

**DRAFT - ACTION MINUTES OF THE  
LOCAL AGENCY FORMATION COMMISSION  
HEARING OF JULY 18, 2018**

**REGULAR MEETING**

**9:00 A.M.**

**JULY 18, 2018**

**PRESENT:**

**COMMISSIONERS:**

**Louisa Amis, Alternate  
James Curatalo  
Steven Farrell, Alternate  
Acquanetta Warren, Alternate  
Diane Williams**

**Jim Bagley  
Larry McCallon  
James Ramos**

**STAFF:**

**Samuel Martinez, Executive Officer  
Kathleen Rollings-McDonald, former Executive Officer  
Paula de Sousa Mills, LAFCO Legal Counsel  
Michael Tuerpe, Project Manager  
Jeffrey Lum, LAFCO Analyst  
La Trici Jones, Commission Clerk**

**ABSENT:**

**COMMISSIONERS:**

**Kimberly Cox  
Robert Lovingood  
Janice Rutherford, Alternate**

**STAFF:**

**CONVENE REGULAR SESSION OF THE LOCAL AGENCY FORMATION COMMISSION  
– CALL TO ORDER – 9:00 A.M. – NORTON REGIONAL EVENT CENTER**

**CONSENT ITEMS – STAFF RECOMMENDATION APPROVED**

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.

- ITEM 1.** Approval of Minutes for Regular Meetings of May 16, 2018 and June 20, 2018
- ITEM 2.** Approval of Executive Officer's Expense Report
- ITEM 3.** Ratify Payments as Reconciled for Month of May 2018 and Note Cash Receipts
- ITEM 4.** Unaudited Year-End Financial Report for Fiscal Year 2017-18

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- ITEM 5.** Approval of Fiscal Year 2009-10 Financial Records Destruction Pursuant to Commission Policy
- ITEM 6.** Review and Update the Catalog of Enterprise Systems per Government Code Section 6270.5
- ITEM 7.** Consent Items Deferred for Discussion

Commissioner McCallon moves approval of the staff recommendation, Second by Commissioner Warren. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Curatalo, Farrell, McCallon, and Williams. Noes: None. Abstain: None. Absent: Cox (Farrell voting in her stead), Lovingood.

**PUBLIC HEARING ITEMS:**

- ITEM 8.      CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3227; AND (2) LAFCO 3227 – SPHERE OF INFLUENCE ESTABLISHMENT FOR THE WRIGHTWOOD COMMUNITY SERVICES DISTRICT (COTERMINOUS SPHERE OF INFLUENCE) - STAFF RECOMMENDATION APPROVED**

Executive Officer Samuel Martinez 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. The item has been advertised through publication in a newspaper of general circulation within the county, the *Mountaineer Progress*, as required by law.

Executive Officer Martinez states that it has been the practice of the Commission to establish a sphere of influence for a newly formed district within one year of its formation pursuant to the statutory direction of Government Code Section 56426.5(b). However, Government Code Section 56430(e) also requires that the Commission, in conjunction with establishing a sphere, conduct a service review.

Mr. Martinez states that at the April 2017 hearing, the Commission directed staff to defer the service review until June 2019 while moving forward to establish the District's sphere of influence. Mr. Martinez states that today staff is fulfilling that directive of establishing a sphere of influence for the Wrightwood CSD within one year of its formation.

Mr. Martinez also identified that with regard to establishing a sphere of influence following formation, it has also been the practice of the Commission that the initial sphere of influence be coterminous with the agency's boundaries. He indicated that staff also is recommending that the sphere of influence for the Wrightwood CSD be conterminous with its existing boundaries within San Bernardino County. He noted that the Wrightwood CSD straddles between Los Angeles and San Bernardino Counties. He states that it is anticipated that Los Angeles LAFCO will also be establishing a sphere of influence for the portion of the Wrightwood CSD within Los Angeles County in the near future.

He states that staff has addressed the factors required for sphere of influence reviews as outlined in Government Code Section 56425. He states that with regards to the present and

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planned uses, there are no existing agricultural uses and, because this is a sphere of influence establishment only, there are no land use changes.

Executive Officer Martinez states that the existing services in the area authorized for the Wrightwood CSD include: street lighting, park & recreation, solid waste disposal and the ability to provide wastewater limited to planning and engineering. Mr. Martinez states that from staff's perspective, provision of any additional services would be extremely challenging for the Wrightwood CSD at this time. However, the issue related to a sanitary sewer system remains a concern, and LAFCO staff encourages the District and the Regional Water Quality Control Board to continue their communication on this issue. He further states that if the Wrightwood CSD intends to provide wastewater services, collection and treatment, they would be required to come back to LAFCO for authorization to provide those services.

He states that in regards to the present capacity of public facilities and adequacy of public services identified, the Wrightwood CSD can adequately provide the services they are currently authorized to provide, and there is no planned expansion of their existing services at this time. Mr. Martinez states that with respect to the existence of social or economic communities of interest, the area is a unique mountain community in the Angeles National Forest that lies between both Los Angeles and San Bernardino Counties.

He states that Government Code Section 56425 requires that when establishing a sphere of influence for an agency, the Commission is required to review and identify the range of services the Wrightwood CSD will be providing. He states that staff is requesting the Commission to confirm the services that were established for the Wrightwood CSD when it was formed, which includes; street lighting, park and recreation, solid waste and recycling and wastewater.

He states that for environmental review, LAFCO is the lead agency for establishing a sphere of influence and Tom Dodson, LAFCO's environmental consultant, has indicated that a sphere of influence is a planning boundary only and is statutorily exempt from CEQA review. Mr. Martinez states that staff recommends approval of LAFCO 3227 by taking the actions on page 1 of the staff report.

Chair Ramos asks for questions from the Commission.

Commissioner Bagley states that this is an unusual situation in which an agency boundary extends into Los Angeles County. He states that there is no practical access from Los Angeles County to provide any services, and the fact that this boundary extends across the County line is a fluke in geography. He asks if there is any limitation in extending the sphere of influence into Los Angeles County, and whether or not Los Angeles County has to ratify the change.

Mr. Martinez states that San Bernardino LAFCO has MOUs with our surrounding LAFCOs which state that the county in which an agency territory is located determines the sphere of influence. He states that in this case, for the portion of the Wrightwood CSD within Los Angeles County, Los Angeles LAFCO will determine the sphere.

Commissioner Bagley states that this is mostly a ministerial issue. He states that if the Wrightwood CSD ever wanted to expand its responsibilities in the future, San Bernardino LAFCO would be the lead agency.

Executive Officer Martinez states that this is correct. He states that similar to when the community services district was formed, Los Angeles LAFCO requested San Bernardino LAFCO to take the lead on the actual formation.

Chair Ramos asks for additional questions from the Commissioners.

There are none.

Chair Ramos opens the hearing and asks for comments.

There are none.

Chair Ramos closes the public hearing and requests further discussion or a motion from the Commission.

Commissioner Bagley moves approval of staff's recommendation, Second by Commissioner McCallon. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Curatalo, Farrell, McCallon, Ramos and Williams. Noes: None. Abstain: None. Absent: Cox (Farrell voting in her stead), Lovingood.

**ITEM 9. CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3190; AND (2) LAFCO 3190 – SERVICE REVIEW FOR WASTEWATER SERVICES (COLLECTION, TREATMENT, DISPOSAL) COUNTYWIDE (VALLEY, MOUNTAIN, NORTH DESERT, SOUTH DESERT REGIONS – TO BE CONTINUED TO THE AUGUST 15, 2018 HEARING**

Chair Ramos states that there has been a request from staff to continue this item. He states that before the Commission considers a motion, whether there are any public comments.

There are none.

Commissioner Curatalo moves approval of the staff recommendation, Second by Commissioner McCallon. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Curatalo, Farrell, McCallon, Ramos and Williams. Noes: None. Abstain: None. Absent: Cox (Farrell voting in her stead), Lovingood.

**DISCUSSION ITEMS:**

**ITEM 10. REVIEW AND AUTHORIZE BUDGET ADJUSTMENTS FOR FISCAL YEAR 2018-19 BUDGET TO INCLUDE:**

- a. **DECREASE IN SALARIES AND BENEFITS, INCREASE IN SERVICES AND SUPPLIES, AND INCREASE IN CONTINGENCY AND RESERVES; AND,**
- b. **REVIEW AND APPROVE CONTRACT EXTENSION WITH ROBERT ALDRICH TO PROVIDE SUPPLEMENTAL STAFFING DURING FY 2018-19 – STAFF RECOMMENDATION APPROVED**

Executive Officer Martinez states that staff is recommending budget adjustments for this fiscal year. He states that because the Commission elected to hire him as the new Executive Officer, staff has an unfilled position of the Assistant Executive Officer which will remain vacant. He states that to use the savings from the unfilled Assistant Executive Officer position, staff is recommending decreasing the salaries and benefits portion of the budget and increasing the services and supplies and the contingencies and reserves.

Mr. Martinez states that additional staffing is needed because of the unfilled Assistant Executive Officer position and the pending departure of Kathleen Rollings-McDonald in September. Mr. Martinez states that the Commission currently contracts with Bob Aldrich for staffing support and that he has reached out to Mr. Aldrich to see if he was willing to continue as a consultant for this LAFCO, and he indicated he was willing to do so. Mr. Martinez states that that he is requesting that the Commission extend Mr. Aldrich's contract for the remainder of the fiscal year for an amount not to exceed the \$75,000.

He states that secondly, LAFCO has a backlog in maintaining its digital records; therefore, he is recommending the use of temporary services to start this project for an amount not to exceed \$15,000. He states that staff is also recommending an increase to the Commission's Contingency fund by \$34,652 to \$50,000 and its General Reserve fund by \$64,392 to \$150,000. He recommends the Commission to take the actions outlined on page 1 of the staff report.

Chair Ramos asks if there are any comments from the Commission.

Commissioner Farrell states what items are covered under Contingencies and why staff chose to add the extra money there.

Executive Officer Martinez states that normally agencies with hard infrastructure require a 10 percent contingency and San Bernardino LAFCO is currently at five percent. He states that LAFCO will eventually get there.

Commissioner Farrell asks if a \$50,000 Contingency is consistent with previous budgets.

Mr. Martinez states that recent budgets included a higher Contingency amount.

Chair Ramos asks if there additional comments from the Commission.

There are none.

Commissioner Curatalo moves approval of the staff recommendation, Second by Commissioner Farrell. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Curatalo, Farrell, McCallon, Ramos and Williams. Noes: None. Abstain: None. Absent: Cox (Farrell voting in her stead), Lovingood.

**INFORMATION ITEMS:**

**ITEM 11. LEGISLATIVE UPDATE REPORT**

Executive Officer Martinez states that the Legislature is currently on Summer recess, so there is little legislative activity. However, he states that the governor signed the CALAFCO omnibus bill AB 3254 on July 9, 2018. He also indicated that the rest of the CALAFCO sponsored bills (e.g. AB 2050, AB 2238) are in appropriations including AB 2258, which CSDA originally opposed but is now supporting.

**ITEM 12. EXECUTIVE OFFICER'S ORAL REPORT**

- a. New Proposals Received
- b. Update on Proposals Filed with LAFCO

Executive Officer Martinez states that as a reminder, CALAFCO's Annual Conference will be held in Yosemite during the first week in October. He states that if any Commissioners plan on attending, to please notify staff as soon as possible in order to get the reduced, early-bird rate.

He states that Jeffrey Lum, LAFCO Analyst, recently came back from the ESRI User Conference. Mr. Martinez thanks the County for allowing LAFCO to attend these conferences. Mr. Martinez states that on the dais are status reports that outline proposals staff has received and those that are anticipated to be heard in the near future. He states that LAFCO has received an application for an annexation to Apple Valley, and staff is working on the property tax transfers for the proposed Running Springs Annexation. He states that next month the Commission will consider the Countywide Wastewater Service Review and a service contract.

**ITEM 13. COMMISSIONER COMMENTS**

Commissioner Curatalo congratulates Executive Officer Martinez on his appointment and states that LAFCO is off to a great start with the new crew. He extends congratulations to LAFCO legal Counsel Paula de Sousa Mills and states that the Commission have worked with her for a while and it is great to have her in this capacity.

Commissioner Bagley congratulates Mr. Martinez and states that the Commission is off to a great start because of the short meeting, and requests that he keep this trend going.

Chair Ramos thanks Kathleen Rollings-McDonald for her hard work in getting LAFCO to where it currently is today. He states that he also offers congratulations to Mr. Martinez and echoes Commissioner Bagley's comments in regards to keeping a short agenda.

**ITEM 14. COMMENTS FROM THE PUBLIC**

There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE HEARING IS ADJOURNED AT 9:24 A.M**

**ATTEST:**

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**LA TRICI JONES**  
Clerk to the Commission

**LOCAL AGENCY FORMATION COMMISSION**

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**JAMES RAMOS, Chair**

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