

**ACTION MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION
HEARING OF AUGUST 21, 2013**

REGULAR MEETING

9:00 A.M.

AUGUST 21, 2013

PRESENT:

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

COMMISSIONERS: Larry McCallon, Sunil Sethi, Alternate

**CONVENE REGULAR SESSION OF THE LOCAL AGENCY FORMATION
COMMISSION – CALL TO ORDER – 9:04 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 July 17, 2013
2. Approval of Executive Officer's Expense Report
3. Ratify Payments as Reconciled for Month of July 2013 and Note Cash Receipts

LAFCO considers the items listed under its consent calendar, which includes a Visa Justification, and a staff report outlining the staff recommendations to continue the reconciled payments report to the September 18, 2013 Hearing. 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 no items have been requested to be deferred for discussion.

Commissioner Lovingood moves approval of the consent calendar, 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, Rowe, Williams. Noes: None. Abstain: None. Absent: Ramos, McCallon (Commissioner Rowe voting in his stead).

PUBLIC HEARING ITEMS:

Item No. 5. No items deferred for discussion.

Item No. 6. CONTINUED FROM JULY 17, 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 conducts a continued public hearing to consider LAFCO SC#375 – Running spring Water District Out-Of-Agency Service Agreement for Sewer Service(O-Ongo Inc./Pali Mountain).

(It is noted that Commissioner Rutherford arrives at the Hearing at 9:11 a.m.)

Assistant Executive Officer Samuel Martinez 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. The full recommendation is outlined on pages 1 and 2 of the staff report.

(It is noted that Commissioner Ramos arrives at the Hearing at 9:12 a.m.)

Mr. Martinez states that a supplemental staff report was sent to the Commission dated August 20, 2013 noting that information was received by LAFCO staff from a representative for Crestline-Lake Arrowhead Water Agency (CLAWA), outlining new information regarding issues with CLAWA which affects the environmental process for this project. Those items relate to a crossing of the CLAWA easement and location of the

water tank, among other items. In addition, he also states that LAFCO staff received via email additional information from a representative from Pali Mountain the evening prior to the hearing, a copy of which has been put at each Commissioners place. He says that staff is requesting a continuance of the item to the October 16, 2013 hearing.

Phil Butler, Project Manager, Pali Mountain asks the Commission to consider the project before the snow season starts in Running Springs. Commissioner Cox ask if a conditional approval can be issued, to which LAFCO Legal Counsel Clark Alsop states that a project cannot be split. Executive Officer Kathleen Rollings-McDonald states that the September hearing had been proposed to be canceled as no items were ready for consideration, so it can be rescheduled to accommodate this project.

Commissioner Lovingood makes a request for a September hearing to be held so that the item can be heard.

Commissioner Cox moves approval of the request for continuance to the September 18, 2013 Hearing, 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, Ramos, Rowe, Williams. Noes: None. Abstain: None. Absent: McCallon (Commissioner Rowe voting in his stead).

DISCUSSION ITEMS:

Item No. 7 DISCUSSION OF POLICY AND PROCEDURE MANUAL UPDATES: (A) APPOINTMENT OF STANDING AND SPECIAL COMMITTEES AND (B) REFUND OF LAFCO FILING FEE

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.

The Commission modifies the staff recommendation for Rule of Order #5 inserting the last sentence as "The agenda for any meeting shall be posted at least 72 hours prior to the Standing, Ad Hoc or Special Committee meetings".

Commissioner Cox moves approval of the amended staff recommendation to update the Policy and Procedure Manual, 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, Ramos, Rowe, Williams. Noes: None. Abstain: None. Absent: McCallon (Commissioner Rowe voting in his stead).

Item No. 8. CONSIDERATION OF RESPONSE TO 2013 GRAND JURY REPORT FINDING RELATED TO THE NEWBERRY COMMUNITY SERVICES DISTRICT

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.

The Commission asks what the costs will be to undertake an off-cycle review of the Newberry Community Services District, as well as the Yermo and Daggett Community Services Districts. The Commission directs staff to return to with more information regarding costs for study. The item is to be continued to the September 18, 2013 Hearing.

Commissioner Lovingood moves approval of the request for continuance to the September 18, 2013 Hearing, 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, Ramos, Rowe, Williams. Noes: None. Abstain: None. Absent: McCallon (Commissioner Rowe voting in his stead).

Item No. 9. NOMINATION OF COMMISSIONER ROBERT LOVINGOOD FOR THE COUNTY SEAT FOR THE SOUTHERN REGION OF THE CALIFORNIA ASSOCIATION OF LAFCOS

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 is recommending that the Commission nominate Commissioner Robert Lovingood for the County Seat for the Southern Region of the California Association of LAFCOs Board of Directors.

Commissioner Ramos moves approval of the nomination of Commissioner Lovingood for the County Seat for the Southern Region of the California Association of LAFCOs, 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, Ramos, Rowe, Williams. Noes: None. Abstain: None. Absent: McCallon (Commissioner Rowe voting in his stead).

INFORMATION ITEMS:

Item No. 10. PENDING LEGISLATION ORAL REPORT

Executive Officer Kathleen Rollings-McDonald presents the oral report for the pending legislation.

No action is required.

Item No. 11. EXECUTIVE OFFICER'S ORAL REPORT

Executive Officer Kathleen Rollings-McDonald presents the Executive Officers oral report.

No action is required.

Item No. 12. COMMISSIONER COMMENTS

There are none.

Item No. 13. COMMENTS FROM THE PUBLIC

There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION,
THE HEARING IS ADJOURNED TO THE CALAFCO ANNUAL CONFERENCE IN
SQUAW CREEK, CA, AUGUST 28 THROUGH 30, 2013 AT 10:05 A.M.**

ATTEST:

REBECCA LOWERY
Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

JAMES CURATALO, Chairman