

**DRAFT
ACTION MINUTES TAKEN BY THE
LOCAL AGENCY FORMATION COMMISSION
FOR SAN BERNARDINO COUNTY**

REGULAR MEETING

9:00 A.M.

JULY 17, 2019

PRESENT:

COMMISSIONERS:

Regular Member	Alternate Member
Jim Bagley	Louisa Amis
Kimberly Cox	Rick Denison
James Curatalo, Vice Chair	Steven Farrell
Larry McCallon, Chair	
Acquanetta Warren	

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
 Dawn Rowe
 Janice Rutherford**

9:04 A.M. – CALL TO ORDER – FLAG SALUTE

ANNOUNCEMENT OF CONTRIBUTIONS

1. PUBLIC COMMENTS ON CLOSED SESSION

There were no members of the public who requested to speak on the Closed Session items.

2. CONVENE CLOSED SESSION

At 9:09 a.m., the Commission convened to Closed Session in the Conference Room Adjacent to Event Center Auditorium following LAFCO Legal Counsel Paula de Sousa Mills' announcement on the record of the items to be discussed in closed session.

- 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 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 CIVDS1712271

- 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 Superior Court Case No. CIVDS1906437

3. 9:46 A.M. RECONVENE PUBLIC SESSION

LAFCO Legal Counsel Paula de Sousa Mills states that there is no reportable action taken by the Commission in Closed Session.

CONSENT ITEMS:

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 May 15, 2019

5. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Officers' Expense Report for Procurement Card Purchases from April 23, 2019 to May 22, 2019 and May 23, 2019 to June 24, 2019.

6. Ratify Payments as Reconciled and Note Cash Receipts for Months of April and May 2019

Recommendation: Ratify payments as reconciled for the months of April and May 2019 and note revenue receipts for the same period.

7. Approval of Fiscal Year 2010-11 Financial Records Destruction Pursuant to Commission Policy

Recommendation: Staff recommends the Commission direct the Executive Officer, as Records Management Coordinator, to:

- Destroy the Commission's financial records for Fiscal Year 2010-11 pursuant to the Commission's Records Retention Policy, and
- Record the items to be destroyed in the Destruction Log along with a copy of the Commission's minute action authorizing destruction.

8. Review and Update the Catalog of Enterprise Systems per Government Code Section 6270.5

Recommendation: Staff recommends that the Commission take the following actions:

- Approve the Enterprise Systems Catalog as of July 1, 2019 as identified in this staff report.

- Direct the Executive Officer to post the Enterprise Systems Catalog as of July 1, 2019 on the LAFCO website.

9. Update on Service Review for Wrightwood Community Services District

Recommendation: Staff recommends that the Commission receive and file this update.

10. Consideration of Waivers of Conflict of Interest and Retaining Special Counsel for LAFCO 3233 – Reorganization to Include Dissolution of County Service Area 64 and Formation of the Spring Valley Lake Community Services District

Recommendation: Staff recommends that the Commission take the following actions:

- Note the disqualification of Legal Counsel Paula de Sousa Mills of Best Best & Krieger (BB&K) from representation on LAFCO 3233;
- Not waive conflict of interest to the Town of Apple Valley (affected agency) and the Victor Valley Wastewater Reclamation Authority (interested agency) on using BB&K for legal representation on LAFCO 3233;
- Retain Ms. Holly Whatley from the law firm of Colantuono, Highsmith & Whatley, PC (CH&W) as Special Counsel for LAFCO 3233 and waive potential conflict; and,
- Authorize the Executive Officer to sign the Agreement/Conflict Waiver as presented.

11. Consent Items Deferred for Discussion (none)

Commissioner Cox moves approval of the consent items with an amendment to the Minutes (Item 4) to correct the date on page 4 of the minutes to reflect “2018,” Second by Commissioner Bagley. The motion on the Consent Items (with the amendment to Item 4) passes with the following roll call vote: Ayes: Bagley, Cox, Curatalo, McCallon, and Warren. Noes: None. Abstain: None. Absent: Lovingood and Rowe.

DISCUSSION ITEMS:

12. Unaudited Year-End Financial Report for Fiscal Year 2018-19 to Include Transfer from Reserves to Services and Supplies

Recommendation: Staff recommends that the Commission:

- Note receipt of this report and file.
- Approve a transfer of \$673 from Account 6000 (Contingencies) to Account 2400 (Legal Counsel) to cover the deficit.
- Approve a transfer of \$184,963 from Account 6010 (Net Pension Liability Reserve) to Account 9990 (SBCERA Contributions) to provide budget authority for the payment to SBCERA that the Commission authorized in April 2019.

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

13. Nominations for CALAFCO Board Member

Recommendation: Staff recommends that the Commission:

- Nominate Commissioner Kimberly Cox for the District Seat for the CALAFCO Board of Directors;
- Nominate a County Commissioner who may be interested in being the secondary nominee for the County Seat for the CALAFCO Board of Directors; and,
- Authorize the Executive Officer to submit to the CALAFCO Board Election Committee the Nominations Form reflecting the Commission’s nomination(s) and coordinate with the nominee(s) on completing the Candidate Resume Form.

Commissioner Bagley moves the staff recommendation without nominating a County Commissioner for the secondary County Seat, Second by Commissioner Curatalo. The motion passes with the following roll call vote: Ayes: Bagley, Cox, Curatalo, McCallon, and Warren. Noes: None. Abstain: None. Absent: Lovingood and Rowe.

14. Candidate Election for Board of Directors to the Special District Risk Management Authority

Staff recommends that the Commission:

- Select incumbents Sandy A. Seifert-Raffelson and Robert Swan, and another candidate to serve as Directors on the Special District Risk Management Authority Board; and,
- Authorize the Executive Officer to send-in the signed Official Election Ballot reflecting the Commission’s selection and vote.

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

INFORMATION ITEMS:

15. Legislative Update Report

Executive Officer Martinez provided an update on CALAFCO sponsored legislation and bills supported by the Commission.

16. Executive Officer's Oral Report

Executive Officer Samuel Martinez provided an update on staff who attended the CALAFCO Staff Workshop as well as the ESRI Users Conference, and upcoming items tentatively scheduled for the August Hearing.

17. Commissioner Comments

Commissioner Curatalo commends Commissioner Cox on her willingness to be nominated to the CALAFCO Board and the importance of being a part of CALAFCO.

Commissioner Farrell acknowledges Chair McCallon's efficient handling of the LAFCO meeting. He also asked about moving forward with the review of the Special Districts apportionment. Executive Officer Martinez responded that he will set up a meeting with all three Special Districts Commissioners once he has a few options for their consideration.

Commissioner Farrell also brought up the CSA 120 sphere action (zero sphere) and the status of the working group. He outlined his concern that the Advisory meetings being cancelled indefinitely and asked that the Executive Officer include this discussion with the working group.

Chair McCallon expressed thanks to Commissioner Cox for her willingness to serve on the CALAFCO Board and also thanked staff for all their good work.

18. Comments from the Public

There were no request to speak from members of the public.

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

ATTEST:

LA TRICI JONES
Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

Larry McCallon, Chair