martinez offers his congratulations to Commissioner Warren, and concludes his report by wishing the Commission a Happy Thanksgiving.

**15. Commissioner Comments**

Commissioner Hagman comments on the passage of the infrastructure bill in Congress and states that there may be a tremendous opportunity for agencies to apply for infrastructure grants. He encourages member agencies who may be on the edge of completing projects that now is the time to put the plans together, so that the agencies are ready when the grants come out. Commissioner Bagley wishes everyone a Happy Thanksgiving.

**16. Comments from the Public**

There are none.

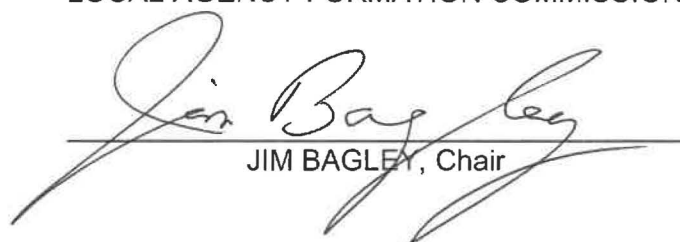
**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 9:53 A.M.**

ATTEST:



ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION



JIM BAGLEY, Chair