

**DRAFT - ACTION MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION
HEARING OF MARCH 20, 2019**

REGULAR MEETING

9:00 A.M.

MARCH 20, 2019

PRESENT:

COMMISSIONERS:

Regular Member	Alternate Member
Jim Bagley	Louisa Amis
Kimberly Cox	Steven Farrell
James Curatalo, Vice Chair	Janice Rutherford
Acquanetta Warren	Rick Denison
Dawn Rowe	

STAFF:

**Samuel Martinez, Executive Officer
Paula de Sousa Mills, LAFCO Legal Counsel
Michael Tuerpe, Project Manager
Jeffrey Lum, LAFCO Analyst
La Trici Jones, Clerk to the Commission
Angerose Schell, Administrative Assistant**

ABSENT:

**COMMISSIONERS: Robert Lovingood, Chair
Larry McCallon**

9:05 A.M. – CALL TO ORDER – FLAG SALUTE

Vice Chair James Curatalo calls the meeting to order and leads the flag salute.

ITEM 1. Swear In Alternate City Commissioner – Rick Denison

Ms. La Trici Jones, Clerk to the Commission, administers the Oath of Office to Rick Denison, Alternate City Member.

ITEM 2. PUBLIC COMMENTS ON CLOSED SESSION

Commissioner Janice Rutherford states that she will be abstaining from the two items involving the San Antonio Heights Association lawsuits in an abundance of caution to avoid a perceived conflict of interest.

Public comments on closed session are provided by Lenette Di Muro and Stephen Rogers.

ITEM 3. 9:17 A.M. - CONVENE CLOSED SESSION – Conference Room Adjacent to Event Center Auditorium:

- Conference with Legal Counsel - Existing Litigation (Government Code Section 54956.9(d)(1)) -- San Antonio Heights Association v. County of San Bernardino et al,

DRAFT - ACTION MINUTES FOR MARCH 20, 2019 HEARING - DRAFT

San Bernardino County Superior Court Case No CIVDS1715504

- Conference with Legal Counsel - Existing Litigation (Government Code Section 54956.9(d)(1)) -- San Antonio Heights Association v. County of San Bernardino et al, San Bernardino County Superior Court Case No CIVDS1712771
- Conference with Legal Counsel – Existing Litigation – (Government Code Section 54956.9(d)(1) – C.O.M.E.T. (Citizens of Mentone Empowered Together) v. City of Redlands et al, San Bernardino County Superior Court Case No CIVDS1906437

ITEM 4. 9:50 A.M. - RECONVENE PUBLIC SESSION

LAFCO Legal Counsel Paula de Sousa Mills states that the Commission met in closed session for the three closed session items noted on the agenda and indicates there is no reportable action.

ANNOUNCEMENT OF CONTRIBUTIONS

Vice Chair James 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 12 months to any member of the Commission to come forward and state for the record their name, the member to whom the contribution was made, and the matter of consideration with which they are involved.

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 5. Approval of Minutes for Regular Meeting of February 20, 2019

ITEM 6. Approval of Executive Officer's Expense Report

ITEM 7. Ratify Payments as Reconciled and Note Cash Receipts for Month of January 2019

ITEM 8. Consideration of: (1) CEQA Statutory Exemption for LAFCO 3228, as Revised; and (2) LAFCO 3228 - Annexation to the Running Springs Water District, as Revised (**CONTINUED FROM JANUARY 16, 2019 HEARING**)

ITEM 9. Consent Items Deferred for Discussion

Vice Chair Curatalo states he is pulling Item 8 for discussion and action. He states that Item 8, which concerns the Running Springs Water District proposed annexation, is a continued item from the January meeting and is still an open public hearing. He states that we are going to vote on the remainder of the consent calendar items and then reopen the public hearing for Item 8.

Commissioner Cox moves approval of the staff recommendation, Second by Commissioner Rowe. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Denison, Rowe, Rutherford and Warren. Noes: None. Abstain: None. Absent: Lovingood and McCallon

DISCUSSION ITEMS:

ITEM 8. CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 3228, AS REVISED; AND (2) LAFCO 3228 – ANNEXATION TO THE RUNNING SPRINGS WATER DISTRICT, AS REVISED (CONTINUED FROM JANUARY 16, 2019 HEARING) – STAFF RECOMMENDATION APPROVED

Executive Officer Samuel Martinez states that this item was first considered by the Commission in October and was originally a reorganization that included the annexation to the Running Springs Water District and Detachment from the San Bernardino County Fire Protection District and its Mountain Service Zone of the Pali Mountain campsite. He states that through the processing of this proposal, staff expanded the proposal to include two additional parcels and have 100% landowner consent for said proposal. He states that at the October hearing, the Commission continued the matter primarily due to County Fire's objection. He states that the Commission reviewed the option of the continued overlay of County Fire and its Mountain Service Zone within the proposal area and continued the item to evaluate the provision of fire service within the area. He states that at the January hearing, the Commission heard further discussion on the provision of fire service, and heard further testimony from both Running Springs Water District and County Fire, and ultimately the Commission decided to modify LAFCO 3228 by removing the detachment from County Fire and its Mountain Service Zone. He states that the Commission continued the formal approval of this item following the renegotiation of the property tax transfer, if requested. He states that County Fire requested renegotiation of the property tax transfer and the County Board of Supervisors approved the revised resolution with a zero property tax transfer. He states that Running Springs continues to object to the modified proposal, and submitted a letter outlining the rationale to its objection. He states that the Commission's action today is to formally approve its recommendation on LAFCO 3228, as modified. He states that LAFCO staff is proposing a slight revision to Condition No. 3 outlined in the resolution. He states the revision is to include "as applicable".

Vice Chair Curatalo asks if there are any questions from the Commission.

There are none.

Vice Chair Curatalo states that he has a speaker slip from Errol J. Mackzum from Running Springs Water District.

Mr. Mackzum states that he supports the original January presentation from staff. He states that the camp should be in the jurisdiction of the water district including the fire service.

Vice Chair Curatalo closes the public hearing and asks the Commission for questions or comments.

DRAFT - ACTION MINUTES FOR MARCH 20, 2019 HEARING - DRAFT

Commissioner Bagley states that his concern is the letter from the Running Springs Water District. He states that he is always concerned when the Commission is dismantling the ability of the local government to finance its services. He states that this is a complex issue of providing adequate fire protection in the mountain. He states that he is sympathetic to the people who live in Running Springs, but he has also heard the argument from County Fire. He states that as a member of the public, he feels like it is his obligation to be the advocate of the public. He states that he is not necessarily opposed to the staff's recommendation at this point, but would be remised if he did not voice this concern.

Commissioner Rutherford states that she has constituents involved in this and has folks on all sides and that she understands. She states that she would like to make a motion to continue with what this Board directed in January and to approve staff recommendations including adoption of Resolution No. 3278.

Commissioner Rowe seconds Commissioner Rutherford's motion.

Commissioner Farrell states that as he expressed in January, he thinks that we are setting a bad precedent here.

Commissioner Rutherford states that she does not disagree with Commissioner Farrell as this is something we may need to talk about further. She states that the nature, the scope and the budget of fire and emergency response has changed drastically in the last few years.

Commissioner Cox states that her position on this has not changed since the January hearing. She states that she feels we are sending a message that is in opposition to the support of local special districts that has a chilling effect on special districts providing services within their own community for which they are charged. She states that in this situation, the Commission is prohibiting the tax dollars to an agency that is actually providing the service. She states that this is a troubling precedent and is outside the context of the holistic mountain-fire coverage, which perhaps should take another venue and another conversation to further evaluate. She states that looking specifically at this situation, the Commission needs to support the local agency that is actually providing that service and giving them the tax dollars for the services they are providing.

Commissioner Rowe questions that if Running Springs Water District is not available for services because they are someplace else, who responds to the camp. Would it be County Fire?

Executive Officer Samuel Martinez replies that whomever would be available and that would typically be County Fire as the responsible agency.

Commissioner Rowe questions if they needed specialty equipment that Running Springs does not have, who would they call?

Executive Officer Samuel Martinez replies that dispatch would call whoever is available that has the required or necessary equipment.

Vice Chair Curatalo states that he spent a career in the Fire service and is currently a member of a special district. He states that he believes very much in the special district form of government and responsiveness is important for government. He states that in the fire service, initial response is very important, but how effective can you be when you get there for incidents that are varied, and require a number of different resources. He states that he believes the County has greater resources. He states that the response moving forward with this recommendation will not change and everyone will still be responding as they are. He states that if you look at the agencies from resource capability and what they can provide for the future, as a retired fireman, he believes that County Fire is the best solution. He states that he will be supporting the recommendation.

Commissioner Warren provided her input.

Vice Chair Curatalo states that he believes it's important to look at individual cases on an individual basis. He states that he does not see this as setting a policy precedence. He states that if another issue comes before the Commission that is similar, he will look at the issue based on the merits of that issue.

Commissioner Farrell states what is it that distinguishes this situation that says it's in the best interest of this community to not fund the local fire department. He states that nothing here that he has seen distinguishes that case. He states why not put the \$17,000 in the District as opposed to the County.

Vice Chair Curatalo asks if there are further comments or questions.

There are none.

Commissioner Rutherford moves the staff recommendation, Second by Commissioner Rowe. The motion passes with the following roll call vote: Ayes: Curatalo, Denison, Rowe, Rutherford and Warren. Noes: Bagley, Cox. Abstain: None. Absent: Lovingood and McCallon

Commissioner Warren leaves the dais at 10:20 A.M

ITEM 10. CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO SC#437; AND (2) LAFCO SC#437 – CITY OF REDLANDS OSC 17-50 FOR WATER SERVICE (ASSESSOR PARCEL NUMBER 0298-411-96) – STAFF RECOMMENDATION APPROVED

Project Manager Michael Tuerpe presents the staff report. He states that this is a request from the City of Redlands for the Commission's authorization to provide water service outside its boundaries to a single parcel. He states that the single parcel is identified in the staff report as outlined in red. He states that this is a part of a condition of approval from the County as the private property owner desires to construct a facility located south of Mentone Blvd. He states that part of that condition is the requirement for connection to a municipal water system, not a well. He states that the City of Redlands will be charging a category of fees for the extension of this water service to the private property owner and this

is identified in the City's development requirements. He states that payment of these fees are required prior to connection to the city's water facility. He states that in addition, the private property owner will be responsible for the construction costs and the installation of a lateral extension to its property.

Vice Chair Curatalo asks if there are any questions of Michael.

There are none.

Vice Chair Curatalo opens the public comment period.

Stephen Rogers states that one thing that would be clarifying for the public and for the Board is to understand exactly where the boundary for the City of Redlands is. He states that his real concern is that the Board and the Environmental Consultant do not know the repercussions of providing water to this lot.

Vice Chair Curatalo closes the public hearing. He asks if there are any questions.

Commissioner Farrell asks the LAFCO Environmental Consultant if the Commission is the lead agency.

Tom Dodson, LAFCO's Environmental Consultant states that, for the project itself, LAFCO is not the lead agency. He states that in this particular case, the County of San Bernardino is the lead agency as they have land use jurisdiction. He states that the County made an environmental finding and concluded this was an infill development and did not require any further environmental evaluation. He states that LAFCO was not part of the review; LAFCO staff just received the information and made a decision internally with staff to recommend to the Commission that it will review the environmental assessment as lead agency as opposed to relying on the County assessment.

Executive Officer Samuel Martinez states that this the City's request for a provision for water service and the area is in the sphere of influence for the City of Redlands and by definition will become part of the City sometime in the future. He states that staff supports this request as water service is only available from the City of Redlands.

Vice Chair Curatalo closes the public hearing and states that the Commission has staff's recommendation before them and at this time, he would entertain a motion.

Commissioner Bagley moves the staff recommendation, Second by Commissioner Rutherford. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Denison, Rowe, Rutherford and Warren. Noes: None. Abstain: None. Absent: None

INFORMATION ITEMS:

ITEM 11. LEGISLATIVE UPDATE

Executive Officer Samuel Martinez states that staff is recommending support for four bills. He states the first one is AB 1253, by Assembly Member Rivas for the LAFCO grant funding, which is a CALAFCO sponsored bill from last year. He states that the second one is AB 1822, the CALAFCO omnibus bill which provides for non-substantive changes and corrections to the Act. He states the last two bills being recommended for support are AB 213 by Assembly Member Reyes and AB 818, by Assembly member Cooley regarding the VLF funding for inhabited annexations and incorporation. He states that there are three bills that affect San Bernardino County that staff will be tracking, which are SB 272, SB 646 and AB 1457. He states that LAFCO staff recommends that the Commission note and receive the report and file; Indicate its support for AB 1253 (Rivas) related to LAFCO grant funding; Indicate its support for AB 1822 (Assembly Local Government Committee) related to the annual CALAFCO sponsored Omnibus bill; Indicate its support for AB 213 (Reyes) related to the return of the VLF payment to cities which had annexed inhabited land; Indicate its support for AB 818 (Cooley) related to VLF allocation to newly incorporated cities, and Authorize the Chairman to sign letters identifying these positions and direct staff to forward to the authors, CALAFCO and San Bernardino County Legislative delegations.

Commissioner Cox moves the staff recommendation, Second by Commissioner Rowe. There being no opposition, the motion passes with the following roll call vote: Ayes: Bagley, Cox, Curatalo, Denison, Rowe, Rutherford and Warren. Noes: None. Abstain: None. Absent: None

ITEM 12. EXECUTIVE OFFICER'S ORAL REPORT

Executive Officer Samuel Martinez states that he would like to welcome Commissioner Denison to the LAFCO Commission. He states that at the next hearing, staff will present the preliminary budget, an out of agency service agreement with the City of San Bernardino and a LAFCO initiated sphere of influence amendment for the City of Adelanto.

ITEM 13. COMMISSIONER COMMENTS

Commissioner Farrell states he is curious as he received a notice regarding the article related to special districts and their reserves in comparison with what they are spending, and whether or not CALAFCO was taking a position.

LAFCO Legal Counsel Paula de Sousa Mills states that she does not believe it is on CALAFCO's radar. She explains that this was an article about reserves for various public agencies.

Commissioner Cox states that she saw that article and one of the agencies that she is elected to serve on was on that list. She states that absent from the dialogue from that reporter, was the necessity to maintain adequate reserves for rate stabilization, debt service, capital projects, etc.

Executive Officer Samuel Martinez added that LAFCO had its governance training session last week at the City of Victorville on policy and procedure writing. He states that staff expected about 40 attendees, but instead, approximately 55 people showed up. He states

that it was a huge success and was a good session. He states that he just wants to apprise the Commission of its efforts in providing the training programs.

Commissioner Denison states that he wants to thank the Commission for the warm welcome. He states that he holds this responsibility highly and look forward to learning more.

Vice Chair Curatalo welcomes Commissioner Denison and thanks Tom Dodson for his many years of service to this Commission.

ITEM 14. COMMENTS FROM THE PUBLIC

There are none

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE HEARING ADJOURNS AT 10:44 A.M.

ATTEST:

LA TRICI JONES
Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

James Curatalo, Vice Chair