

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

REGULAR MEETING

9:00 A.M.

JANUARY 15, 2020

PRESENT:

COMMISSIONERS:

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

STAFF:

**Samuel Martinez, Executive Officer
Paula de Sousa, LAFCO Legal Counsel
Michael Tuerpe, Senior Analyst
Jeffrey Lum, LAFCO Analyst
Angela Schell, Administrative Assistant**

ABSENT:

COMMISSIONERS:

**Robert Lovingood
Dawn Rowe
Janice Rutherford, Alternate**

9:03 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 [Commission did not meet in Closed Session]

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 December 18, 2019

5. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Officers' Expense Report for Procurement Card Purchases from November 24, 2019 to December 22, 2019.

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

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

7. Consent Items Deferred for Discussion (none)

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

Ayes: Bagley, Cox, Curatalo, McCallon and Denison.

Noes: None.

Abstain: None.

Absent: Lovingood, Rowe, and Warren (Denison voting in her stead).

PUBLIC HEARING ITEMS:

Commissioner Warren takes her place at the dais at 9:05 A. M.

8. Consideration of: (1) CEQA Statutory Exemption for LAFCO SC#447; and (2) LAFCO SC#447 – City of Rialto Extraterritorial Wastewater Service for Assessor Parcel Numbers (APNs) 0253-072-35, 0253-072-36, 0253-072-39, 0253-231-01 thru 07 and 0256-031-01, -02, & -03, 0257-051-46, 0240-181-51, 0253-171-16, and 1133-211-14; and City of Rialto Extraterritorial Water Service for APNs 0269-171-21, -27, -39, -14 (previously 0269-171-37, -38, -40, & -41)

Recommendation: Staff recommends that the Commission approve LAFCO SC#447 by taking the following actions:

1. Certify that LAFCO SC #447 is statutorily exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action;
2. Approve LAFCO SC #447 authorizing the City of Rialto to extend wastewater service outside its boundaries to Assessor Parcel Numbers 0253-072-35, 0253-072-36, 0253-072-39, 0253-231-01 thru -07 and 0253-232-01 thru -07, 0256-031-01 thru -03, 0257-051-46, and 1133-211-14;

3. Determine that the wastewater service to Assessor Parcel Number 0240-181-51 is a service agreement between two public agencies, the City of Rialto and the City of Fontana, which complies with the exemption provisions outlined within Government Code Section 56133(e);
4. Determine that the water service to Assessor Parcel Numbers 0269-171-21, 0269-171-27, 0269-171-39, 0269-171-42, and 0269-171-46 (previously comprised of Assessor Parcel Numbers 0269-171-37, 0269-171-38, 0269-171-40, & 0269-171-41) is a service agreement between two public agencies, the City of Rialto and the City of San Bernardino, which complies with the exemption provisions outlined within Government Code Section 56133(e); and,
5. Adopt LAFCO Resolution #3299 setting forth the Commission's determinations and approval of the wastewater services outside the City of Rialto boundaries.

Commissioner Cox moves approval of 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.*

9. Consideration of: (1) CEQA Statutory Exemption for Amendments to Policy and Procedure Manual; and (2) Review and Adoption of Amendments to LAFCO Policy and Procedure Manual (TO BE CONTINUED TO MARCH 18, 2020)

Recommendation: Staff recommends that the Commission continue the item to the March 18, 2020 hearing.

Commissioner Cox moves to approve staff recommendation. 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.*

DISCUSSION ITEMS:

10. Review and Accept Audit Report for Fiscal Year Ended June 30, 2019

Recommendation: Staff recommends that the Commission receive and file the materials submitted by Davis Farr LLP related to the Commission's audit for Fiscal Year 2018-19.

Jennifer Farr from Davis Farr, LLP also made a brief presentation on the audit.

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

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

11. Update on Sustainability of the City of Adelanto, related to LAFCO 3232 – Sphere of Influence Amendment for the City of Adelanto

Recommendation: Staff recommends that the Commission:

1. Receive and file this report.
2. Schedule an update for the City for the March 2020 hearing, unless otherwise directed by the Commission.

The Commission directs that, at the March update, the expectation is that at least the FY 2016-17 audit will be done and hopefully the FY 2017-18 will be done. The Commission requests that at the March update, the internal control findings as well as the corrective actions be presented to the Commission. Finally, the Commission requests that some of the City Council members be present at the March update.

Commissioner Cox moves to approve staff recommendation with a modification to have another update in May 2020. 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.*

12. Mid-Year Budget Review for Fiscal Year 2019-20

Recommendation: Staff recommends that the Commission:

1. Note receipt of this report and file.
2. Provide direction to staff on items of concern for the second half.

Chair McCallon notes receipt and file of the Mid-Year Budget Review Report for Fiscal Year 2019-20.

13. Legislative Report

Recommendation: Staff recommends that the Commission indicate its support for Senate Bill 799 (Dodd) related to the removal of the sunset clause for Government Code Section 56133.5.

The Commission revises recommendation to “support, if amended” indicating its desire that the sunset clause be removed only if the pilot program is made available to all LAFCOs; otherwise, it is simply requesting for an extension if it remains a pilot program.

Commissioner Curatalo moves to approve revised 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.*

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:27 A.M.

ATTEST:

**ANGELA SCHELL on behalf of
LA TRICI JONES, Clerk to the Commission**

LOCAL AGENCY FORMATION COMMISSION

JAMES CURATALO, Vice Chair