

**DRAFT
ACTION MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION
FOR SAN BERNARDINO COUNTY**

REGULAR MEETING

9:00 A.M.

SEPTEMBER 16, 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	Dieter Dammeier
James Bagley	Steven Farrell
Kimberly Cox	Janice Rutherford
James Curatalo, Vice-Chair	
Dawn Rowe	
Acquanetta Warren	

STAFF:

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

ABSENT:

**COMMISSIONERS: Robert Lovingood
Rick Dennison**

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:

- 1. Approval of Minutes for Regular Meeting of September 16, 2020**
- 2. Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Office's Expense for Procurement Card Purchases from June 23, 2020, to July 22, 2020 and July 23, 2020 to August 24, 2020.

3. Ratify Payments as Reconciled and Note Cash Receipts for Months of June and July 2020

Recommendation: Ratify payments as reconciled for the months of June and July 2020 and note revenue receipts for the same period.

4. Review of Service Review Schedule for FY 2020-21

Recommendation: Staff recommends that the Commission receive and file revised service review schedule for FY 2020/21 (cemetery districts and recreation and park functions of local agencies).

5. Consideration of: (1) CEQA Statutory Exemption for LAFCO SC#452; and (2) LAFCO SC#452 – City of San Bernardino Irrevocable Agreement to Annex No. 2020-003 for Sewer Service (APNs 0268-291-32, -33, & -34)

Recommendation: Staff recommends that the Commission approve LAFCO SC#452 by taking the following actions:

1. Certify that LAFCO SC#452 is 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#452 authorizing the City of San Bernardino to extend sewer service outside its boundaries to three parcels, Assessor Parcel Numbers 0268-291-32, 0268-291-33, and 0268-291-34.
3. Adopt Resolution #3314 setting forth the Commission's determination and approval of the agreement for service outside the City of San Bernardino's boundaries.

6. Note Receipt of Proposal Initiated by City Council Resolution – LAFCO 3243 – Reorganization to Include Annexation to the City of Fontana, the Fontana Fire Protection District, the West Valley Water District and the San Bernardino Valley Municipal Water District, and Detachment from the San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and County Service Area 70

No action is required of the Commission other than to note receipt of the proposal.

7. Consent Items Deferred for Discussion (none)

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

Ayes: Bagley, Curatalo, Farrell, McCallon, Rowe, Rutherford, and Warren.

Noes: None.

Abstain: None.

Absent: Cox (Farrell voting in her stead), Lovingood (Rutherford voting in his stead).

PUBLIC HEARING ITEMS:

8. LAFCO SC#453 – City of Redlands Pre-Annexation Agreement No. 20-51 for Water and Sewer Service (Assessor Parcel Number 0298-412-01)

Recommendation: Staff recommends that the Commission approve LAFCO SC#453 by taking the following actions:

1. For Environmental review as the responsible agency:
 - a. Certify that the Commission, its staff, and its Environmental Consultant have reviewed and considered the environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a Conditional Use Permit for the development of a gas station, convenience store and car wash on approximately 1.28 acres, 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 Fish and Wildlife fees because the filing fees 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#453 authorizing the City of Redlands to extend water and sewer service outside its boundaries to Assessor Parcel Number 0298-412-01.
3. Approve LAFCO Resolution #3315 setting forth the Commission's determinations and approval of the agreement for service outside the City of Redlands' boundaries.

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

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

9. LAFCO 3241 – Request for Reconsideration Submitted by Patrick Kaemerle (on behalf of Inland Real Estate Group, LLC) of the Commission's Approval of 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)

Recommendation: Deny the Request for Reconsideration submitted by Mr. Kaemerle (on behalf of the Inland Real Estate Group, LLC) of the Commission's approval of LAFCO 3241 as outlined in LAFCO Resolution No. 3312 and proceed with the protest proceedings for LAFCO 3241.

Public comment was provided by:

*Patrick Kaemerle, representing Inland Real Estate Group, LLC
Matthew Burris, Deputy City Manager, City of Rancho Cucamonga*

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

Ayes: Bagley, Curatalo, Farrell, McCallon, Rowe, Rutherford, and Warren.

Noes: None.

Abstain: None.

Absent: Cox (Farrell voting in her stead), Lovingood (Rutherford voting in his stead).

10. Reorganization of Staff Composition to Include:

- **Recruitment for an Analyst-GIS/Database Management**
- **Review and Adoption of Amendments to LAFCO Policy and Procedure Manual Section III – Human Resources**
- **Reclassify the Administrative Assistant**

Recommendation: Staff recommends that the Commission take the following actions:

1. For the unfilled Analyst-GIS/Database Management position:
 - a. Authorize recruitment to fill the position.
 - b. Authorize the Executive Officer to sign a contract with an employment/recruitment firm for an amount not to exceed \$5,000, following review by LAFCO Legal Counsel.
2. Modify the Policy and Procedure Manual Section III – Human Resources, Chapter 5 – Benefits Plan:
 - a. Policy 1B – Benefit Plan Groups (new category for new employees).
 - b. Policy 8A – 401K Savings Plan (reduction for new employees).
3. For Angie Schell’s position of Administrative Assistant (Range 42):
 - a. Reclassify to Clerk (Range 50) in order for compensation to be commensurate with duties performed.
 - b. Enter the Clerk position with a two-step increase at Step 8 of Range 50 pursuant to Policy and Procedure Manual Section III – Human Resources, Chapter 2 – Employment, Policy 4E – Promotions.
 - c. Retroactively enter Range 50 effective September 14, 2020, the start of a pay period.
4. Approve LAFCO Draft Resolution No. 3316.

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

Ayes: Bagley, Curatalo, Farrell, McCallon, Rowe, Rutherford, and Warren.

Noes: None.

Abstain: None.

Absent: Cox (Farrell voting in her stead), Lovingood (Rutherford voting in his stead).

Commissioner Cox attends the Zoom meeting at 10:04 a.m.

DISCUSSTION ITEM:

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 January 2021 meeting, unless otherwise directed by the Commission.

Public comment was provided by:

Ward Kormers, Finance Director, City of Adelanto

Gabriel Reyes, Mayor, City of Adelanto

Jessie Flores, City Manager, City of Adelanto

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

Ayes: Bagley, Cox, Curatalo, McCallon, Rowe, Rutherford, and Warren.

Noes: None.

Abstain: None.

Absent: Lovingood (Rutherford voting in his stead).

12. Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for Barstow Fire Protection and the City of Barstow (TO BE CONTINUED TO THE JANUARY 20, 2021 MEETING)

Recommendation: Staff recommends that the Commission continue this item to January 20, 2021 meeting.

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

Ayes: Bagley, Cox, Curatalo, McCallon, Rowe, Rutherford, and Warren.

Noes: None.

Abstain: None.

Absent: Lovingood (Rutherford voting in his stead).

13. Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for San Bernardino County Fire Protection District (TO BE CONTINUED TO THE JANUARY 20, 2021 MEETING)

Recommendation: Staff recommends that the Commission continue this item to the January 20, 2021 meeting.

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

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

14. Appointment of Voting Delegate and Alternate Voting Delegate for the 2020 CALAFCO Board of Directors Election and Nominations for CALAFCO Board Member

Recommendation: Staff recommends that the Commission:

1. Select Commission Chair Larry McCallon as voting delegate (and Jim Curatalo as alternate voting delegate) to cast this Commission's vote for CALAFCO Board Member election and any items for the Annual Business Meeting, should CALAFCO have one; and,
2. For CALAFCO Board Member election nomination/selection:
 - Option 1 – If any of our City and/or a Public member Commissioner from this Commission is interested to serve on the CALAFCO Board of Directors, nominate said City and/or Public member Commissioner and direct the voting delegate to select this LAFCO's nominated City and/or Public Member as the Southern Region representatives to the CALAFCO Board of Directors; or,
 - Option 2 – Direct the voting delegate to select the incumbents Cheryl Brothers (Orange LAFCO) for the City Member Seat and David West (Imperial LAFCO) for the Public Member Seat as the Southern Region representatives to the CALAFCO Board of Directors.

Commissioner Bagley moves to approve staff recommendation. Second by Commissioner Cox. The motion passes selecting Option 2 with the following roll call vote:

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

INFORMATION ITEMS:

15. Legislative Oral Report

Executive Officer Samuel Martinez states the legislative year has ended September 1. He noted that the Legislature was focused on addressing mostly COVID 19 related bills and, therefore, all of the bills that LAFCO and CALAFCO were tracking will likely be introduced next year.

16. Executive Officer's Oral Report

Executive Officer Samuel Martinez states the next meeting will be in November and the Commission is scheduled to have the cemetery districts service review.

He also requests that the Commission provide direction on whether staff should move forward with the session it was putting together for the CALAFCO Annual Conference given that CALAFCO is now moving forward with a series of webinars due to the cancellation of this year's in-person conference and he wants to make sure he follows the Commission's expectation given its stance from the last meeting of not having any virtual sessions for the Conference.

17. Commissioner Comments

Commissioner Bagley expresses concerns on cancelling meetings and the financial implications, and asked the status of how we're doing at the moment?

Mr. Martinez responds by saying that we are not cancelling due to lack of applications but rather as part of our budget, the Commission approved reducing our meetings to six for the year as a cost saving measure.

18. Comments from the Public

There is none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:46 A.M.

ATTEST:

ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

LARRY McCALLON, Chair