

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

**REGULAR MEETING**

**9:00 A.M.**

**MARCH 17, 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:**

<b>Regular Member</b>	<b>Alternate Member</b>
Larry McCallon, Chair	Dieter Dammeier
Joe Baca, Jr.	Rick Denison
James Bagley	Steven Farrell
Kimberly Cox	
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: James Curatalo, Vice Chair**

**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. Swear In Regular County Commissioner**

*Supervisor Joe Baca, Jr. is sworn in and the oath of office is administered.*

**2. PUBLIC COMMENTS ON CLOSED SESSION**

*No public comment was provided.*

**3. CONVENE CLOSED SESSION – 9:07 A.M.**

- 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

**4. RECONVENE PUBLIC SESSION – 9:48 A.M.**

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

**CONSENT ITEMS:**

**5. Approval of Minutes for Regular Meeting of March 17, 2021**

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

Recommendation: Approve the Executive Office’s Expense for Procurement Card Purchases from December 23, 2020 to January 22, 2021 and January 23, 2021 to February 22, 2021

**7. Ratify Payments as Reconciled for the Months of December 2020 and January 2021 And Notice Revenue Receipts**

Recommendation: Ratify payments as reconciled for the months of December 2020 and January 2021 and note revenue receipts for the same period.

**8. Review and Approval of Contract with Davis Farr, LLP for Financial Audit Services for the Period FY 2020-21 through Fiscal Year 2023-24**

Recommendation: Staff is recommending that the Commission:

- A. Approve the Contract with Davis Farr, LLP to provide annual Financial Audit Services in the amount not-to-exceed \$34,175 for the four (4) year term, with an additional one (1) year option, at the discretion of the Commission; and,
- B. Authorize the Executive Officer to sign and execute the agreement.

**9. Review and Approval of Cooperative Agreement with the Inland Empire Resource Conservation District related to the Sustainable Agricultural Lands Conservation (SALC) Program and Grant**

Recommendation: Staff is recommending that the Commission:

- A. Approve the Cooperative Agreement with the Inland Empire Resource Conservation District to complete the Planning Grant project that was awarded to this LAFCO by the Department of Conservation for its application of a Sustainable Agricultural Lands Conservation (SALC) Program Planning Grant; and,
- B. Authorize the Executive Officer to sign and execute the agreement.

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

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

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

**PUBLIC HEARING ITEMS:**

**11. Consideration of: (1) CEQA Categorical Exemption filed by the County of San Bernardino for Tentative Parcel Map No. 20176 to subdivide 17.93 gross acres into three parcels, as CEQA Responsible Agency for LAFCO SC#460; and (2) LAFCO SC#460 – City of San Bernardino Irrevocable Agreement to Annex No. 2020-362 for Sewer Service (APN 0262-042-22)**

Recommendation: Staff recommends that the Commission approve LAFCO SC#460 by taking the following actions:

1. For Environmental review as a responsible agency:
  - a. Certify that the Commission, its staff and its Environmental Consultant, have reviewed and considered the Notice of Exemption filed by the County of San Bernardino for Tentative Parcel Map 20176 to create three parcels on approximately 17.93 acres;
  - b. Determine that the Commission has considered the minimal environmental effects caused by approval of the service extension request and finds the information adequate for the Commission's use for its authorization of the out-of-agency service agreement;
  - c. Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project and that no mitigation measures were required for this project; however, Conditions of Approval were adopted, which is the responsibility of the County to implement; and,
  - d. Direct the Executive Officer to file a Notice of Exemption as CEQA Responsible Agency within five (5) days of this action.
2. Approve LAFCO SC #460 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Tentative Parcel Map 20176, a proposal to create three (3) parcels on Assessor Parcel Number 0262-042-22.
3. Adopt LAFCO Resolution #3327 setting forth the Commission's findings, determinations, and approval of the agreement for service outside the City of San Bernardino's boundaries.

*Commissioner Warren moves approval of staff recommendations. Second by Commissioner Baca Jr., The motion passes with the following roll call vote:*

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

**12(a). Proposed Schedule of Fees, Deposits, and Charges for FY 2021/22:**

Recommendation: Staff recommends that the Commission take the following actions related to the Proposed Schedule of Fees, Deposits and Charges for Fiscal Year 2021/22:

1. Review the proposed amendments and provide staff with direction on changes, corrections, or modifications to be included.
2. Direct staff to forward the Proposed Schedule of Fees, Deposits, and Charges for FY 2021/22 to the County, all Cities/Towns, and all Independent Special Districts for their review and comments pursuant to Government Code Section 56383.
3. Schedule the Final review and adoption of the Schedule of Fees, Deposits, and Charges for the May 19, 2021 hearing.

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

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

**12(b). Proposed Budget and Work Plan for Fiscal Year 2021/22**

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

1. Adopt the Proposed Budget and Work Plan for Fiscal Year 2021/22 as presented by staff.
2. Direct Staff to forward the adopted Proposed Budget, as may be modified at this hearing, to all the independent special districts, cities/towns, and the County for their comment pursuant to Government Code Section 56381.
3. Schedule a public hearing for May 19, 2021 for formal:
  - a. Approval of the contract amendment with the Inland Valley Development Agency for the Commission's use of the Norton Regional Event Center for Commission meetings.
  - b. Approval of the amendments to the Policy and Procedure Manual for Salaries and Benefits; and,

c. Adoption of the Final Budget for Fiscal Year 2021/22:

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

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

**DISCUSSION ITEMS:**

**13. 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. Cease further updates for the City of Adelanto, unless otherwise directed by the Commission.

*Public comment was provided by:*

*Ward Komers, Finance Director, City of Adelanto*

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

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

*10:27 am – Following the vote on Item 13, Commissioner Warren announces she will be leaving the Zoom meeting.*

**14. Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for Barstow Fire Protection District and the City of Barstow**

Recommendation: Staff recommends that the Commission:

1. Receive and file this report.
2. Schedule an update for the Barstow Fire Protection District/City of Barstow for the July 21, 2021 meeting, unless otherwise directed by the Commission.

*Comment was provided by:*

*Sid Hultquist, Assistant Fire Chief, Barstow Fire Protection District*

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

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

**15. Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for San Bernardino County Fire Protection District (CONTINUED FROM SEPTEMBER 16, 2020; TO BE CONTINUED TO THE MAY 19, 2021 MEETING)**

Recommendation: Staff recommends that the Commission continue this item to the May 19, 2021 meeting.

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

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

**16. 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 Bartow Cemetery District for the May 19, 2021 meeting, unless otherwise directed by the Commission.

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

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

**INFORMATION ITEMS:**

**17. Legislative Update Report**

Recommendation: Staff recommends that the Commission:

1. Receive and file the Legislative Report;

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\*Left Zoom meeting

2. Indicate its support for AB 1581 (Assembly Local Government Committee) related to the annual CALAFCO sponsored Omnibus bill.
3. On SB 13 (Dodd), either:
  - Indicate its Support, if the bill generally stays the same as currently written and that the anticipated changes will be added as a separate subsection specific to Napa County only; or,
  - Indicate its Opposition, unless amended, if the bill—as currently written—is altered significantly and/or removes San Bernardino County from the entire pilot program.
4. Indicate its support for San Diego LAFCO’s legislative effort to amend Government Code Section 56133(e); and,
5. Provide direction to staff on legislation of interest or future actions, if any, and authorize the Chairman to sign letters identifying these positions and direct staff to forward said letters to the appropriate recipients.

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

*Ayes: Bagley, Cox, Denison, Farrell, McCallon and Rowe.*

*Noes: None.*

*Abstain: Baca, Jr.*

*Absent: Curatalo (Farrell voting in his stead) and Warren\* (Denison voting in her stead).*

## **18. Executive Officer’s Report**

Executive Officer Samuel Martinez provides his Executive Officer’s report.

## **19. Commissioner Comments**

Commissioner Rowe stated for the record that her name was not called for the vote on Item 17 and noted for the record her affirmative vote on the item.

## **20. Comments from the Public**

There is none.

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*\*Left Zoom meeting*

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:55 A.M.**

**ATTEST:**

  
ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

  
LARRY McCALLON, Chair