

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

**REGULAR MEETING**

**9:00 A.M.**

**JULY 21, 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-08-21 in response to the COVID-19 pandemic.

**PRESENT:**

**COMMISSIONERS:**

<b>Regular Member</b>	<b>Alternate Member</b>
<b>Jim Bagley, Chair</b>	<b>Rick Denison</b>
<b>Joe Baca Jr.</b>	<b>Steven Farrell</b>
<b>Kimberly Cox</b>	<b>Dawn Rowe</b>
<b>James Curatalo</b>	
<b>Curt Hagman</b>	
<b>Larry McCallon</b>	

**STAFF:**

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

**ABSENT:**

**Acquanetta Warren, Vice Chair  
Dieter Dammeier**

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –  
9:07 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

Chair Bagley 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 Alternate County Commissioner**

Supervisor Dawn Rowe is sworn-in and the oath of office is administered.

**ANNOUNCEMENT OF CONTRIBUTIONS**

**2. PUBLIC COMMENTS ON CLOSED SESSION**

*No public comment was provided.*

**3. CONVENE CLOSED SESSION – 9:06 A.M. (Conference Call)**

- Conference with Legal Counsel – Existing Litigation – (Government Code Section 54956.9(d)(1)) – C.O.M.E.T. (Citizens of Mentone Empowered Together) v. City of Redlands et al, County of San Bernardino Superior Court Case No. CIVDS1906437
- Conference with Legal Counsel - Existing Litigation (Government Code Section 54956.9(d)(1)) – Montecito Equities, Ltd v. San Bernardino Local Agency Formation Commission, County of San Bernardino Superior Court Case No. CIVSB2029401
- Conference with Legal Counsel – Significant Exposure to Litigation (Government Code Section 54956.9(d)(2)) - - 1 Potential Case

**4. RECONVENE PUBLIC SESSION – 9:37 A.M.**

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

**CONSENT ITEMS:**

**5. Approval of Minutes for Regular Meeting of May 19, 2021**

**6. Approval of Executive Officer’s Expense Report**

Recommendation: Approve the Executive Office’s Expense for Procurement Card Purchases from April 23, 2021 to May 24, 2021 and May 25, 2021 to June 22, 2021.

**7. Ratify Payments as Reconciled and Note Cash Receipts for the Months of April and May 2021 and Note Revenue Receipts**

Recommendation: Ratify payments as reconciled for the months of April 2021 and May 2021 and note revenue receipts for the same period.

**8. Approval of Fiscal Year 2012-13 Financial Records Destruction Pursuant to Commission Policy**

Recommendation: Staff recommends the Commission direct the Executive Officer, as Records Management Coordinator, to:

1. Destroy the Commission’s financial records for Fiscal Year 2012-13 pursuant to the Commission’s Records Retention Policy, and
2. Record the items to be destroyed in the Destruction Log along with a copy of the Commission’s minute action authorizing destruction.

**9. Review and Update the Catalog Enterprise Systems per Government Code Section 6270.5**

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

1. Approve the Enterprise Systems Catalog as of July 1, 2021 as identified in this staff report.

2. Direct the Executive Officer to post the Enterprise Systems Catalog as of July 1, 2021 on the LAFCO Website.

**10. Review and Consideration of Amendments to Policy and Procedure Manual Section III – Human Resources (adjust effective date of Medical Premium Subsidy increase)**

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

1. Adopt the amendment to the Policy and Procedure Manual, Section III (Human Resources), Chapter 5 (Benefits Plan), Policy 2 (Medical and Dental Subsidies).
2. Adopt Resolution No. 3333 approving the amendment to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commission's website.

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

*Executive Officer Martinez identifies a minor correction to the staff report for Item 8 noting that only the Form 700s for CY 2013 will be included as part of the records for destruction, not the Form 700s for both CYs 2013 and 2014. Commissioner Hagman moves the approval of the Consent Items. Second by Commissioner Cox. The motion passes with the following roll call vote:*

*Ayes: Baca Jr., Bagley, Cox, Curatalo, Denison, Hagman and McCallon.  
Noes: None.  
Abstain: None.  
Absent: Warren (Denison voting in her stead).*

**PUBLIC HEARING ITEM:**

**12. LAFCO 3249 – Annexation to the Bighorn-Desert View Water Agency and Bighorn-Desert View Water Agency Improvement Zone CSA 70 W-1 (APN 0631-071-12)**

Recommendation: Staff recommends that the Commission approve LAFCO 3249 by taking the following actions:

1. For environmental review, certify that LAFCO 3249 is exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3249, with the condition for the "hold harmless" clause for potential litigation costs, continuation of fees, charges, assessments, etc.;
3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the annexation; and,
4. Adopt LAFCO Resolution #3334, setting forth the Commission's determinations and conditions of approval concerning LAFCO 3249.

*Commissioner Denison moves approval of staff recommendations. Second by Commissioner Curatalo. The motion passes with the following roll call vote:*

*Ayes: Baca Jr., Bagley, Cox, Curatalo, Denison, Hagman and McCallon.  
Noes: None.  
Abstain: None.  
Absent: Warren (Denison voting in her stead).*

**DISCUSSION ITEMS:**

**13. Unaudited Year-End Financial Report for Fiscal Year 2020-21 to include Authorization for Transfer of Funds for Additional Payment towards Net Pension Liability**

Recommendation: Staff recommends that the Commission:

1. Note receipt of this report and file.
2. Approve a transfer of \$43,852 from Reserve Account 6010 (Net Pension Liability Reserve) to Revenue Account 9970 (SBCERA Contributions) to provide budget authority for the payment to SBCERA that occurred in June 2021.

*Commissioner McCallon moves to approve staff recommendations. Second by Commissioner Hagman. The motion passes with the following roll call vote:*

*Ayes: Baca Jr., Bagley, Cox, Curatalo, Denison, Hagman and McCallon.  
Noes: None.  
Abstain: None.  
Absent: Warren (Denison voting in her stead).*

**14. Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for San Bernardino County Fire Protection District (Continued from the May 19, 2021 Meeting)**

Recommendation: Staff recommends that the Commission:

1. Receive and file this report.
2. Cease monitoring of the San Bernardino County Fire Protection District.

*Commissioner Baca Jr., moves to approve staff recommendations. Second by Commissioner Hagman. The motion passes with the following roll call vote:*

*Ayes: Baca Jr., Bagley, Cox, Curatalo, Denison, Hagman and McCallon.  
Noes: None.  
Abstain: None.  
Absent: Warren (Denison voting in her stead).*

**15. Continued Monitoring for the Barstow Cemetery District related to LAFCO 3245 – Countywide Service Review for Public Cemetery Districts**

Recommendation: Staff recommends that the Commission:

1. Receive and file this report.
2. Schedule an update for the Barstow Cemetery District for the November 17, 2021 meeting, unless otherwise directed by the Commission.

*Commissioner Curatalo moves to approve staff recommendations. Second by Commissioner Denison. The motion passes with the following roll call vote:*

*Ayes: Baca Jr., Bagley, Cox, Curatalo, Denison, Hagman and McCallon.  
Noes: None.  
Abstain: None.  
Absent: Warren (Denison voting in her stead).*

#### **16. Update on Countywide Service Review for Park and Recreation**

Recommendation: Staff recommends that the Commission receive and file this report.

*Chair Bagley notes to receive and file staff report.*

#### **17. Appointment of Voting Delegate and Alternate Delegate for the 2021/2022 CALAFCO Regional Caucus Elections and for the Annual Business Meeting and Nominations for CALAFCO Board Member**

Recommendation: Staff recommends that the Commission:

1. Select Commission Chair Jim Bagley as voting delegate (and Acquanetta Warren as alternate voting delegate) to cast this Commission's vote for CALAFCO Board Member during the Regional Caucus Elections and for any items during the Annual Business Meeting; and,
2. For CALAFCO Board Member election nomination/selection:
  - Option 1 – If any of the County and/or District member Commissioners from this Commission is interested to serve on the CALAFCO Board of Directors, nominate said County and/or District member Commissioner and direct the voting delegate to select this LAFCO's nominated County and/or District member as the Southern Region representative(s) to the CALAFCO Board of Directors; or,
  - Option 2 – Direct the voting delegate to select the incumbents Michael Kelley (Imperial LAFCO) for the County Member Seat and Jo MacKenzie (San Diego LAFCO) for the District Member Seat at the Southern Region representatives to the CALAFCO Board of Directors.

*Commissioner Curatalo moves to approve staff recommendation for Item 1 and for Item 2 nominates Commissioner Kimberly Cox as the Southern Region District member for the CALAFCO Board of Directors. Second by Commissioner McCallon. The motion passes with the following roll call vote:*

*Ayes: Baca Jr., Bagley, Cox, Curatalo, Denison, Hagman and McCallon.  
Noes: None.  
Abstain: None.  
Absent: Warren (Denison voting in her stead).*

**INFORMATION ITEMS:**

**18. Legislative Update Report**

Executive Officer Samuel Martinez states that the Legislature is now in summer recess until August 16. He states that the CALAFCO Omnibus Bill, AB1581, was signed by the Governor into law on June 28, 2021; and SB13, the pilot program for San Bernardino and Napa Counties, has been ordered to third reading in Assembly.

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

Mr. Martinez states that the Ad-hoc Admin Committee has been re-established this year to go over lease options related to the LAFCO office as well as to review upcoming audit and budget. He also states that as outlined in the staff report, the members of the Ad-hoc Admin Committee will be the Chair, Vice Chair Warren and Commissioner McCallon.

**20. Commissioner Comments**

There is none.

**21. Comments from the Public**

There is none.

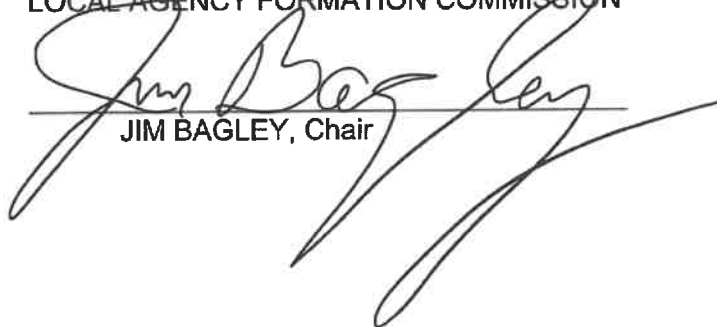
**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:56 A.M.**

**ATTEST:**



ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION



JIM BAGLEY, Chair