

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

**REGULAR MEETING**

**9:00 A.M.**

**JULY 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:**

<b>Regular Member</b>	<b>Alternate Member</b>
<b>Larry McCallon, Chair</b>	<b>Dieter Dammeier</b>
<b>James Bagley</b>	<b>Steven Farrell</b>
<b>Kimberly Cox</b>	<b>Rick Denison</b>
<b>Robert Lovingood</b>	<b>Janice Rutherford</b>
<b>Acquanetta Warren</b>	

**STAFF:**

**Samuel Martinez, Executive Officer  
Paula de Sousa, LAFCO Legal Counsel  
Holly Whatley, LAFCO Special Counsel (for Item 11 only)  
Michael Tuerpe, Senior Analyst  
Jeffrey Lum, LAFCO Analyst  
La Trici Jones, Clerk to the Commission  
Angela Schell, Administrative Assistant**

**ABSENT:**

**COMMISSIONERS:**

**James Curatalo, Vice Chair  
Dawn Rowe**

**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**

**1. Swear in Regular Special District Commissioner and Regular City Commissioner**

Special District Commissioner Cox and City Commissioner Warren are sworn in and the oath of office is administered.

**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.

2. **Approval of Minutes for Regular Meeting of May 20, 2020**
3. **Approval of Executive Officer’s Expense Report**
4. **Ratify Payments as Reconciled and Note Cash Receipts for Months of April and May 2020**
5. **Approval of Fiscal Year 2011-12 Financial Records Destruction Pursuant to Commission Policy**
6. **Review and Update the Catalog of Enterprise Systems per Government Code Section 6270.5**
7. **Review and Approval of LAFCO Office Space Lease Amendment at the San Bernardino Santa Fe Depot**
8. **Consent Items Deferred for Discussion**

*Commissioner Cox moves approval of the Consent Items. Second by Commissioner Rutherford. The motion passes with the following roll call vote:*

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

**PUBLIC HEARING ITEMS:**

9. **LAFCO 3239 – Reorganization to Include Annexation to the City of Loma Linda and Detachment from the San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and County Service Area 70 (City-owned Parcels)**

Staff recommends that the Commission take the following actions:

1. With respect to environmental review:
  - a) Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City’s Initial Study and Negative Declaration for the South Hills Preserve Annexation and Pre-Zoning for approximately 664 acres;
  - b) Determine that the City’s environmental assessment and Negative Declaration are adequate for the Commission’s use as a CEQA Responsible Agency for its consideration of LAFCO 3239;

- c) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; and,
  - d) Direct the Executive Officer to file the Notice of Determination within five (5) days.
2. Approve LAFCO 3239, with the standard LAFCO terms and conditions that include the “hold harmless” clause for potential litigation costs by the applicant;
  3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization; and,
  4. Adopt LAFCO Resolution #3310 setting forth the Commission’s determinations and conditions of approval concerning the reorganization proposal.

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

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

**10. LAFCO 3241 – Reorganization to Include Annexation to the City of Rancho Cucamonga and Detachment from County Service Area 70 (Etiwanda Heights Neighborhood and Conservation Plan)**

Staff recommends that the Commission take the following actions:

1. With respect to the environmental review:
  - a. Certify that the Complete Final Environmental Impact Report (EIR) and other related environmental documents prepared by the City of Rancho Cucamonga for the Etiwanda Heights Neighborhood and Conservation Plan project have been independently reviewed and considered by the Commission, its staff and its Environmental Consultant;
  - b. Determine that the Complete Final EIR for the project prepared by the City is adequate for the Commission’s use as a California Environmental Quality Act (CEQA) Responsible Agency for its determinations related to LAFCO 3241;
  - c. Determine that the Commission does not intend to adopt alternatives or mitigation measures for the Etiwanda Heights Neighborhood and Conservation Plan project and that the mitigation measures identified for the project are the responsibility of the City and others, not the Commission;

- d. Adopt the Facts, Findings and Statement of Overriding Considerations as presented by the Commission’s Environmental Consultant and attached to the staff report; and,
  - e. Direct the Executive Officer to file the Notice of Determination within five days and find that no further Department of Fish and Wildlife filing fees are required by the Commission’s approval since the City, as CEQA lead agency, has paid said fees.
2. Override the Commission’s policy related to concurrent city-district annexation based on fact that the concurrent annexation to the Cucamonga Valley Water District and the Inland Empire Utilities Agency (including the Metropolitan Water District of Southern California) to include the entirety of the area being annexed into the City is not necessary since the area that is outside of these agencies’ boundaries is to remain rural/conservation area and will not need services from these agencies.
  3. Approve LAFCO 3241, with the standard terms and conditions that include, but are not limited to, the “hold harmless” clause for potential litigation costs, continuation of fees, charges, assessments, and the identification that the transfer of utility accounts will occur within 90 days of the recording of the Certificate of Completion.
  4. Adopt LAFCO Resolution No. 3312 setting forth the Commission’s terms, conditions, findings and determinations for LAFCO 3241.

*The first 250 words of written comments from the following were read into the record by the Commission Clerk:*

*Martin A Cervantes, Esq., representing Hillside Owners LLC  
Andrew Hu  
Randall S. Guritzky, Esq, representing CraneVeyor Corporation  
Rebecca Burchett  
Anthony Cheng, representing Rancho Canyon Partners, LLC*

*Public comment was provided by:*

*Michael Smith, Principal Planner, City of Rancho Cucamonga, applicant representative  
Matt Burris, Deputy City Manager, City of Rancho Cucamonga, applicant representative  
Bo Kaemerle, representing Inland Real Estate Group, LLC  
Anthony Maricic*

*Commissioner Rutherford moves to approve staff recommendation. Second by Commissioner Lovingood. The motion passes with the following roll call vote:*

*Ayes: Bagley, Cox, Farrell, Lovingood, McCallon, Rutherford, and Warren.  
Noes: None.  
Abstain: None.*

*Absent: Curatalo (Farrell voting in his stead), Rowe (Rutherford voting in her stead)*

**11. Consideration of Approval of Impartial Analysis for LAFCO 3233A – Reorganization to Include Dissolution of County Service Area 64 and Formation of the Spring Valley Lake Community Services District Together with Formation of Zone A for Solid Waste and Street Sweeping**

Staff recommends that the Commission approve the Impartial Analysis for LAFCO 3233A – Reorganization to include Dissolution of County Service Area 64 and Formation of the Spring Valley Lake Community Services District together with Formation of Zone A for Solid Waste and Street Sweeping

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

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

**DISCUSSION ITEM:**

**12. 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 to the CA Department of Conservation.
2. Adopt Resolution No. 3311 approving the submittal of the SALC Program Planning Grant application to the CA Department of Conservation.
3. Direct staff to return to the Commission with a Memorandum of Understanding with the Inland Empire Resource Conservation District regarding roles and responsibilities.

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

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

**13. Unaudited Year-End Financial Report for FY 2019-20 to include Transfer from Reserves to Services and Supplies**

Staff recommends that the Commission:

1. Note receipt of this report and file.
2. Approve a transfer of \$30,727 from Reserve Account 6000 (Contingencies) to Revenue Account 9970 (General Reserve) to cover the deficit.
3. Approve a transfer of \$42,500 from Reserve Account 6010 (Net Pension Liability Reserve) to Revenue Account 9990 (SBCERA Contributions) to provide budget authority for the payment to SBCERA that occurred in June 2020.

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

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

**INFORMATION ITEMS:**

**14. Legislative Report**

Executive Officer Samuel Martinez states that there is nothing to report at this time. The Legislature is still on summer recess.

**15. Executive Officer's Oral Report**

Executive Officer Samuel Martinez reminds the Commission that there will be no August meeting. He reports that the CALAFCO Annual Conference is cancelled as an in-person conference, but that it could possibly be a virtual conference. Additionally, he reports that Pamela Miller will stay with CALAFCO due to these uncertain times and noted that Jeffrey Lum will be leaving San Bernardino LAFCO to take a position with Solano LAFCO. He also asks the Commission to adjourn in memory of Bill Chiat.

**16. Commissioner Comments**

The Commissioners thanked Jeffrey Lum for his service to San Bernardino LAFCO.

Commissioner Lovingood requests for the LAFCO staff to do the service review for cemetery districts.

Commissioner Bagley requests that staff also look into the service review of park and recreation districts in light of the COVID-19 crisis.

Commissioners expressed their preference to have the CALAFCO Conference as an in-person conference instead of virtual.

**17. Comments from the Public**

There is 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:**

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LA TRICI JONES, Clerk to the Commission

**LOCAL AGENCY FORMATION COMMISSION**

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LARRY McCALLON, Chair