

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

REGULAR MEETING

9:00 A.M.

MAY 20, 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 (Items 1-4)
James Curatalo, Vice Chair	Steven Farrell
James Bagley	Rick Denison
Kimberly Cox	Dieter Dammeier (Items 6-17)
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

9:01 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

- 1. Public Comments on Closed Session**
There are none.
- 2. Convene 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. CIVDS1712771

3. Reconvene Public Session

Legal Counsel, Paula de Sousa states that there is no reportable action at this time.

4. Selection of Chair and Vice Chair

Commissioner Bagley nominates Commissioner McCallon to serve as Chair. Second by Commissioner Lovingood. Commissioner Warren motions to close the nominations. The nomination passes with the following roll call vote:

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

Commissioner Lovingood nominates Commissioner Curatalo to serve as Vice-Chair. Second by Commissioner Warren. Commissioner Warren motions to close the nominations. The nomination passes with the following roll call vote:

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

5. Interview and Select Alternate Public Member

The following applicants for the position of Alternate Public Member of the Commission each make a brief presentation to the Commission:

- Louisa Amis, a resident of the City of Redlands (incumbent);
- Dieter Dammeier, a resident of the City of Rancho Cucamonga;
- James Daniels, a resident of the City of Rancho Cucamonga;
- Jim Harvey, a resident of the community of Johnson Valley; and,
- Scott Rindenow, a resident of the community of Lake Arrowhead.

Commissioner Lovingood moves for the selection of Dieter Dammeier. Second by Commissioner Warren. The nomination passes with the following roll call vote:

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

Mr. Dammeier takes his oath of office and assumes the position of Alternate Public Member to the Commission. At this point, Commissioner Amis is relieved of her position as Alternate Public Member to the Commission.

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.

6. Approval of Minutes for Regular Meeting of April 15, 2020

7. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Officers' Expense Report for Procurement Card Purchases from March 22, 2020 to April 24, 2020

8. Ratify Payments as Reconciled and Note Cash Receipts for Month of March 2020

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

9. Consent Items Deferred for Discussion

Commissioner Bagley moves approval of the Consent Items. 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.*

PUBLIC HEARING ITEMS:

10. Review and Adoption of Schedule of Fees, Deposits, and Charges Effective July 1, 2020

Staff recommends that the Commission take the following actions:

1. For Environmental review:

- a. Make the findings required by Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines as follows:
 - i. Filing and processing fees are authorized by Government Code Section 56383 to cover the estimated reasonable cost of providing the service; and,
 - ii. The rates and charges identified in the Schedule are for the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements.

- b. Certify that the proposed revisions to the Schedule of Fees, Deposits, and Charges are statutorily 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. Adopt the Schedule of Fees, Deposits, and Charges, as revised, to be effective July 1, 2020.
3. Adopt LAFCO Resolution No. 3308 reflecting the Commission’s determinations related to the Schedule.

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

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

11. Review and Adoption of Amendments to LAFCO Policy and Procedure Manual

Staff recommends that the Commission take the following actions:

1. Provide staff with any additional changes, corrections or amendments to the Policy and Procedure Manual as presented;
2. Adopt the amendments to the Policy and Procedure Manual as follows:
 - a. Section II (Accounting and Financial), Chapter 1 (Financial Policies for Internal Operations), Policy 6 (Reserve Policy)
 - b. Section III (Human Resources), Chapter 2 (Employment), Policy 2 (Compensation)
3. Adopt Resolution No. 3307 approving the amendments to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commission’s website.

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

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

12. Review and Adoption of Final Budget for Fiscal Year 2020-21

Staff recommends that the Commission take the following actions:

1. Adopt the Fiscal Year 2020-21 Final Budget as presented including
 - a. Making the finding, as required by Government Code Section 56381, that the approval of a budget less than that adopted for Fiscal Year 2019-20 for the upcoming fiscal year will allow the Commission to fulfill its obligations under Government Code Section 56000 et seq; and,
 - b. Direction that with the apportionment of net LAFCO costs based upon the Auditor's information attached to this report; and,
2. Direct the Executive Officer to submit to the County Auditor-Controller the adopted Final Budget and request the apportionment of the Commission's net costs to the County, Cities/Towns and Independent Special Districts pursuant to the provisions of Government Code Section 56381 as shown in the approved Final Budget.

Commissioner Curatalo 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.*

DISCUSSION ITEM:

13. Sustainable Agricultural Lands Conservation (SALC) Program Planning Grant Application

Staff recommends that the Commission:

1. Authorize the Executive Officer to submit the SALC Program Planning Grant pre-proposal to the CA Department of Conservation;
2. Direct staff to continue to work with the Inland Empire Resource Conservation District in finalizing the full application; and,
3. Prior to actual submittal of full application, return to the Commission for review of document(s) and to adopt resolution approving the submittal of the SALC Program Planning Grant application to the CA Department of Conservation.

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

Ayes: Cox, Curatalo, Lovingood, and Warren

Noes: *Bagley, McCallon and Rowe*
Abstain: *None.*
Absent: *None.*

INFORMATION ITEMS:

14. Legislative Report

Executive Officer Samuel Martinez states that there is nothing to report at this time. All bills are on hold due to COVID-19.

15. Executive Officer’s Oral Report

Executive Officer Samuel Martinez reminds the Commission that there will be no June meeting anticipated at this time. Additionally, he reports that Spring Valley Lake CSD, 3233A, is approved subject to confirmation of the voters at the November 2020 Ballot.

16. Commissioner Comments

Commissioner Lovingood spoke on the impact of COVID-19 on small businesses, and the damages that are being inflicted. He states we need to get back to business.

Commissioner Bagley recommended that the selection of the chair/vice-chair and the interview for the alternate public member be put on a 30 to 60 day reminder to the Commission in order to be better prepared. He also requested the meeting be adjourned in memory of Dennis Hansberger.

Chair McCallon states that he wants to recognize the efforts of Supervisor Lovingood and Supervisor Rowe with the County in trying to get the County to open up faster.

17. Comments from the Public

There are none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS IN MEMORY OF DENNIS HANSBERGER AT 10:35 A.M.

ATTEST:

LA TRICI JONES, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

LARRY McCALLON, Chair