

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION  
HEARING OF DECEMBER 16, 2009**

**REGULAR MEETING**

**9:00 A.M.**

**DECEMBER 16, 2009**

**PRESENT:**

**COMMISSIONERS:**

**Jim Bagley, Alternate  
Paul Biane**

**Kimberly Cox  
James V. Curatalo  
Neil Derry, Alternate**

**Larry McCallon  
Brad Mitzelfelt, Vice-  
Chairman  
Mark Nuaimi, Chairman  
Richard P. Pearson  
Diane Williams, Alternate**

**STAFF:**

**Kathleen Rollings-McDonald, Executive Officer  
Samuel Martinez, Senior LAFCO Analyst  
Michael Tuerpe, LAFCO Analyst  
Rebecca Lowery, Deputy Clerk to the Commission**

**ABSENT:**

**COMMISSIONERS:**

**Robert Smith, Alternate  
Clark Alsop, LAFCO Legal Counsel**

**CALL TO ORDER – 9:17 A.M.**

Chairman Mark Nuaimi calls the regular session of the Local Agency Formation Commission to order and leads the flag salute.

**ADJOURN TO CLOSED SESSION OF THE LOCAL AGENCY FORMATION COMMISSION**

**The hearing is adjourned to closed session at 9:19 a.m.**

**Personnel (Government Code Section 54957) -- Employee Evaluation – Executive Officer**

**RECONVENE REGULAR SESSION OF THE LOCAL AGENCY FORMATION COMMISSION**

Chairman Nuaimi calls the regular session of the Local Agency Formation Commission back to order at 10:25 a.m. Chairman Nuaimi states that the Commission met in closed session to consider the employee evaluation of Kathleen Rollings-McDonald, Executive Officer . He states that the reportable action from the Commission's closed session is the determination to form a three member Transition Subcommittee made up of Commissioners Biane, Nuaimi and Curatalo to assist in the interviewing, hiring and transition for the new Executive Officer following Ms. Rollings-McDonald's retirement.

Commissioner Cox moves approval of the Transition Subcommittee, second by Commissioner McCallon. Chairman Nuaimi calls for opposition to the motion. There being no opposition, the motion passes with the following vote. Ayes: Biane, Cox, Curatalo, McCallon, Mitzelfelt, Nuaimi, Pearson. Noes: None. Abstain: None. Absent: None

**CONSENT ITEMS – APPROVE STAFF RECOMMENDATIONS**

LAFCO considers the items listed under its consent calendar. The consent calendar consists of:

- Item 3. Approval of Executive Officer's Expense Report

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION  
HEARING OF DECEMBER 16, 2009**

Item 4. Ratify Payments as Reconciled for Month of November 2009 and Note Cash Receipts

A Visa Justification for the Executive Officer's expense report, as well as a staff report outlining the staff recommendation for the reconciled payments, have been provided and copies of each are on file in the LAFCO office and are made a part of the record by their reference herein.

Commissioner McCallon moves approval of the consent items, second by Commissioner Cox. Chairman Nuaimi calls for opposition to the motion. There being no opposition, the motion passes with the following vote. Ayes: Biane, Cox, Curatalo, McCallon, Mitzelfelt, Nuaimi, Pearson. Noes: None. Abstain: None. Absent: None

**DISCUSSION ITEMS:**

**RECONSIDERATION OF OCTOBER 21, 2009 ACTION ON THE CALAFCO REQUEST FOR SAN BERNARDINO LAFCO TO HOST THE 2012 CALAFCO ANNUAL CONFERENCE**

LAFCO reconsiders the October 21, 2009 action to host the 2012 CALAFCO Annual Conference. Executive Officer Kathleen Rollings-McDonald presents the staff report, a complete copy of which is on file in the LAFCO office and made a part of the record by its reference here.

Ms. McDonald states that at the November Commission hearing the Commission requested to have a discussion on the possibility of reconsidering its approval to host the 2012 CALAFCO Conference based upon the actions of the Board of Directors at the Annual. Ms. McDonald notes that she and Commissioner Pearson attended a meeting of the LAFCOs from Southern California on Friday December 11, 2009 to discuss the ramifications of the pronouncements of the CALAFCO Board regarding regionalism. The meeting discussed the potential for separation from the CALAFCO organization as it currently stands. The consensus of the group was that a new organization would be created to support the views and issues that are unique to LAFCOs in Southern California and that a formal separation from CALAFCO would be pursued. The new organization would include a legislative committee comprised of Los Angeles, Orange, Riverside, San Bernardino, Imperial and San Diego County LAFCOs. She says that the goal, as expressed at the meeting, is to create an organization that offers education, legislative support and sharing of LAFCO expertise that is tailored to the needs and character of Southern California; however, the new organization would welcome participation from other LAFCOs in the state. She adds that Ventura LAFCO has chosen to stay with CALAFCO and not join the new Southern California organization. Ms. McDonald states that she has been re-appointed to the Legislative Committee by the CALAFCO board and asks direction from the Commission as to how to proceed related to participation.

Commissioner Biane asks how the Riverside LAFCO is going to proceed since they are responsible for the 2010 CALAFCO Conference, to which Ms. McDonald responds that Riverside LAFCO felt the obligation to continue forward with their contractual obligations related to the CALAFCO conference and to work with the existing Board of Directors on the endeavor but would be joining with the Southern California LAFCOs.

Commissioner McCallon states his position that the Commission should relay to the CALAFCO Board of Directors their intent to separate and ask for a return of dues for the remainder of the fiscal year. Commissioner Biane states that he would like to know how the group is planning on budgeting for the new endeavor and what type of budget is contemplated for the next six months.

Ms. McDonald states that the funding question is not clear at this stage; however, the Orange County LAFCO has indicated that they will provide the same financial support as they currently provide for CALAFCO and Executive Officer Joyce Crosthwaite will continue to provide the educational aspects of the program. San Diego LAFCO has committed to provide the Legislative support for the endeavor.

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION  
HEARING OF DECEMBER 16, 2009**

Ms. McDonald states that a meeting has been scheduled to discuss the financial aspects of the reorganization and that she can report back to Commission once she has that information.

Commissioner Biane asks if a formal letter needs to be produced to send to the Legislature that will inform them that the existing committee no longer represents all the LAFCOs. Commissioner Curatalo asks what the new organization will be called. Ms. McDonald states that at this stage it has been presumed that each LAFCO would contact their representatives in the state legislature regarding the change following official actions by each member LAFCO and that the details of naming the group have yet to be discussed. Commissioner Curatalo asks what the north/south division line will be, to which Ms. McDonald responds that it is generally the Tehachapi Mountain Range.

Commissioner McCallon moves that the San Bernardino County LAFCO make a clean break from CALAFCO, direct the Executive Officer to tender her resignation from the CALAFCO Legislative Committee and rescind the Commission's offer of hosting the 2012 CALAFCO Annual Conference, second by Commissioner Mitzelfelt. Chairman Nuaimi calls for opposition to the motion. There being no opposition, the motion passes with the following vote. Ayes: Biane, Cox, Curatalo, McCallon, Mitzelfelt, Nuaimi, Pearson. Noes: None. Abstain: None. Absent: None

**EXECUTIVE OFFICER'S ORAL REPORT**

Executive Officer Kathleen Rollings-McDonald reports that the January Hearing will include the proposals for City of Victorville and Victorville Water District Sphere of Influence expansion, Helendale CSD Sphere establishment, the Service Reviews for the Searles Valley community, the Beaumont Cherry Valley Water District, Yucaipa Valley Water District and San Gorgonio Pass Water Agency proposals, and the mid-year budget review for FY 09-10. She says that the City of Adelanto has asked that the City of Adelanto Annexation proposal be continued once more to the April 2010 Hearing. Commissioner Mitzelfelt states that he has received information regarding the Victorville Sphere of Influence and that it may be continued to a later hearing as well.

Ms. McDonald states that LAFCO staff may receive a request for reconsideration regarding LAFCO 3067A-F, San Bernardino Islands. The public has until December 18, 2009 at close of business to submit this request. If the request is received, the Commission will hear the item at the February Hearing.

Ms. McDonald states that 2010 will be a busy year for the Commission. The LAFCO Commission public member, Mr. Richard Pearson, will be retiring from the Commission in May, so an election will be held to fill his position. In addition, the city and special districts seats are up for re-election in 2010, so LAFCO staff will be engaged with that process as well.

Commissioner Biane asks if any of the Commissioners is available to attend the meetings for the restructuring of the Southern California LAFCOs project. Ms. McDonald informs the Commission that the next meeting is scheduled for January 25 at 9 a.m. Commissioners McCallon and Nuaimi state that they are available to attend. Commissioner Biane states that Wednesday afternoons would work for his schedule for future meetings

**COMMISSIONER COMMENTS**

Chairman Nuaimi calls for comments from the Commission. There are none.

**COMMENTS FROM THE PUBLIC**

Chairman Nuaimi calls for comments from the public. There are none.

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION  
HEARING OF DECEMBER 16, 2009**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE HEARING IS ADJOURNED AT 10:46 A.M.**

**ATTEST:**

\_\_\_\_\_  
**REBECCA LOWERY,  
Deputy Clerk to the Commission**

**LOCAL AGENCY FORMATION COMMISSION**

\_\_\_\_\_  
**MARK NUAIMI, Chairman**