

**ACTION MINUTES OF THE  
LOCAL AGENCY FORMATION COMMISSION  
HEARING OF MAY 21, 2014**

**REGULAR MEETING**

**9:00 A.M.**

**MAY 21, 2014**

**PRESENT:**

**COMMISSIONERS:** Jim Bagley  
Kimberly Cox, Vice-Chair  
James Curatalo, Chair  
Steve Farrell, Alternate  
Robert Lovingood

James Ramos  
Sunil Sethi, Alternate  
Acquanetta Warren  
Diane Williams

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

**ABSENT:**

**COMMISSIONERS:** Larry McCallon  
Janice Rutherford, 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.

Chairman Curatalo requests those present who are involved with any of the changes of organization to be considered today by the Commission and have made a contribution of more than \$250 within the past twelve months to any member of the Commission to come forward and state for the record their name, the member to whom the contribution has been made, and the matter of consideration with which they are involved. There are none.

**SWEAR IN CITY AND SPECIAL DISTRICT MEMBERS**

Ms. Rebecca Lowery, Clerk to the Commission, administers the Oath of Office to Acquanetta Warren, Alternate City Member, whose term of office expires in May 2018.

Ms. Lowery administers the Oath of Office to James Curatalo, Regular Special District Member, whose term of office expires in May 2018.

Ms. Lowery administers the Oath of Office to Steven Farrell, alternate special district member, whose term of office expires in May 2018.

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

**SELECTION OF PUBIC MEMBER AND SWEAR IN**

Executive Officer Kathleen Rollings-McDonald presents the staff report for the selection of Public Member, 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 Lovingood makes a motion for the selection of the incumbent James Bagley to serve as the regular public member of the Commission, seconded by Commissioner Cox. There being no opposition, the motion passes unanimously with the following vote: Ayes: Cox, Curatalo, Lovingood, Warren, Williams. Noes: None. Abstain: None. Absent: McCallon (Commissioner Warren voting in his stead), Ramos.

Ms. Rebecca Lowery, Clerk to the Commission, administers the Oath of Office to James Bagley, regular public member, whose term of office expires in May 2018.

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

**ELECTION OF CHAIR AND VICE-CHAIR FOR COMMISSION**

Executive Officer Kathleen Rollings-McDonald presents the staff report for the selection of the Chair and Vice Chair, 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 Lovingood moves to override existing policy related to the limitation of two consecutive terms for Chair and Vice-Chair due to the current unique circumstances regarding the discussion of the contract options and/or recruitment for the LAFCO Executive Officer and retain Commissioner Curatalo as Chair and Commissioner Cox as Vice-Chair, second by Commissioner Williams. There being no opposition, the motion passes unanimously with the following vote: Ayes: Bagley, Cox, Curatalo, Lovingood, Warren, Williams. Noes: None. Abstain: None. Absent: McCallon (Commissioner Warren voting in his stead), Ramos.

**CONSENT ITEMS – APPROVE STAFF RECOMMENDATION:**

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the hearing to discuss the matter.

4. Approval of Minutes for Regular Meeting of April 16, 2014
5. Approval of Executive Officer's Expense Report
6. Ratify Payments as Reconciled for Months of April 2014 and Note Cash Receipts
7. Consideration of Request for Reduction in Filing Fees Submitted by the Bighorn-Desert View Water Agency for LAFCO 3181 – Reorganization to Include Annexations to Bighorn-Desert View Water Agency, Dissolution of County Service Area 70 Zone W-1 and Formation of Improvement District for Bighorn-Desert View Water Agency

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 request for a reduction in filing fees by the Bighorn-Desert View Water Agency. 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 notes that no items have been requested to be deferred for discussion.

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

**PUBLIC HEARING ITEMS:**

**ITEM NO 8. CONSENT ITEMS DEFERRED FOR DISCUSSION**

No items deferred for discussion

**ITEM NO 9. CONTINUE TO JULY 16, 2014 HEARING: CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3179; AND (2) LAFCO 3179 – SERVICE REVIEW AND SPHERE OF INFLUENCE EXPANSION FOR COUNTY SERVICE AREA 54 (STREETLIGHTS—MOUNTAIN REGION)**

**ITEM NO. 10 CONTINUE TO JULY 16, 2014 HEARING: CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3180; AND (2) LAFCO 3180 – REORGANIZATION TO INCLUDE ANNEXATIONS TO COUNTY SERVICE AREA 54, DETACHMENT FROM COUNTY SERVICE AREA SL-1 AND DISSOLUTION OF COUNTY SERVICE AREA 73 AND ZONE A OF COUNTY SERVICE AREA 53 (STREETLIGHT REORGANIZATION FOR THE MOUNTAIN REGION)**

Chairman Curatalo opens the public hearing.

Executive Office 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. Notice of the Commission's consideration of these applications was published in a newspaper of general circulation within the area, *The Sun*, and individual notice has been provided to registered voters and landowners within the area as required by law.

She states that staff is waiting for vital information requested from Southern California Edison and Bear Valley Electric in order to complete the review on these proposals. Without that information, the matter cannot be considered; therefore staff is recommending a continuance.

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

(It is noted that Commissioner Ramos arrives at 9:23 a.m.)

**ITEM NO. 11 CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3178; AND (2) LAFCO 3178 – REORGANIZATION TO INCLUDE CITY OF REDLANDS ANNEXATION NO. 91 AND DETACHMENTS FROM THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT AND ITS VALLEY SERVICE ZONE AND COUNTY SERVICE AREA 70 AND ITS ZONE P-7 (MENTONE)**

Chairman Curatalo opens the public hearing.

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. Notice of the Commission's consideration of this application was published in a newspaper of general circulation within the area, *The Sun*, and individual notice has been provided to registered voters and landowners surrounding the area as required by law.

Mr. Martinez states that the proposal was initiated by the City of Redlands at the request of the landowner. The reorganization will include the detachment from the San Bernardino County Fire Protection District (SBCFPD) and its Valley Service Zone as well detachment from County Service Area 70 and its Zone P-7. The reorganization area includes a single parcel proposed for development of a single residence. He says that the primary reason for the annexation is to enable the property owner to receive water service from the City of Redlands. He notes that it is a requirement of "Measure U", which was approved by the City's voters in 1997 and is outlined in Chapter 13.60.030 of the City of Redlands's Municipal Code, a copy of which was included in the attachments to the staff report.

Mr. Martinez notes that the County's Department of Public Works expressed a concern that the annexation of individual parcels creates starts and stops in road maintenance, leading to a patchwork of road conditions with much confusion and disruption for service provides. He notes that in the past, the Commission has expressed concern regarding the piecemeal approach to annexations in the Mentone/Crafton communities resulting from the implementation of Measure U. Unfortunately, because of the City's Measure U requirement related to contiguous parcels, the development of the site, which requires water service from the City, requires annexation. And, given the historic opposition of these communities to annexation into the city, expansion of the reorganization area would most likely terminate the proposal. He notes that staff does not recommend the expansion of the proposal since delay would cause a disruption in the City's approval process and voter and/or landowner sentiment may terminate the proposal. He says that such a response would deny the development proposal approved by the City for the construction of a single-family residence on the lot. He states the staff is recommending that the County and the City work together to develop a contractual framework for road maintenance within the Redlands sphere of influence.

Mr. Martinez reviews the services; fire protection is currently provided by the SBCFPD and would be replaced by the City of Redlands Fire Department upon annexation; paramedic services are currently funded within the City through a special paramedic tax assessment. Upon annexation, the proposed development will be charged approximately \$40 annually. He says that law enforcement responsibly will shift from the San Bernardino County Sheriff's Department to the City of Redlands; sewage collection and water service will be provided by the City of Redlands.

Mr. Martinez notes that the Commission's Environmental Consultant, Tom Dodson has indicated

that the project is statutorily exempt from the California Environmental Quality Act (CEQA).

Mr. Martinez states that the Registrar of Voters has certified that the study area is legally uninhabited and the County Assessor's Office has verified that the area possesses 100% landowner consent to the reorganization. He says that since none of the affected agencies submitted written opposition to a waiver of protest proceedings and the Commission approves LAFCO 3178, staff is recommending that the protest proceedings be waived and that the Executive Officer be directed to complete the action following completion of the mandatory reconsideration period of 30-days.

Mr. Martinez reviews the staff recommendations.

Commissioner Cox comments on Measure U.

Sean Kelleher, Associate Planner, City of Redlands states that the City supports the annexation. Nancy Neil, property owner requests that the commission approve the annexation.

Commissioner Ramos moves approval of staff recommendations, second by Commissioner Cox. The clerk conducts a roll call vote as follows: Ayes: Bagley, Cox, Curatalo, Lovingood, Ramos, Warren, Williams. Noes: None. Abstain: None. Absent: McCallon (Acquanetta Warren voting in his stead). The item passes.

#### **ITEM NO. 12 FINAL BUDGET REVIEW AND ADOPTION FOR FISCAL YEAR 2014-15**

Chairman Curatalo opens the public hearing.

Executive Office 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. Notice of the Commission consideration of this application was published in a newspaper of general circulation within the area, *The Sun*.

Ms. McDonald states that staff circulated the proposed budget as required by law for review and comment. During the review period no comments or concerns have been received regarding the proposed budget or the apportionment. She notes that the ad hoc finance committee convened to review the recruitment timeline and is discussing the potential extension of the contract with the current executive officer. She states that the outcome of the discussion will not negatively impact the budget for FY 2014-15.

Commissioner Williams moves approval of the Final Budget, second by Commissioner Lovingood. The clerk conducts a roll call vote as follows: Ayes: Bagley, Cox, Curatalo, Lovingood, Ramos, Warren, Williams. Noes: None. Abstain: None. Absent: McCallon (Acquanetta Warren voting in his stead). The item passes.

**INFORMATION ITEMS:**

**ITEM NO. 13 LEGISLATIVE UPDATE REPORT**

No report provided.

**ITEM NO. 14 EXECUTIVE OFFICER'S REPORT:**

Executive Officer Kathleen Rollings-McDonald presents an oral report. .

**ITEM NO 15. COMMISSIONER COMMENTS**

Commissioner Bagley thanks the Commission for the opportunity to serve.

Commissioner Warren thanks the Commission for the opportunity to serve.

**ITEM NO 16 COMMENTS FROM THE PUBLIC**

There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION,  
THE HEARING IS ADJOURNED AT 9:45 A.M.**

**ATTEST:**

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**REBECCA LOWERY**  
Clerk to the Commission

**LOCAL AGENCY FORMATION COMMISSION**

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**JAMES CURATALO, Chairman**