

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

REGULAR MEETING

9:00 A.M.

DECEMBER 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	Rick Denison
Kimberly Cox	Steven Farrell
James Curatalo, Vice-Chair	Janice Rutherford
Dawn Rowe	
Acquanetta Warren	

STAFF:

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

ABSENT:

None

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –
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

Public comment was provided by:

Paige Gosney, Representative for Montecito Equities

2. CONVENE CLOSED SESSION – 9:10 A.M.

Conference with Legal Counsel – Significant Exposure to Litigation (Government Code Section 54956.9(d)(2) – 1 Potential Case

Commissioners Curatalo, Farrell, and Rutherford attend the Closed Session at 9:10 a.m.

3. RECONVENE PUBLIC SESSION – 9:44 A.M.

LAFCO Legal Counsel indicates there are no reportable action from Closed Session.

CONSENT ITEMS:

4. **Approval of Minutes for Regular Meeting of September 16, 2020 and Summary of November 18, 2020 Proceedings**

5. **Approval of Executive Officer's Expense Report**

Recommendation: Approve the Executive Office's Expense for Procurement Card Purchases from August 24, 2020 to September 22, 2020; September 23, 2020 to October 22, 2020; and October 23, 2020 to November 23, 2020

6. **Ratify Payments as Reconciled and Note Cash Receipts for Months of August, September, and October 2020**

Recommendation: Ratify payments as reconciled for the months of August, September, and October 2020 and note revenue receipts for the same period.

7. **First Quarter Financial Review for Period July 1 through September 30, 2020**

Recommendation: Staff recommends that the Commission note receipt of this report and file.

8. **Consideration of Approval of the Participating Employer Agreement for the 457 Plan, as Amended and Restated, Sponsored by the County of San Bernardino**

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

1. Approve the Participating Employer Agreement for the 457(b) Deferred Compensation Plan, as Amended and Restated, Sponsored by the County of San Bernardino.
2. Adopt LAFCO Resolution No. 3321.

9. **Consent Items Deferred for Discussion (None)**

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

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

Noes: None.

Abstain: None.

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

PUBLIC HEARING ITEMS:

10. **LAFCO 3245 – Countywide Service Review for Public Cemetery Districts**

Recommendation: Staff recommends that the Commission take the following actions related to LAFCO 3245:

*Unavailable due to technical difficulties

1. For Environmental review, certify that the service review is exempt from environmental review and direct the Executive Officer to file the Notice of Exemption within five (5) days.
2. Accept and file the Countywide Service Review for Public Cemetery Districts which sets forth the written statements for the six determinations outlined in Government Code Section 56430 made with the Commission.
3. As outlined in the service review presented to the Commission, take the following actions for specific agencies/entities:
 - a) Direct LAFCO staff to continue to monitor the Barstow Cemetery District and return to the Commission at its May 19, 2021 meeting.
 - b) Direct LAFCO staff to continue to monitor the Twentynine Palms Public Cemetery District and return to the Commission at its May 19, 2021 meeting.
4. Adopt LAFCO Resolution No. 3319 reflecting the Commission's determinations and directions as required by Government Code Section 56430 and Commission policy.

Public comment was provided by:

Emily Helm, General Manager, Twentynine Palms Cemetery District

Commissioner Bagley moves approval of staff recommendation and modifies the staff recommendation by moving up the continued monitoring for the Barstow Cemetery District from May 2021 to February 2021. Second by Commissioner Warren. The motion passes with the following roll call vote:

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

Noes: None.

Abstain: None.

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

11. LAFCO SC#457 – City of Fontana Out of Area Sewer Service Agreement (APN 0229-072-31)

Recommendation: Staff recommends that the Commission approve LAFCO SC#457 by taking the following actions:

1. Certify that LAFCO SC#457 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#457 authorizing the City of Fontana to extend sewer service outside its boundaries to Assessor Parcel Number 0229-072-31.
3. Adopt LAFCO Resolution No. 3320 setting forth the Commission's determinations and approval of the agreement for service outside the City of Fontana's boundaries.

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

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

DISCUSSION ITEM:

12. LAFCO SC#454 – Request for Exemption from Provisions of Government Code Section 56133 for Agreement between Big Bear City Community Services District and the City of Big Bear Lake Department of Water and Power

Recommendation: Staff recommends that the Commission:

Determine that LAFCO SC#454 complies with the exemption provisions outlined with Government Code Section 56133 (e) and, therefore, does not require Commission approval.

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

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

INFORMATION ITEMS:

13. Legislative Oral Report

Executive Officer Samuel Martinez gives the Commission an update on the CALAFCO Legislative Committee efforts for the year. Additionally, he reports that Senator Dodd has reintroduced his bill from last year that extends the sunset date for the Commission's pilot program under 56133.5. He also informs the Commission that San Diego LAFCO is trying to sponsor an amendment to 56133(e) that clearly specifies that it is the Commission who determines whether a service agreement is exempt from LAFCO review, similar to the Commission's current local policy. Executive Officer Martinez indicates that he will be bringing back a recommendation to support not only Senator Dodd's bill but also San Diego LAFCO's proposed amendment to 56133(e) sometime next year.

14. Executive Officer's Oral Report

Executive Officer Samuel Martinez goes over the staff report for the item. He also informs the Commission that Commissioner Warren has been nominated by the Southern Region LAFCOs to be the next city member representative for the region on the CALAFCO Board.

**Unavailable due to technical difficulties*

15. Commissioner Comments

Commissioners wishes everyone a Merry Christmas and Happy Holidays.

16. Comments from the Public

There is none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:36 A.M.

ATTEST:


ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION


LARRY McCALLON, Chair