

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

REGULAR MEETING

9:00 A.M.

SEPTEMBER 15, 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-08-21 in response to the COVID-19 pandemic.

PRESENT:

COMMISSIONERS:

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

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 –
9:07 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

CONSENT ITEMS:

- 1. Approval of Minutes for Regular Meeting of July 21, 2021**
- 2. Approval of Executive Officer's Expense Report**

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

- 3. Ratify Payments as Reconciled and Note Cash Receipts for the Months of June and July 2021 and Note Revenue Receipts**

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

4. LAFCO SC#470 – City of Chino Irrevocable Agreement to Annex for Sewer Service (APN 1019-071-32) (REMOVE FROM CONSIDERATION; TO BE RE-NOTICED AND CONSIDERED AT THE NOVEMBER 17, 2021 MEETING)

Recommendation: Staff recommends that the Commission Remove LAFCO SC3470 from Commission consideration and direct staff to re-notice LAFCO SC#470 for the November 17, 2021 hearing.

5. Note receipt of Proposal Initiated by Landowner Petition Pursuant to Government Code Section 56857 – LAFCO 3251 – Reorganization to Include Annexation to the Yucaipa Valley Water District and its Improvement District No. 1

No action is required of the Commission other than to note receipt of the proposal.

6. Update on Countywide Service Review for Park and Recreation

Recommendation: Staff recommends that the Commission receive and file this report.

7. Consent Items Deferred for Discussion (None)

Executive Officer Martinez makes note of one minor change to Item 17 of the July minutes. He states Commissioner Curatalo’s motion was to take Item 1 as recommended in the staff report and nominated Commissioner Cox as the southern region district member representative for the CALAFCO board of directors for Item 2. Commissioner McCallon moves the approval of the Consent Items including the changes to the July minutes. Second by Commissioner Warren. The motion passes with the following roll call vote:

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

PUBLIC HEARING ITEM:

8. LAFCO 3250– Annexation to the Bighorn-Desert View Water Agency and Bighorn-Desert View Water Agency Improvement Zone CSA 70 W-1 (APN 0631-051-28)

Recommendation: Staff recommends that the Commission approve LAFCO 3250 by taking the following actions:

1. For environmental review, certify that LAFCO 3250 is exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3250, with the condition for the “hold harmless” clause for potential litigation costs, continuation of fees, charges, assessments, etc.;

**Unavailable due to technical difficulties*

3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the annexation; and,
4. Adopt LAFCO Resolution #3336, setting forth the Commission's determinations and conditions of approval concerning LAFCO 3250.

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

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

9. LAFCO SC#469 – City of Redlands OSC 19-53 for Water Service (APN 029-094-21)

Recommendation: Staff recommends that the Commission approve LAFCO SC#469 by taking the following actions:

1. Certify that LAFCO SC#469 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#469 authorizing the City of Redlands to extend water service outside its boundaries to Assessor Parcel Number 0298-095-21.
3. Adopt LAFCO Resolution 3337 setting forth the Commission's determinations and approval of the agreement for service outside the City of Redlands' boundaries.

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

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

Commissioner Cox joins the Zoom Meeting at 9:26 am.

DISCUSSION ITEMS:

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

Recommendation: Staff recommends that the Commission:

1. Receive and file this report.
2. Cease monitoring of the Twentynine Palms Public Cemetery District, unless otherwise directed by the Commission.

Commissioner McCallon 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.*

11. Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for Barstow Fire Protection District and the City of Barstow (Continued to November 17, 2021 Meeting)

Recommendation: Staff recommends that the Commission continue the update for the Barstow Fire Protection District/City of Barstow for the November 17, 2021 meeting.

Commissioner Cox 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.*

INFORMATION ITEMS:

12. Legislative Update Oral Report

Executive Officer Samuel Martinez notes that a number of bills being tracked by CALAFCO including this Commission's pilot program bill, SB 13, have now been enrolled and awaiting the Governor's signature. He states that the last day for the Governor to sign or veto a bill is October 10.

13. Executive Officer's Oral Report

Mr. Martinez reminds the Commission that the next scheduled meeting will be on November 17. He states that the CALAFCO Board cancelled the annual conference again this year and that staff already informed the Commissioners planning to attend the conference of said cancelation. He further states that the annual business meeting will still move forward as a virtual meeting and the board election will be held by electronic vote, which is done via email to the voting delegates. He also states that at the last meeting, the Commission assigned the Chair to cast its ballot for the board member election and that there is no need to take any additional action at this time.

Mr. Martinez informs the Commission that the August 31 Consolidated Mailed Ballot Election with the ballot measure for the Apple Valley annexation, LAFCO 3244, failed with one vote cast for the reorganization and 13 votes cast against the reorganization. A certificate of termination will be issued.

Mr. Martinez concludes his report by stating that he was informed, that the City of Twentynine Palms, by unanimous vote, took an action by resolution to request the Commission to do a service review for the overall Twentynine Palms community and the overlapping agencies.

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14. Commissioner Comments

There is none.

15. Comments from the Public

There is none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 9:40 A.M.

ATTEST:


ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION


JIM BAGLEY, Chair