

**ACTION MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION
HEARING OF JULY 17, 2013**

(Video of hearing available at: <http://www.sbclafco.org/AgendaandNotices/Agendas.aspx>)

REGULAR MEETING

9:00 A.M.

JULY 17, 2013

PRESENT:

COMMISSIONERS:	Jim Bagley	James Ramos
	Kimberly Cox, Vice-Chair	Janice Rutherford, Alternate
	James Curatalo, Chair	Dawn Rowe, Alternate
	Robert Lovingood	Robert Smith, Alternate
	Larry McCallon	Diane Williams

STAFF:

Kathleen Rollings-McDonald, Executive Officer
Clark Alsop, LAFCO Legal Counsel
Samuel Martinez, Assistant Executive Officer
Michael Tuerpe, LAFCO Project Manager
Rebecca Lowery, Clerk to the Commission

ABSENT:

COMMISSIONER: Sunil Sethi, Alternate

**CONVENE REGULAR SESSION OF THE LOCAL AGENCY FORMATION
COMMISSION – CALL TO ORDER – 9:05 A.M. – SAN BERNARDINO CITY COUNCIL
CHAMBERS**

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

CONSENT ITEMS - APPROVE STAFF RECOMMENDATIONS

1. Approval of Minutes for Regular Meeting of May 15, 2013
2. Approval of Executive Officer's Expense Report
3. Ratify Payments as Reconciled for Months of May and June 2013 and Note Cash Receipts
4. Unaudited Year-End Financial Report for Fiscal Year 2012-13
5. Approval of Fiscal Year 2004-05 Financial Records Destruction Pursuant to Commission Policy
6. Review and Adoption of Resolution No. 3171 for LAFCO 3158 - Service Review and Sphere of Influence Update for the City of Needles

LAFCO considers the items listed under its consent calendar, which includes a Visa Justification, the Executive Officer's expense report and a staff report outlining the staff recommendations for the reconciled payments. Also included is the Audit Report for Fiscal Year Ended June 30, 2013. Copies of each report are on file in the LAFCO office and are made part of the record by their reference herein.

Executive Officer Kathleen Rollings-McDonald states that an update to her expense report has been presented and that the chart on page 19 of the Resolution No. 3171 is to be omitted and an updated Exhibit A has been distributed. She says that no items have been requested to be deferred for discussion.

Commissioner Cox moves approval of the consent calendar, second by Commissioner McCallon. Chairman Curatalo calls for opposition to the motion. There being no opposition, the motion passes unanimously with the following vote: Ayes: Bagley, Cox, Curatalo, McCallon, Ramos, Rutherford, Williams. Noes: None. Abstain: None. Absent: Lovingood (Commissioner Rutherford voting in his stead).

PUBLIC HEARING ITEMS:

ITEM 7. CONSENT ITEMS DEFERRED FOR DISCUSSION -- No items deferred for discussion

ITEM 8. TO BE CONTINUED TO AUGUST 21, 2013 HEARING --
CONSIDERATION OF: (1) REVIEW OF MITIGATED NEGATIVE DECLARATION
PREPARED BY THE COUNTY OF SAN BERNARDINO FOR REVISION TO APPROVED
ACTION FOR THE CONSTRUCTION AND USE OF A 29,005 SQ. FT. DINING
FACILITY, 10 CABINS EACH WITH A FLOOR AREA OF 1,872 SQ. FT., A SUSPENDED
SLIDE AT THE EXISTING LAKE, A NEW 150,000 GALLON WATER TANK THAT WILL
REPLACE THE EXISTING 50,000 GALLON TANK, AND A 1,118 SQ. FT. OFFICE FOR
AN EXISTING ORGANIZATIONAL CAMP AND ADULT CONFERENCE CENTER FOR A
MAXIMUM OF 520 GUESTS AND 55 STAFF MEMBERS ON 73.2 ACRES AS CEQA
RESPONSIBLE AGENCY FOR LAFCO SC #375; (2) REVIEW AND APPROVAL OF
ADDENDUM PREPARED BY LAFCO'S ENVIRONMENTAL CONSULTANT THAT
PROVIDES ADDITIONAL INFORMATION TO SUPPLEMENT THE MITIGATED
NEGATIVE DECLARATION ADOPTED BY THE COUNTY OF SAN BERNARDINO ON
SEPTEMBER 11, 2012 TO ADDRESS EXTENDING SEWER SERVICE TO THE
PROJECT, AS CEQA LEAD AGENCY FOR LAFCO SC#375; AND (3) LAFCO SC#375 -
RUNNING SPRINGS WATER DISTRICT OUT-OF-AGENCY SERVICE AGREEMENT
FOR SEWER SERVICE (O-ONGO INC./PALI MOUNTAIN)

LAFCO opens the public hearing and considers the staff's request for continuation of LAFCO SC#375 – Running spring Water District Out-Of-Agency Service Agreement for Sewer Service(O-Ongo Inc./Pali Mountain) to the August 21, 2013 hearing to allow for completion of the required environmental assessment.

Commissioner McCallon moves approval of the request for continuance to the August 21, 2013 hearing, second by Commissioner Cox. Chairman Curatalo calls for opposition to the motion. There being no opposition, the motion passes unanimously with the following vote: Ayes: Bagley, Cox, Curatalo, McCallon, Ramos, Rutherford, Williams. Noes: None. Abstain: None. Absent: Lovingood (Commissioner Rutherford voting in his stead).

ITEM 9. DEFINITION OF COMMUNITY AND SERVICE REVIEW FOR BAKER COMMUNITY WHICH INCLUDES CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3159; AND (2) LAFCO 3159 - SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE BAKER COMMUNITY SERVICES DISTRICT

LAFCO conducts a public hearing to consider the Definition of Community and Service Review for Baker Community that includes consideration of: (1) CEQA statutory exemption for LAFCO 3159; and (2) LAFCO 3159 - Service Review and Sphere of Influence update for the Baker Community Services District. Individual notice was provided to landowners and registered voters as well as affected and interested agencies, county departments and those individuals and agencies having requested such notification.

(It is noted the Commission Lovingood arrives at the Hearing at 9:19 a.m.)

Executive Officer Kathleen Rollings-McDonald and Project Manager Michael Tuerpe present the staff report, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here. The full recommendation is outlined on page 1 of the staff report.

The Commission modifies the staff recommendation to include: additional acreage in the expansion of the Sphere of Influence, an updated map and the retention of ambulance services under the fire protection function to read as follows:

1. Determine to affirm the Commission's definition of the Baker community, which is the sphere of influence of the Baker Community Services District.
2. Receive and file the service review for the Baker Community Services District and make the findings related to the service review required by Government Code 56430 as outlined in the staff report.
3. For environmental review certify that the sphere of influence expansions along with affirmation of the balance of the existing sphere and service description modifications to all of the authorized functions to accurately reflect the services actively provided for the Baker Community Services District (LAFCO 3159) are statutorily exempt from environmental review and direct the Clerk to file the Notice of Exemption within five (5) days.
4. For LAFCO 3159, modify the sphere of influence expansions to include additional private lands northwesterly of Interstate 15 and along State Highway 127 along with affirmation of the balance of the existing sphere for the District, and modifications to the service

description for all of the authorized functions to accurately reflect the services actively provided in the *Rules and Regulations of the Local Agency Formation Commission of San Bernardino County Affecting Functions and Services of Special Districts*, as identified in this report and retaining ambulance as an active service under its Fire Protection function.

5. Adopt LAFCO Resolution No. 3174 setting forth the Commission's findings and determinations as presented at the hearing.

Commissioner Williams moves approval of the modified staff recommendations, seconded by Commissioner Lovingood. Chairman Curatalo calls for opposition to the motion. There being no opposition, the motion passes unanimously with the following vote: Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon, Ramos, Williams. Noes: None. Abstain: None. Absent: None.

DISCUSSION ITEMS:

ITEM 10. REVIEW OF OTHER UNINCORPORATED COMMUNITIES WITHIN THE SOUTH DESERT REGION

Executive Officer Kathleen Rollings-McDonald and Assistant Executive Officer Samuel Martinez present the staff report a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here.

Staff recommends that the Commission receive and file the service review for the remainder of the unincorporated South Desert communities that are identified in the report.

Commissioner Williams moves approval of the staff recommendations, second by Commissioner Cox. Chairman Curatalo calls for opposition to the motion. There being no opposition, the motion passes unanimously with the following vote: Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon, Ramos, Williams. Noes: None. Abstain: None. Absent: None

(It is noted that Commissioner Bagley leaves the dais.)

ITEM 11. TO BE CONTINUED TO THE SEPTEMBER 18, 2013 HEARING -- STATUS REPORT ON RIM OF THE WORLD RECREATION AND PARK DISTRICT COMPLIANCE WITH LAFCO CONDITIONS ON SERVICE REVIEW

Executive Officer Kathleen Rollings-McDonald presents the staff report, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here.

Staff recommends that the Commission continue the status report for the Rim of the World Recreation and Park District to the September 18, 2013 Hearing.

Commissioner McCallon moves approval of the request for continuance to the September 18, 2013, second by Commissioner Williams. Chairman Curatalo calls for opposition to the motion. There being no opposition, the motion passes unanimously with the following

vote: Ayes: Cox, Curatalo, Lovingood, McCallon, Ramos, Williams. Noes: None.
Abstain: None. Absent: Bagley.

(It is noted that Commissioner Bagley returns to the dais.)

ITEM 12. STATUS REPORT ON TWENTYNINE PALMS CEMETERY DISTRICT COMPLIANCE WITH LAFCO CONDITIONS ON SERVICE REVIEW

(It is noted that Commissioner Williams leaves the dais.)

Executive Officer Kathleen Rollings-McDonald presents the staff report, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here.

Commissioner Cox moves approval staff recommendation to continue to monitor the District's compliance, set another status report presentation for the July 2014 hearing and notice receipt of the Status report and file, second by Commissioner Ramos. Chairman Curatalo calls for opposition to the motion. There being no opposition, the motion passes unanimously with the following vote: Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon, Ramos, Rowe. Noes: None. Abstain: None. Absent: Williams (Commissioner Rowe voting in her stead.)

(It is noted that Commissioner Williams returns to the dais.)

ITEM 13. SPECIAL DISTRICTS RISK MANAGEMENT AUTHORITY ELECTION BALLOT

(It is noted that Commissioner McCallon leaves the dais.)

Michael Tuerpe, Project Manager, presents the staff report, a complete copy of which is on file in the LAFCO office and is made a part of the record by its reference here.

Staff recommends that the Commission select incumbent Jean Bracy (Mojave Desert Air Quality Management District) to serve as Director on the Special District Risk Management Authority Board of Directors and adopt LAFCO Resolution No. 3176 reflecting that decision.

Commissioner Cox moves approval staff recommendation, second by Commissioner Lovingood. Chairman Curatalo calls for opposition to the motion. There being no opposition, the motion passes unanimously with the following vote: Ayes: Bagley, Cox, Curatalo, Ramos, Smith, Williams. Noes: None. Abstain: None. Absent: McCallon (Commissioner voting in her stead)

(It is noted that Commissioner McCallon returns to the dais.)

INFORMATION ITEMS:

ITEM 14. PENDING LEGISLATION ORAL REPORT

Executive Officer Kathleen Rollings-McDonald presents the oral report for the pending legislation noting that current amendments to AB 453 to include additional requirements related to consultation with the California Air Resources Board and effects of the RTP/SCS on the affected area are of concern. Consensus of Commission to watch legislation to be sure that amendments are included to remove objected to language; if no removal Executive Officer to coordinate with Chairman to send letter of opposition.

ITEM 15. EXECUTIVE OFFICER'S REPORT -- FY 2012-13 GRAND JURY REPORT ON NEWBERRY SPRINGS CSD AND DESIGNATION OF VOTING DELEGATE FOR 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 is made a part of the record by its reference here.

Commissioner Ramos moves approval staff recommendation to receive the San Bernardino County 2012-13 Grand Jury report related to the Newberry Springs Community Service District and to direct staff to return with a Response to the Findings at the August 2013 Hearing and Designate Chairman Curatalo as voting delegate with Executive Officer Rollings-McDonald as alternate, second by Commissioner Lovingood.

Chairman Curatalo calls for opposition to the motion. There being no opposition, the motion passes unanimously with the following vote: Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon, Ramos, Williams. Noes: None. Abstain: None. Absent: None

Commissioner Cox moves approval to select Chairman James Curatalo and Kathleen Rollings-McDonald as Voting Delegates to the CALAFCO Annual Conference, second by Commissioner Williams. Chairman Curatalo calls for opposition to the motion. There being no opposition, the motion passes unanimously with the following vote: Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon, Ramos, Williams. Noes: None. Abstain: None. Absent: None

COMMISSIONER COMMENTS

Commissioner Cox moves for an adjournment in the memory of former Commissioner Bob Colven, Second by Commissioner Lovingood. Chairman Curatalo calls for opposition to the motion. There being no opposition, the motion passes unanimously with the following vote: Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon, Ramos, Williams. Noes: None. Abstain: None. Absent: None

COMMENTS FROM THE PUBLIC

There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION,
THE HEARING IS ADJOURNED IN MEMORY OF FORMER COMMISSIONER BOB
COLVEN AT 11:11 A.M.**

ATTEST:

REBECCA LOWERY
Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

JAMES CURATALO, Chairman