

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** DECEMBER 9, 2020  
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #10: LAFCO 3245 - Countywide Service Review for Public Cemetery Districts

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*This staff report supersedes the staff report dated November 12, 2020 for this item.*

## **RECOMMENDATIONS:**

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

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 by 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.

## **NOVEMBER HEARING**

The Commission determined to continue all items on the November 18, 2020 Agenda to the December 16, 2020 meeting due to an error on the prior agenda notice. Before the hearing was terminated, the Commission directed staff to include information regarding the embezzlement occurrences at Twentynine Palms Public Cemetery District. This information

has been incorporated in the Service Review (Attachment #1 to this staff report) on pages 7 and 62.

### **BACKGROUND:**

The primary objective of this service review is to provide the Commission with recommendations to: (1) update the determinations from previous service reviews, (2) initiate sphere of influence updates where appropriate, and (3) monitor specific agencies where appropriate.

The Executive Summary summarizes the content of the review, identifies key facts found during the review's preparation, and lists recommendations for Commission action.

### **Agency Outreach**

LAFCO staff conducted an extensive outreach effort with the agencies addressed in this report, including, but not limited to:

- *Questionnaire and Survey.* LAFCO requested each cemetery district to complete a questionnaire and a confidential online survey.
- *In Person Interviews.* LAFCO staff met individually with staffs from the Barstow Cemetery District and the Twentynine Palms Cemetery District. In addition, interviews were conducted with County Special Districts staff regarding public cemeteries within CSA 29 (Lucerne Valley Memorial Park) and CSA 82 (Searles Valley Cemetery).
- *Working Copy.* Each agency was provided with a working copy of its agency profile for review and input.
- *First Draft.* Each agency and stakeholder was provided with the first draft of the service review for review and comment. No comments were received. (Appendix A to this service review).
- *Notice of the LAFCO hearing.* LAFCO provided the required notice of the Commission hearing to all agencies, stakeholders, and interested parties, which is also noticed on the LAFCO website.
- *Staff report with final draft.* The staff report, outlining recommendations for Commission action, along with the final draft, was provided to all agencies, stakeholders, and interested parties, which is also available on the LAFCO website.

### **ENVIRONMENTAL CONSIDERATION:**

The Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, has indicated his recommendation that LAFCO 3245 is exempt from California Environmental Quality Act (CEQA). This recommendation is based on the finding that the service review is not judged to pose any significant effect to the environment; therefore, the service review is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3). Staff recommends that the Commission adopt the

“Common Sense” Exemption for the service review. A copy of Mr. Dodson’s analysis is included as Attachment #2 to this report.

**ADDITIONAL DETERMINATIONS:**

1. As required by State Law, notice of the hearing was provided through publication in newspapers of general circulation within the area, *The Leader* and *The Sun*. Individual notice was not provided as allowed under Government Code Section 56157 as such mailing would include more than 1,000 individual notices. As outlined in State Law and Commission Policy, in-lieu of individual notice the notice of hearing publication was provided through an eighth page legal ad.
2. As required by State law, individual notification of the hearing was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice.
3. A first draft of the service review document was released to all affected agencies on November 4, 2020.
4. The final draft of the service review was released on November 10, 2020 to all parties as well as the Commission and posted on the LAFCO website.
5. The Commission continued the November 18, 2020 hearing to December 16, 2020. The revised staff report and service review were released on December 10, 2020 to all parties as well as the Commission and posted on the LAFCO website.
6. Comments from the public and any affected agency will be reviewed and considered by the Commission in making its determinations.

**CONCLUSION:**

Staff recommends that the Commission take the actions outlined on page 1 for the Countywide Service Review for Public Cemetery Districts and other actions for continued monitoring.

SM/MT

Attachments:

1. Countywide Service Review for Public Cemetery Districts
2. Environmental Recommendation from Tom Dodson
3. Draft Resolution No. 3319