

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

REGULAR MEETING

9:00 A.M.

OCTOBER 16, 2019

PRESENT:

COMMISSIONERS:

Regular Member	Alternate Member
Jim Bagley	Louisa Amis
James Curatalo, Vice Chair	Steven Farrell
Dawn Rowe	
Larry McCallon, Chair	
Kimberly Cox	
Acquanetta Warren	
Robert Lovingood	

STAFF:

**Samuel Martinez, Executive Officer
Paula de Sousa Mills, LAFCO Legal Counsel
Michael Tuerpe, Project Manager
Jeffrey Lum, LAFCO Analyst
La Trici Jones, Clerk to the Commission**

ABSENT:

COMMISSIONERS:

**Rick Denison
Janice Rutherford**

9:11 A.M. – CALL TO ORDER – FLAG SALUTE

ANNOUNCEMENT OF CONTRIBUTIONS

1. PUBLIC COMMENTS ON CLOSED SESSION

There were no members of the public who requested to speak on the Closed Session items.

2. CONVENE CLOSED SESSION

LAFCO Chair Larry McCallon announced that there was no need to meet in Closed Session.

- Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(d)(1)) – San Antonio Heights Association v. County of San Bernardino et al, San Bernardino County Superior Court Case NO CIVDS1715504
- Conference with Legal Counsel – Existing Litigation (Government Code Section

54956.9(d)(1)) – San Antonio Heights Association v. County of San Bernardino et al, San Bernardino County Superior Court Case No CIVDS1712271

- 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, San Bernardino Superior Court Case No. CIVDS1906437

3. RECONVENE PUBLIC SESSION

[Not needed, as Commission did not meet in Closed Session.]

CONSENT ITEMS:

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the hearing to discuss the matter.

4. Approval of Minutes for Regular Meeting of September 18, 2019

5. Approval of Executive Officer’s Expense Report

Recommendation: Approve the Executive Officers’ Expense Report for Procurement Card Purchases from August 24, 2019 to September 23, 2019.

6. Ratify Payments as Reconciled and Note Cash Receipts for Month of August 2019

Recommendation: Ratify payments as reconciled for the month of August 2019 and note revenue receipts for the same period.

7. Consent Items Deferred for Discussion (none)

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

Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon and Warren.

Noes: None.

Abstain: Cox (Item 4)

Absent: Rowe

Commissioners Lovingood and Warren wanted noted on the record that they were not in attendance at the hearing on September 18, 2019.

Commissioner Rowe arrives at 9:15 a.m.

PUBLIC HEARING ITEMS:

- 8. Consideration of: (1) CEQA Statutory Exemption for LAFCO SC#443 and (2) LAFCO SC#443 – Authorization for the City of Big Bear Lake to Provide Services Outside its Boundary and Outside its Sphere of Influence Pursuant to Government Code Section 56133.5.**

Recommendation: Staff recommends that the Commission take the following actions related to LAFCO SC #443:

- o For environmental review, certify that LAFCO SC #443 is statutorily exempt from environmental review, and direct the Executive Officer to file the Notice of Exemption within five (5) days.
- o Approve LAFCO SC #443 authorizing the City of Big Bear Lake to provide water service outside its boundary and sphere of influence within the areas identified in Attachment #1.
- o Adopt LAFCO Resolution #3292 setting forth the Commission’s determinations for service outside the City of Big Bear Lake’s boundary and sphere of influence pursuant to Government Code Section 56133.5.

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

*Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon, Rowe and Warren.
Noes: None.
Abstain: None.
Absent: None.*

**9. Consideration of: (1) Final Environmental Impact Report Adopted by the City of San Bernardino for the Spring Trails Specific Plan (SCH No. 2009111086) as a CEQA Responsible Agency for the LAFCO 3188A: (2) Adoption of Facts, Findings and Statement of Overriding Considerations and (3) LAFCO 3188A – Reorganization to include Annexation to the City of San Bernardino and to SBCFPD Zone FP-5 San Bernardino and Detachment from County Service Area 70 (Spring Trails Specific Plan).
(CONTINUED FROM THE AUGUST 21, 2019 HEARING)**

Recommendation: Staff recommends that the Commission approve LAFCO 3188A by taking the following actions:

1. With Respect to the environmental review:
 - a. Certify that the Complete Final Environmental Impact Report (EIR) and other related environmental documents prepared by the City of San Bernardino for the Spring Trails Specific Plan 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 is adequate for the Commission’s use as a California Environmental Quality Act (CEQA) Responsible Agency for its determination related to LAFCO 3188A;
 - c. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the Spring Trails Specific Plan, and that the

mitigation measures identified for the project are the responsibility of the City and others, not the Commission;

- d. Adopt the Facts, Findings and Statement of Overriding Considerations as presented by the Commission's Environmental Consultant and attached to the staff report (Attachment #3); and,
 - e. Direct the Executive Officer to file the Notice of Determination within five days, and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval since the City, as CEQA Lead Agency, has paid said fees.
2. Approve LAFCO 3188A, with the following determination: The Commission determines that approval of LAFCO 3188A will create an unincorporated island completely surrounded by the City of San Bernardino. Since the inclusion of the island area would likely terminate the annexation proposal due to the number of registered voters within said island, the Commission determines, pursuant to the provision of Government Code Section 56375(m), to waive the restrictions on the creation of a totally-surrounded island contained within Government Code Section 56744 because it would be detrimental to the orderly development of the community, and it further determines that the area to be surrounded by the City of San Bernardino cannot reasonably be annexed to another city or incorporated as a new city.
 3. Approve LAFCO 3188A with the following conditions:
 - a. The City of San Bernardino shall be required to initiate annexation of the totally-surrounded island within one year of the Commission's approval of LAFCO 3188A and process under standard protest proceedings. A resolution by the City Council of the City of San Bernardino shall be submitted to the Executive Officer of LAFCO outlining the City's commitment to fulfilling this requirement prior to the issuance of the Certificate of Completion for LAFCO 3188A. A status report shall be provided to the Commission at the six-month date outlining the progress of the City of San Bernardino in fulfilling its obligation. Failure on the part of the City of San Bernardino to fulfill its commitment to annex the totally-surrounded island shall require that the next annexation proposed to the City of San Bernardino, either by the City through resolution or by property owner/registered voter petition, include a condition requiring the initiation of annexation of the totally-surrounded island. Said condition of approval shall be deemed completed upon the issuance of the Certificate of Filing for said island.
 - b. The 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, and the identification that the transfer of utility accounts will occur within 90 days of the recording of the Certificate of Completion.
 4. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the reorganization; and,

5. Adopt LAFCO Resolution No. 3291 (Attachment #4) setting forth the Commission's determinations, terms, and conditions of approval concerning LAFCO 3188A.

Public Comment was provided by:

*Jeff Weber, applicant representative
Paige Gosney, applicant representative
City of San Bernardino Councilman Henry Nickel
Lynette Kaplan
Candy Stallings
Mark Adelson
Gwen Heymon
Ken Rasmussen
Andy Lyman
Charles Jolicoeum
Hank Mitchell
Kevin Brown
Richard Kaplan
Eddie Evans
Darcee Klapp
Cruz Ruiz
Wilbur Klapp
Hector Valdepena
Michael Tulisiak
Nancy Seeger
Ed Bonadiman
Corey Evans*

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

*Ayes: Bagley, Cox, Lovingood, McCallon, Rowe and Warren.
Noes: Curatalo.
Abstain: None.
Absent: None.*

Commissioner Warren leaves at 11:25 a.m.

- 10. Consideration of : (1) CEQA Statutory Exemption for LAFCO 3234; and (2) LAFRCO 3234 – Service Review for the Wrightwood Community Services District
(CONTINUED FROM THE SEPTEMBER 18, 2019 HEARING)**

Recommendation: Staff recommends that the Commission take the following actions related to LAFCO 3234:

1. For environmental review, certify that the service review is statutorily exempt from environmental review, and direct the Executive Officer to file the Notice of Exemption within five (5) days.

2. Accept and file the Service Review for the Wrightwood Community Services District which sets forth the written statements for the six determinations outlined in Government Code Section 56430 made by the Commission.
3. Adopt LAFCO Resolution No. 3288 reflecting the Commission's determinations and directions as required by Government Code Section 56430 and Commission policy.

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

Ayes: Bagley, Cox, Curatalo, Lovingood, McCallon and Rowe.

Noes: None.

Abstain: None.

Absent: Warren

DISCUSSION ITEMS:

11. First Quarter Financial Review for Period July 1 through September 30 , 2019

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

- o Note receipt of status report and file.

Chair McCallon notes receipt and file of the First Quarter Financial Review for period July 1 through September 30, 2019.

INFORMATION ITEMS:

12. Legislative Update Report

Executive Officer Samuel Martinez states that there is no legislative update at this time.

13. Executive Officer's Oral Report

Executive Officer Samuel Martinez provides an update on the tentative items scheduled for the November Commission meeting, an update on this year's audit, as well information on the upcoming governance-training program in December.

14. Commissioner Comments

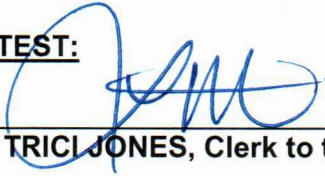
There were no Commissioner Comments.

15. Comments from the Public

There were no members of the public who requested to speak.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 11:38 A.M.

ATTEST:



LA TRICI JONES, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION



LARRY McCALLON, Chair