

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

REGULAR MEETING

9:00 A.M.

NOVEMBER 20, 2019

PRESENT:

COMMISSIONERS:

Regular Member	Alternate Member
Jim Bagley	Louisa Amis
James Curatalo, Vice Chair	Steven Farrell
Dawn Rowe	
Larry McCallon, Chair	
Robert Lovingood	

STAFF:

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

ABSENT:

COMMISSIONERS:

**Kimberly Cox
Rick Denison, Alternate
Janice Rutherford, Alternate
Acquanetta Warren**

9:05 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

LAFCO Chair Larry McCallon announced that Closed Session would not convene since there is nothing to discuss 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. RECONVENE PUBLIC SESSION

[Not needed, as Commission did not meet 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 October 16, 2019

5. Approval of Executive Officer’s Expense Report

Recommendation: Approve the Executive Officers’ Expense Report for Procurement Card Purchases from September 24, 2019 to October 22, 2019.

6. Ratify Payments as Reconciled and Note Cash Receipts for Month of September 2019

Recommendation: Ratify payments as reconciled for the month of September 2019 and note revenue receipts for the same period.

7. Consent Items Deferred for Discussion (none)

Commissioner Lovingood moves approval of the consent items. Second by Commissioner Bagley. The motion on the Consent Items passes with the following roll call vote:

*Ayes: Bagley, Curatalo, Lovingood, McCallon and Rowe.
Noes: None.
Abstain: None.
Absent: Cox and Warren.*

PUBLIC HEARING ITEMS:

8. Consideration of: (1) CEQA Statutory Exemption for LAFCO SC#446 and (2) LAFCO SC#446 – Authorization for the Inland Empire Utilities Agency to Provide Services Outside its Boundary and Outside its Sphere of Influence Pursuant to Government Code Section 56133.5

Recommendation: Staff recommends that the Commission take the following actions related to LAFCO SC #446:

- o For environmental review, certify that LAFCO SC #446, as modified, is statutorily exempt from environmental review, and direct the Executive Officer to file the Notice of Exemption within five (5) days.
- o Approve LAFCO SC #446, as modified, authorizing the Inland Empire Utilities Agency to provide wastewater service outside its boundary and sphere of influence within the areas identified in Attachment #1.
- o Adopt LAFCO Resolution #3295 setting forth the Commission’s determinations for service outside the Inland Empire Utilities Agency’s boundary and sphere of influence pursuant to Government Code Section 56133.5.

Commissioner Bagley moves to approve staff recommendation, as modified to reflect the accurate boundary for the service area being authorized. Second by Commissioner Curatalo. The motion passes with the following roll call vote:

*Ayes: Bagley, Curatalo, Lovingood, McCallon and Rowe.
Noes: None.
Abstain: None.
Absent: Cox and Warren.*

Commissioner Farrell arrives to the hearing at 9:14 a.m.

9. Consideration of: (1) CEQA Statutory Exemption for LAFCO 3238; and (2) LAFCO 3238 – Reorganization to Include Annexation to the Running Springs Water District and Detachment from the San Bernardino County Fire Protection District, its Mountain Service Zone, and its Zone FP-5

Recommendation: Staff recommends that the Commission approve LAFCO 3238 by taking the following actions:

1. For environmental Review, certify that LAFCO 3238 is statutorily exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3238, with the standard terms and conditions including the condition for the “hold harmless” clause for potential litigation costs, continuation of fees, charges, assessments, etc.;
3. Waive the protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization; and,
4. Adopt LAFCO Resolution No. 3296, setting forth the Commission’s determinations and conditions of approval concerning LAFCO 3238.

Commissioner Bagley moves to approve staff recommendation. Second by Commissioner Farrell. The motion passes with the following roll call vote:

*Ayes: Bagley, Curatalo, Lovingood, McCallon, Rowe and Farrell.
Noes: None.
Abstain: None.
Absent: Cox (Farrell voting in her stead) and Warren.*

10. A. Consideration of : (1) CEQA Statutory Exemption for LAFCO 3235; and (2) LAFCO 3235 – Sphere of Influence Amendment (Expansion) for the City of Redlands

10. B. Consideration of: (1) CEQA Statutory Exemption for LAFCO 3236; and (2) LAFCO 3236 – Reorganization to Include Annexation to the City of Redlands and Detachment from SBCFPD, its Valley Service Zone, its Zone FP-5 & CSA 70

Recommendation: Staff recommends that the Commission take the following actions related to LAFCO 3235 and LAFCO 3236:

- With Respect to environmental review for LAFCOs 3235 and 3236:
 - a. Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City’s Notice of Exemption for Annexation No. 93, Sphere of Influence Change, Pre-Zone Designation, Zone Change No. 453, General Plan Amendment No. 138, and Specific Plan Amendment No. 44 to the East Valley Corridor Specific Plan;
 - b. Determine that the City’s Notice of Exemption is adequate for the Commission’s use for its consideration of LAFCO 3235 and 3236;
 - c. Determine that the Commission does not intend to adopt alternatives or mitigation measures for the project, and that no mitigation measures were identified in the City’s Notice of Exemption; and,
 - d. Direct the Executive Officer to file a new Notice of Exemption as a CEQA Responsible Agency.
- For LAFCO 3235 Sphere of influence amendment):
 - a. Approve the sphere of influence expansion for the City of Redlands; and,
 - b. Adopt LAFCO Resolution No. 3293 reflecting the Commission’s determinations for the sphere of influence amendment (expansion) as identified
- For LAFCO 3236 (reorganization):
 - a. Approve LAFCO 3236, with the standard terms and conditions including the condition for the “hold harmless” clause for potential litigation costs, continuation of fees, charges, assessments, etc.; and,

- b. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization proposal; and,
- c. Adopt LAFCO Resolution No. 3294 reflecting the Commission’s findings for the reorganization as identified.

Commissioner Bagley moves to approve staff recommendation. Second by Commissioner Curatalo. The motion passes with the following roll call vote:

*Ayes: Bagley, Curatalo, Lovingood, McCallon, Rowe and Farrell.
Noes: None.
Abstain: None.
Absent: Cox (Farrell voting in her stead) and Warren.*

DISCUSSION ITEMS:

11. Report to the Legislature on Government Code Section 56133.5 Pilot Program

Recommendation: Staff recommends that the Commission direct staff to file the required report with the California State Legislature (Attachment #2).

Commissioner Lovingood moves to approve staff recommendation, with an amendment, to include language to support making the pilot program available for all LAFCOs throughout the State. Second by Commissioner Rowe. The motion passes with the following roll call vote:

*Ayes: Bagley, Curatalo, Lovingood, McCallon, Rowe and Farrell.
Noes: None.
Abstain: None.
Absent: Cox (Farrell voting in her stead) and Warren.*

12. Update on County Service Area 120 Working Group

Recommendation: Staff recommends that the Commission note receipt of the status report and file.

Chair McCallon notes receipt and file of the update on County Service Area 120 Working Group.

INFORMATION ITEMS:

13. Legislative Update Report

Executive Officer Samuel Martinez states that there is no legislative update at this time.

14. Executive Officer’s Oral Report

Executive Officer Samuel Martinez provides an update on the Commission’s 2020 calendar and tentative items scheduled for the December and January Commission meetings. Executive Officer Martinez also provides an update on the draft audit as well information on the upcoming governance-training program on December 13 regarding pensions and acknowledges the Commissioners who attended the CALAFCO Annual Conference.

15. Commissioner Comments

Commissioner Bagley expresses his enjoyment of attending the CALAFCO Annual Conference and commends Vice-Chair Curatalo on his presentation during a panel discussion at the conference.

16. Comments from the Public

There were no members of the public who requested to speak.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 9:51 A.M.

ATTEST:

LA TRICI JONES, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

LARRY McCALLON, Chair