

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

REGULAR MEETING

9:00 A.M.

APRIL 15, 2020

The Commission conducts the meeting virtually by videoconference (via Zoom) and teleconference (via Zoom phone) and broadcast live via YouTube live stream in compliance with the Governor's Executive Order N-29-20 in response to the COVID-19 pandemic.

PRESENT:

COMMISSIONERS:

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

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: Janice Rutherford

9:00 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL

Chair McCallon makes an announcement regarding the meeting/hearing being conducted via videoconference and teleconference as well as broadcast live via YouTube in compliance with waivers to certain Brown Act provisions under the Governor's Executive Orders due to the COVID-19 Coronavirus pandemic.

ANNOUNCEMENT OF CONTRIBUTIONS

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.

- 1. Approval of Minutes for Regular Meeting of February 19, 2020**

2. Approval of Executive Officer’s Expense Report

Recommendation: Approve the Executive Officers’ Expense Report for Procurement Card Purchases from January 22, 2020 to February 24, 2020 and February 23, 2020 to March 23, 2020.

3. Ratify Payments as Reconciled and Note Cash Receipts for Month of December 2019

Recommendation: Ratify payments as reconciled for the months of January and February and note revenue receipts for the same period.

4. Consent Items Deferred for Discussion (none)

Commissioner Denison requested the minutes be amended to note that he voted in the stead of Commissioner Warren.

Commissioner Cox moves approval of the consent items with the requested amendment. Second by Commissioner Lovingood. The motion on the Consent Items, with the noted amendment, passes with the following roll call vote:

Ayes: Bagley, Cox, Lovingood, McCallon, Rowe, Warren and Farrell.

Noes: None.

Abstain: None.

Absent: Curatalo (Farrell voting in his stead).*

Commissioner Amis attends the Zoom Meeting at 9:09am

PUBLIC HEARING ITEMS:

5. 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 August 2020 hearing, unless otherwise directed by the Commission

Commissioner Cox moves approval of staff recommendation. Second by Commissioner Warren. The motion passes with the following roll call vote:

Ayes: Bagley, Cox, Lovingood, McCallon, Rowe, Warren and Farrell.

Noes: None.

Abstain: None.

Absent: Curatalo (Farrell voting in his stead).

*Unavailable due to technical difficulties

Commissioner Curatalo re-joins the Zoom meeting at 10:02am

- 6. Consideration of: (1) Review of Mitigated Negative Declaration by the County of San Bernardino for a General Plan Amendment to change the Land Use Zoning Designation from Single Residential (RS-20M) and General Commercial (CG) to Multiple Residential (RM) on Four Lots, Tentative Tract Map 20267 to Create Two Single-Family Residential Parcels and One Condominium Parcel, and a Conditional Use Permit for the Development of 40 Condominiums, with Major Variance for a Reduced Front Yard Setback on Approximately 4.7 Acres, as CEQA Responsible Agency for LAFCO SC#449; and (2) LAFCO SC#449 – City of Montclair Irrevocable Agreement to Annex No. 20-06-I-104 for Sewer Service (APN 1011-351-02)**

Staff recommends that the Commission approve LAFCO SC#449 by taking the following actions:

1. For environmental review, take the following actions as a responsible agency:
 - a. Certify that the Commission has reviewed and considered the environmental assessment and the Mitigated Negative Declaration prepared by the County of San Bernardino for the General Plan Amendment, Conditional Use Permit, and Tentative Tract Map 20267 to construct 40 detached residential condominiums and two single-family residential lots on a 4.7 acres site, and found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project; that all mitigation measures are the responsibility of the County and/or others, not the Commission; and,
 - c. Notes that this project is exempt from Department of Fish and Game fees because the filing fee was the responsibility of the County, as CEQA Lead Agency, and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.
2. Approve SC#449 authorizing the City of Montclair to extend sewer services outside its boundaries to Assessor Parcel Number (APN) 1011-351-02.
3. Adopt LAFCO Resolution #3304 setting forth the Commission’s determinations and approval of the sewer services outside the City of Montclair boundaries.

Commissioner Curatalo moves approval of staff recommendation Second by Commissioner Lovingood. The motion passes with the following roll call vote:

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

**Unavailable due to technical difficulties*

7. Consideration of: (1) Review of Mitigated Negative Declaration by the County of San Bernardino for a Minor Use Permit to Establish a 321,496 Sq. Ft. High Cube Warehouse on Approx. 20 Acres, as CEQA Responsible Agency for LAFCO SC#450; and (2) LAFCO SC#450 – City of San Bernardino Irrevocable Agreement NO. 2020-002 for Sewer Service (APNs 0262-041-09, -13, -18 and -20)

Staff recommends that the Commission approve LAFCO SC#450 by taking the following actions:

1. For environmental review as a responsible agency:
 - a. Certify that the Commission has reviewed and considered the environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a Minor Use Permit to construct a 321,496 sq. ft. industrial warehouse facility with a 10,000 sq. ft. office space on the approximately 20-acre project site, and found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
 - c. Note that this proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as CEQA lead agency, and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.
2. Approve LAFCO SC#450 authorizing the City of San Bernardino to extend sewer service outside its boundaries to the project area comprised of four (4) adjacent parcels identified as Assessor Parcel Numbers 0262-041-09, 0262-041-13, 0262-041-18 and 0262-041-20; and,
3. Adopt LAFCO Resolution #3305 setting forth the Commission's determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

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

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

Commissioner Cox re-joins the Zoom meeting.

**Unavailable due to technical difficulties*

8. Consideration of: (1) CEQA Exemption for Amendments to Policy and Procedure Manual; and (2) Review and Adoption of Amendments to LAFCO Policy and Procedure Manual

Staff recommends that the Commission take the following actions:

1. Certify that the proposed amendments to the Policy and Procedure Manual are exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action;
2. Provide staff with any additional changes, corrections or amendments to the Policy and Procedure Manual as presented;
3. Adopt the amendments to the Policy and Procedure Manual as follows:
 - a. Section I – Mission Statement and Commission Operations:
 - Chapter 3: Commission Rules of Order
 - Election of Chair and Vice Chair
 - b. Section II – Accounting and Financial:
 - Chapter 1: Financial Policies for Internal Operations
 - Expense Reimbursement (various)
 - Chapter 2: Financial Policies for Application Processing
 - LAFCO Filing Fee Refund
 - c. Section III – Human Resources
 - Chapter 1: Working Environment
 - Work-at-Home/Telecommute (new policy)
 - Chapter 2: Employment
 - One-Time Incentive Pay (being deleted)
 - d. Section V – Environmental Review
 - various
4. Adopt Resolution No. 3306 approving the amendments to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commission’s website.

In addition, staff also recommended that the Commission: 1) recognize that the One-Time Incentive Pay policy is being deleted as part of the recommendation which was omitted from the list of amendments to the Manual in the staff report but identified in the text, 2) incorporate the additional changes to the Work-At-Home Telecommute policy outlined in the supplemental staff report, and 3) include the minor change to the Environmental Review policies provided at the hearing.

Commissioner Cox moves approval of staff recommendation Second by Commissioner Bagley. The motion passes with the following roll call vote:

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

9. Third Quarter Financial Review for FY 2019-20

Staff recommends that the Commission:

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

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

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

10. Preliminary Budget Review for Fiscal Year 2020-21:

10a. Proposed Schedule of Fees, Deposits, and Charges for Fiscal Year 2020-21

Staff recommends that the Commission take the following actions related to the Proposed Schedule of Fees, Deposits and Charges for Fiscal Year 2020-21:

1. Review the proposed amendments and provide staff with direction on changes, corrections, or modifications to be included.
2. Direct staff to forward the Proposed Schedule of Fees, Deposits, and Charges for FY 2020-21 to the County, all Cities/Towns, and all Independent Special Districts for their review and comments pursuant to Government Code Section 56383.
3. Schedule the final review and adoption of the Schedule of Fees, Deposits, and Charges for the May 20, 2020 hearing.

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

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

10b. Preliminary Budget Review for Fiscal Year 2020-21:

Staff recommends that the Commission take the following actions:

1. Adopt the Proposed Budget for Fiscal Year 2020-21 as presented by staff.

2. Direct the Executive Officer to sign the contract amendment with the Inland Valley Development Agency for the Commission's use of the Norton Regional Event Center.
3. Direct staff to forward the adopted Proposed Budget, as may be modified at this hearing, to all the independent special districts, cities/towns, and the County for their comment pursuant to Government Code Section 56381.
4. Schedule a public hearing for May 20, 2020 for formal:
 - a. Approval of the amendments to the Policy and Procedure Manual for Salaries and Benefits; and,
 - b. Adoption of the Final Budget for Fiscal Year 2020-21.

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

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

11. Legislative Report

Staff recommends that the Commission send a Letter of Support for Senate Bill 799 (Dodd)

Staff noted that following the publication of the staff report, Senator Dodd decided to hold SB 799 until next Legislative year since it does not fit the urgent COVID-19 bills that are encouraged to move forward.

Chair McCallon directs staff to hold off on submitting a letter of support and asks that it be brought back to the Commission for consideration when the Senator reintroduces the bill next year.

12. Executive Officer's Oral Report

Executive Officer Samuel Martinez thanks the Commission for their patience during the Commission Hearing conducted via Zoom. He states that the LAFCO office is closed to the public, but available via phone and email. He also states that the public can also get information from the LAFCO website. He reminds the Commission that there will be a May meeting to adopt the final budget but notes that there will be no June meeting anticipated at this time.

*Unavailable due to technical difficulties

13. Commissioner Comments

Commissioner Lovingood makes a request for the next update on the City of Adelanto's sustainability (Item 5), that the City bring forward the current balances for the City of Adelanto and an update where the City is on all its pending lawsuits. He would also like to know what will happen if the City does not come through with the proposed financial stability measures – collectively and for each individual option.

Commissioner McCallon thanks the Commission stating that this is unprecedented times and it will resolve itself soon. He states that he appreciates staff and reminded all to stay safe and observe social distancing requirements.

14. Comments from the Public

There are none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:58 A.M.

ATTEST:



LA TRICI JONES, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION



LARRY McCALLON, Chair