

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

REGULAR MEETING

9:00 A.M.

JANUARY 20, 2021

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	
Dawn Rowe	
Acquanetta Warren	

STAFF:

**Samuel Martinez, Executive Officer
Paula de Sousa, Legal Counsel
Michael Tuerpe, Senior Analyst
Hannah Larsen, Analyst
Angela Schell, Commission Clerk**

ABSENT:

COMMISSIONERS: Janice Rutherford

**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

Commissioner Rowe announces that in an abundance of caution, she is recusing herself from Item 6.

CONSENT ITEMS:

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

Recommendation: Approve the Executive Office's Expense for Procurement Card Purchases from November 24, 2020 to December 22, 2020

3. Ratify Payments as Reconciled and Note Revenue Receipts for the Month of November 2020

Recommendation: Ratify payments as reconciled for the month of November 2020 and note revenue receipts for the same period.

4. Consent Items Deferred for Discussion (None)

Commissioner Cox moves the approval of the Consent Items. Second by Commissioner Farrell, with a requested correction of the misspelling of his name. The motion passes with the following roll call vote:

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

PUBLIC HEARING ITEMS:

5A. Environmental Review for LAFCO 3242 and 3243:

Recommendation: Staff recommends that the Commission make the following determinations with respect to the environmental review for LAFCO 3242 and LAFCO 3243:

- a) Certify that the Complete Final Environmental Impact Report (EIR) and other related environmental documents prepared by the City of Fontana for the I-15 Logistics 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 of Fontana is adequate for the Commission's use as a California Environmental Quality Act (CEQA) Responsible Agency for its determinations related to LAFCO 3242 and LAFCO 3243;
- c) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the I-15 Logistics Project, and that the mitigation measures identified for the project are the responsibility of the City of Fontana and others, not the Commission;
- d) Adopt LAFCO Resolution No. 3323 including Environmental Findings and Statement of Overriding Considerations; and,
- e) Direct the Executive Officer to file Notices of Determination for both LAFCO 3242 and LAFCO 3243 within five days and find that no further Department of Fish and Wildlife filing fees are required since the City of Fontana, as CEQA lead agency, has paid said fees.

**Unavailable due to technical difficulties*

Public comment was provided by:

Lillian Sapp (inquiry regarding Item 6)

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

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

5B. LAFCO 3242 – Sphere of Influence Amendments for the City of Fontana (Expansion), Fontana Fire Protection District (Expansion), West Valley Water District (Expansion), and San Bernardino County Fire Protection District (Reduction)

Recommendation: Staff recommends that the Commission approve LAFCO 3242 by taking the following actions:

1. Determine that the proposed sphere of influence amendments, submitted under the provisions of Government Code Section 56428, does not require a service review..
2. Approve the sphere of influence expansion for the City of Fontana;
3. Approve the sphere of influence expansion for the Fontana Fire Protection District and the concurrent sphere of influence reduction for the San Bernardino County Fire Protection District;
4. Approve the sphere of influence expansion for the West Valley Water District;
5. Affirm the descriptions of the functions and services for the Fontana Fire Protection District, West Valley Water District, and San Bernardino County Fire Protection District, as identified in the LAFCO Policy and Procedure Manual; and,
6. Adopt LAFCO Resolution No. 3324 reflecting the Commission's determination for LAFCO 3242.

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

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

**Unavailable due to technical difficulties*

5C. 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 (I-15 Logistics Project)

Recommendation: Staff recommends that the Commission approve LAFCO 3243 by taking the following actions:

1. Approve LAFCO 3243, 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; and,
2. Adopt LAFCO Resolution No. 3325 setting forth the Commission’s determinations and conditions of approval concerning for LAFCO 3243.

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

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

6. LAFCO 3244 – Reorganization to Include Annexation to the Town of Apple Valley and Detachment from County Service Area 70 (Annexation No. 2019-001)

Recommendation: Staff recommends that the Commission approve LAFCO 3244 by taking the following actions:

1. With respect to the environmental review:
 - a. Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the Town of Apple Valley’s Addendum to the Environmental Impact Report (SCH#2008091077) prepared by the Town of Apple Valley 2009 General Plan and Annexation 2008-001;
 - b. Determine that the Town of Apple Valley’s environmental assessment is adequate for the Commission’s uses as a CEQA Responsible Agency for its consideration of LAFCO 3244;
 - c. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the proposal; that the mitigation measures identified in the Town of Apple Valley’s environmental documents are the responsibility of the Town and/or others, not the Commission; and,

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- d. Direct the Executive Officer to file the Notice of Determination within five (5) days, and find that no further Department of Fish and Wildlife filings fees are required by the Commission's approval of LAFCO 3244 since the Town of Apple Valley, as lead agency, has paid said fees.
2. Approve LAFCO 3244 with standard LAFCO terms and conditions that include, but are not limited to, the "hold harmless" clause for potential litigation costs by the applicant and the continuation of fees, charges, and/or assessments currently authorized by the annexing agency.
3. Adopt LAFCO Resolution No. 3326, setting forth the Commission's determinations and conditions of approval concerning LAFCO 3244.

9:31 am – Upon announcement of Item 6, Commissioner Rowe announces that in an abundance of caution, she is recusing herself from the item prior to staff presentation due to a potential conflict and drops off from the Zoom meeting, as advised by counsel.

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

*William M. Quimby
John W. Quimby
George N. Mable
Tony Thomas*

Public comment was provided by:

*Lillian Sapp
Mark Drummond
Lee Parks
Don McAfee*

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

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

10:08 am – Following the vote on Item 6, it is noted that Commissioner Rowe will not be rejoining the Zoom meeting.

DISCUSSION ITEM:

- 7. Update on Sustainability of the City of Adelanto, related to LAFCO 3232 – Sphere of Influence Amendment for the City of Adelanto**

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Recommendation: Staff recommends that the Commission:

1. Review and file this report.
2. Schedule an update for the City of Adelanto for the March 2021 meeting, unless otherwise directed by the Commission.

Public comment was provided by:

*Stevevonna Evans, Council Member, City of Adelanto
Ward Komers, Finance Director, City of Adelanto*

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

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

8. Review and Accept Audit Report for Fiscal Year Ended June 30, 2020

Recommendation: Staff recommends that the Commission receive and file the materials submitted by Davis Farr LLP related to the Commission's audit for Fiscal Year 2019-20

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

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

9. Mid-Year Financial Review for Period July 1 through December 31, 2020

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

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

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

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***Left Zoom meeting*

INFORMATION ITEMS:

10. Legislative Oral Report

Executive Officer Samuel Martinez gives the Commission an update on SB 13, the bill that would extend the sunset date of its pilot program under Government Code Section 56133.5.

11. Executive Officer's Oral Report

Executive Officer Samuel Martinez states that his EO report is outlined on the staff report and reminds the Commission it will not be having a February meeting and that the next scheduled meeting is on March 17. He also makes note that the Department of Conservation has awarded the SALC planning grant to LAFCO and indicates that following notification from the DOC, staff will provide the Commission with an update.

He also informs the Commission that staff now has a new analyst and introduces Hannah Larsen and welcomes her to the team.

12. Commissioner Comments

Commissioner Warren announces the passing of council member Ken Willis from the City of Upland and expresses her heartfelt memories of his leadership and that he was a great council member and a great person.

Commissioner Bagley comments on the vaccination and is hopeful that the Commission can be together again in person soon. He also comments about the inauguration process and that it conflicts with today's meeting. He asks that in the future to have some flexibility that if there is a significant event that might conflict with the LAFCO meeting, he wouldn't mind moving LAFCO's meeting back an hour or rescheduling.

13. Comments from the Public

There is none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:54 A.M.

ATTEST:


ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION


LARRY McCALLON, Chair