

AGENDA

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

**MAIN AUDITORIUM - NORTON REGIONAL EVENT CENTER
1601 E. 3rd STREET, SAN BERNARDINO, CA**

REGULAR MEETING OF SEPTEMBER 16, 2026

9:00 A.M. – CALL TO ORDER – FLAG SALUTE

ANNOUNCEMENT:

The Political Reform Act requires the disclosure of campaign contributions made to any member of the Commission. Any applicant seeking a change of organization/reorganization or approval of a contract/agreement, any financially interested person who actively supports or opposes any such item, or any agent representing an applicant or interested party on any such item, who has made a contribution of more than \$500 in the past 12 months to any member of the Commission must state for the record the amount and the name of the Commissioner to whom the contribution was made and the item to which they are involved. If you are affected, please contact LAFCO staff prior to consideration of the item.

1. Comments from the Public
(By Commission policy, the public comment period is limited to three minutes per person for comments related to other items under the jurisdiction of LAFCO not on the agenda.)

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.

2. [Approval of Minutes for Regular Meeting of July 15, 2026](#)
3. [Approval of Executive Officer's Expense Report](#)
4. [Ratify Payments as Reconciled and Note Cash Receipts for the Months of June and July 2026](#)
5. [Review and Consideration of Amendments to LAFCO Conflict of Interest Code](#)
6. [Approve Agreement with Platinum Strategies Inc. for Accountant Services](#)
7. Consent Items Deferred for Discussion

PUBLIC HEARING ITEM:

8. [Consideration of: 1\) CEQA Exemption for LAFCO 3282; and, 2\) LAFCO 3282 – Countywide Service Review for Local Park and Recreation](#)

DISCUSSION ITEMS:

9. Consideration of Request for Override of Commission Policy Related to Deferral of Processing Applications for Projects Pending Settlement of Litigation, for LAFCO 3280 –Reorganization to include Annexations to the City of Barstow, Barstow Fire Protection District, and Odessa Water District, and Detachments from the San Bernardino County Fire Protection District, Its North Desert Service Zone, and its Zone FP-5, and County Service Area 70 (Area A), and LAFCO 3281 – Reorganization to include Annexations to the City of Barstow and Odessa Water District, and Detachment from County Service Area 70 (Area B)
10. Review and Accept the 2026 Mapping of the Disadvantaged Unincorporated Communities for San Bernardino County

INFORMATION ITEMS:

11. Legislative Update Report
12. Executive Officer's Report
13. Commissioner Comments
(This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken on off-agenda items unless authorized by law.

The Commission may adjourn for lunch from 12:00 to 1:30 p.m. The Commission may take action on any item listed in this Agenda whether or not it is listed for Action. In its deliberations, the Commission may make appropriate changes incidental to the above-listed proposals.

Materials related to an item on this Agenda submitted to the Commission or prepared after distribution of the agenda packet will be available for public inspection in the LAFCO office at 1601 E. 3rd Street, Suite 102, San Bernardino, during normal business hours, on the LAFCO website at www.sanbernardinolafo.gov.

Current law and Commission policy require the publishing of staff reports prior to the public hearing. These reports contain technical findings, comments, and recommendations of staff. The staff recommendation may be accepted or rejected by the Commission after its own analysis and consideration of public testimony.

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE ABOVE PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE LOCAL AGENCY FORMATION COMMISSION AT, OR PRIOR TO, THE PUBLIC HEARING.

The Political Reform Act requires the disclosure of expenditures for political purposes related to a change of organization or reorganization proposal which has been submitted to the Commission, and contributions in support of or in opposition to such measures, shall be disclosed and reported to the same extent and subject to the same requirements as provided for local initiative measures presented to the electorate (Government Code Section 56700.1). Questions regarding this should be directed to the Fair Political Practices Commission at www.fppc.ca.gov or at 1-866-ASK-FPPC (1-866-275-3772).

A person with a disability or with limited English proficiency may contact the LAFCO office at (909) 388-0480 at least 72-hours before the scheduled meeting to request receipt of an agenda in an alternative format or to request disability-related or language interpretation accommodations, including auxiliary aids or services, to participate in the public meeting. Later requests will be accommodated to the extent feasible.

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

REGULAR MEETING

9:00 A.M.

July 15, 2026

PRESENT:

COMMISSIONERS:

Regular Member

Joe Baca Jr.
Jim Bagley, Vice Chair
Kimberly Cox
Steven Farrell, Chair
Curt Hagman
Acquanetta Warren

Alternate Member

Jim Harvey
Kevin Kenley

STAFF:

Samuel Martinez, Executive Officer
Paula de Sousa, Legal Counsel
Michael Tuerpe, Assistant Executive Officer
Gavin Centeno, Project Manager/Clerk to the Commission
Arturo Pastor, Analyst
Tom Dodson, Environmental Consultant

ABSENT:

COMMISSIONERS:

Regular Member

Phill Dupper

Alternate Member

Jesse Armendarez
Rick Denison

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –
9:03 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

Commissioner Kenley arrives at the dais at 9:04 a.m.

ANNOUNCEMENT OF CONTRIBUTIONS

1. Comments from the Public

There are none.

CONSENT ITEMS:

2. Approval of Minutes for Regular Meeting of May 20, 2026

3. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Officer's Expense Report for Procurement Card Purchases from April 22, 2026, to May 22, 2026 and May 23, 2026 to June 22, 2026.

4. Ratify Payments as Reconciled and Note Cash Receipts for the Months of April 2026 and May 2026

Recommendation: Ratify payments as reconciled for the months of April and May 2026 and note revenue receipts for the same period.

5. Approval of Records Destruction Pursuant to Commission Records Retention Policy

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

1. Destroy the Commission 's Miscellaneous, Personnel, and Financial files as identified in this staff report on page 2 pursuant to the Commission 's Records Retention Policy and Records Retention Schedule; and
2. Record the items to be destroyed in the Destruction Log along with a copy of the Commission 's minute action authorizing destruction.

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

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

1. Approve the Enterprise Systems Catalog as of July 1, 2026.
2. Direct the Executive Officer to post the Enterprise Systems Catalog as of July 1, 2026 on the LAFCO website.

7. Approval of First Amendment to the Memorandum of Understanding (MOU) for the Alliance of LAFCOs

Recommendation: Staff recommends that the Commission:

1. Approve the First Amendment to the Memorandum of Understanding (MOU) by and between Los Angeles, Orange, San Bernardino, and San Diego Local Agency Formation Commissions; and
2. Authorize the Executive Officer to sign the First Amendment to the MOU.

8. Consideration of: (1) CEQA Exemption as CEQA Lead Agency for LAFCO SC#560; and (2) LAFCO SC#560 – City of San Bernardino Irrevocable Agreement to Annex No. 2026-387 for Sewer Service (APN 0267-151-39)

Recommendations: Staff recommends that the Commission approve LAFCO SC#560 by taking the following actions:

1. Certify that LAFCO SC#560 is exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC#560 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Number 0267-151 -39; and,
3. Adopt LAFCO Resolution No. 3440 setting forth the Commission's determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

9. Consideration of: (1) CEQA Exemption as CEQA Lead Agency for LAFCO SC#562; and (2) LAFCO SC#562 – City of Redlands OSC 26-01 for Water Service (APN 0302-152-06)

Recommendations: Staff recommends that the Commission approve LAFCO SC#562 by taking the following actions:

1. Certify that LAFCO SC#562 is exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC#562 authorizing the City of Redlands to extend water service outside its boundaries to Assessor Parcel Number 0302-152-06.
3. Adopt LAFCO Resolution No. 3441 setting forth the Commission 's determinations and approval of the agreement for service outside the City of Redlands' boundaries.

10. Consent Items Deferred for Discussion

None.

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

Ayes: Baca Jr., Bagley, Cox, Farrell, and Hagman.

Noes: None.

Abstain: None.

Absent: Dupper and Warren.

DISCUSSION ITEMS:

11. Review Workshop Session: LAFCO 3282 – Countywide Service Review for Local Park and Recreation

Recommendations: Staff recommends that the Commission take the following actions related to LAFCO 3282:

1. Review the Workshop Draft Countywide Service Review for Local Park and Recreation and direct staff with changes, corrections, or modifications.
2. Direct staff to issue the Preliminary Draft Countywide Service Review for Local Park and Recreation to the governing bodies and administration of all reviewed agencies and those requesting review of the draft for their comment.
3. Schedule a public hearing for September 16, 2026 for formal action to include CEQA environmental determination related to the service review, acceptance and filing of the Countywide Service Review for Local Park and Recreation through adoption of resolution for LAFCO 3282.

Commissioner Warren arrives at the dais at 9:08 a.m.

Commissioner Hagman leaves the dais at 10:32 p.m.

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

Ayes: Baca Jr., Bagley, Cox, Farrell, and Warren.

Noes: None.

Abstain: None.

Absent: Dupper and Hagman.

Commissioner Baca Jr. leaves dais at 10:34 a.m.

12. Unaudited Year-End Financial Report for Fiscal Year 2025/26

Assistant Executive Officer Michael Tuerpe provides a summary of the staff report.

Chair Farrell states the item is to receive and file the report.

INFORMATION ITEMS:

13. Legislative Update Report

Executive Officer Samuel Martinez provides a summary of the staff report.

14. Executive Officer's Report

Executive Officer Samuel Martinez provides a summary of the staff report.

15. Commissioner Comments

There are none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:41 A.M.

ATTEST:

GAVIN CENTENO
Project Manager/Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

STEVEN FARRELL, Chair

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: SEPTEMBER 9, 2026 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #3 – APPROVAL OF EXECUTIVE OFFICER'S
EXPENSE REPORT

RECOMMENDATION:

Approve the Executive Officer's Expense Report for Procurement Card Purchases from June 23, 2026, to July 22, 2026 and July 23, 2026 to August 22, 2026.

BACKGROUND INFORMATION:

The Commission participates in the County of San Bernardino's Procurement Card Program to supply the Executive Officer a credit card to provide for payment of routine official costs of Commission activities as authorized by LAFCO Policy and Procedure Manual Section II – Accounting and Financial Policies #3(H). Staff has prepared an itemized report of purchases that covers the billing period of:

- June 23, 2026 to July 22, 2026
- July 23, 2026 to August 22, 2026

Staff recommends that the Commission approve the Executive Officer's expense reports as shown on the attachment.

SM/GC

Attachment



PROCUREMENT CARD PROGRAM

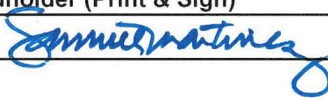
ATTACHMENT G

MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

F		Cardholder Samuel Martinez						Travel	Billing Period 6/23/26 to 7/22/2026	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBE	*R/D	SALES TAX INCL
06/23/26	JM trophies	1	Office Supplies	Commissioner Name Plate	8900005012	52002305	\$28.66			
06/29/26	Frontier	2	Phone Service	Communication	8900005012	52002041	\$740.41			
07/10/26	Zoom	3	Video Conference	Communication	8900005012	52002305	\$172.29			
07/17/26	Panera	4	Office Expense	Commission Meeting	8900005012	52002305	\$42.98			
07/20/26	Chipotle	5	Staff Lunch	City of Montclair/LAFCO Meeting	8900005012	52942943	\$43.82			

The undersigned, under penalty of perjury, states the above information to be true and correct. If an unauthorized purchase has been made, the undersigned authorizes the County Auditor/Controller-Recorder to withhold the appropriate amount from their payroll check after 15 days from the receipt of the cardholder's Statement of Account.

Cardholder (Print & Sign)	Date
Samuel Martinez 	09/08/26

Approving Official (Print & Sign)	Date
Steven Farrell	09/16/26

Approving Official (Print & Sign)	Date
Steven Farrell	09/16/26

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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www.sanbernardinolafco.gov

DATE: SEPTEMBER 9, 2026 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #4 - RATIFY PAYMENTS AS RECONCILED FOR
THE MONTHS OF JUNE AND JULY 2026 AND NOTE REVENUE
RECEIPTS

RECOMMENDATION:

Ratify payments as reconciled for the months of June and July 2026 and note revenue receipts for the same period.

BACKGROUND INFORMATION:

Staff prepared a reconciliation of warrants issued for payments to various vendors, internal transfers for payments to County Departments, cash receipts and internal transfers for payments of deposits or other charges that cover the period of:

- June 30 through June 30, 2026
- July 1 through July 31, 2026

Staff recommends that the Commission ratify the payments as outlined on the attached listing and note the revenues received.

SM/MT

Attachment

JUNE 2026 PAYMENTS PROCESSED						
		Posting Date	Amount	Document Number	Reference	Text
5200	2031	6/1/2026	60.08	4104468561	ITD BILLING	MAY 2026 Payroll System Services (EMACS)
5200	2031	6/1/2026	30.04	4104481789	ITD BILLING	JUN 2026 Payroll System Services (EMACS)
5200	2031		90.12			
5200	2037	6/1/2026	243.36	4104468562	ITD BILLING	MAY 2026 Dial Tone
5200	2037	6/1/2026	243.36	4104481790	ITD BILLING	JUN 2026 Dial Tone
5200	2037		486.72			
5200	2090	6/2/2026	90.00	1902317408	INV3339	June janitorial
5200	2090		90.00			
5200	2305	6/15/2026	16.82	4104472595	PUR. / STAPLES	office supplies
5200	2305	6/15/2026	13.72	4104472596	PUR. / STAPLES	office supplies
5200	2305		30.54			
5200	2308		2,902.45			
5200	2310	6/9/2026	102.37	4200177776	JE UPLOAD	Mail Services FLAT
5200	2310	6/9/2026	226.00	4200177778	JE UPLOAD	Mail Services DEL
5200	2310	6/9/2026	226.00	4200177787	JE UPLOAD	Mail Services DEL
5200	2310	6/9/2026	590.74	4200177814	JE UPLOAD	Mail Services HAN
5200	2310	6/16/2026	-226.00	4200178572	JE UPLOAD	Mail Services DEL
5200	2310	6/18/2026	6.50	4200178883	JE UPLOAD	Mail Services FLAT
5200	2310	6/18/2026	237.30	4200178922	JE UPLOAD	Mail Services DEL
5200	2310		1,162.91			
5200	2315	6/4/2026	82.84	1902319665	RS7176597	nav service
5200	2315		82.84			
5200	2323	6/12/2026	18.52	4200178508	PUR-PRINTING	N38233 - Emacs Reports 5/11/2026
5200	2323	6/18/2026	18.44	4200178828	PUR-PRINTING	N38364 - Emacs Reports 5/26/2026
5200	2323	6/22/2026	18.44	4200179108	PUR-PRINTING	N38518 - Emacs Reports 6/8/2026
5200	2323		55.40			
5200	2400	6/10/2026	1,156.21	1902324002	1063798	legal counsel
5200	2400		1,156.21			
5200	2420	6/1/2026	100.22	4104468563	ITD BILLING	MAY 2026 Enterprise Content Management
5200	2420	6/1/2026	90.50	4104468563	ITD BILLING	MAY 2026 File Sharing Storage
5200	2420	6/1/2026	100.22	4104481793	ITD BILLING	JUN 2026 Enterprise Content Management
5200	2420	6/1/2026	90.50	4104481793	ITD BILLING	JUN 2026 File Sharing Storage
5200	2420		381.44			
5200	2421	6/1/2026	697.04	4104468398	ITD BILLING	MAY 2026 Desktop Support Services
5200	2421	6/1/2026	697.04	4104481794	ITD BILLING	JUN 2026 Desktop Support Services
5200	2421		1,394.08			
5200	2424	6/2/2026	425.00	1902317418	LA-1100-1	Tom Dodson env consulting
5200	2424	6/2/2026	552.50	1902317420	LA-1101-1	Tom Dodson env consulting
5200	2424		977.50			
5200	2445	6/4/2026	700.00	1902319663	84	Rebecca Lowery
5200	2445	6/4/2026	200.00	1902319952	FARRELL6-4	Alliance Mav
5200	2445	6/10/2026	525.00	1902323938	85	Rebecca Lowery
5200	2445	6/10/2026	992.00	1902324182	2026LAF-005	Alliance Reimbursement
5200	2445	6/18/2026	85.00	1902330574	INV3428	Protest Meeting Security Services
5200	2445	6/22/2026	945.00	1902331694	86	Rebecca Lowery
5200	2445	6/22/2026	900.00	4200178900	LAFCO	Survivor review of maps & legals for the year
5200	2445	6/22/2026	705.60	4200179038	2025 Q4 S08	Quarterly income tax processing
5200	2445	6/23/2026	633.60	4200179036	2026 Q1 S08	Quarterly income tax processing
5200	2445	6/25/2026	3,528.00	4200179571	LAFCO	2025/26 apportionment payment
5200	2445		9,214.20			
5200	2449	6/11/2026	600.00	1902324834	71218	legal counsel
5200	2449	6/18/2026	800.00	1902330831	70358	legal counsel
5200	2449		1,400.00			
5200	2905	6/2/2026	2,509.00	1902317408	INV3339	June rent

5200	2905	Office/Hearing Chamber Rental		2,509.00			
5241	2410		6/1/2026	547.00	4104468564	ITD BILLING	Base IT Services - Period 12
5241	2410		6/1/2026	85.00	4104468564	ITD BILLING	Managed Productivity Services - Period 12
5241	2410	IT Infrastructure (County IT)		632.00			
5294	2940		6/25/2026	185.60	1902336024	4DGL	*Trip from 05/05/26 To 05/08/26 to PISMO BEACH
5294	2940	Private Mileage		185.60			
5540	5012		6/15/2026	140.15	4104472595	PUR. / STAPLES	office supplies
5540	5012		6/15/2026	114.34	4104472596	PUR. / STAPLES	office supplies
5540	5012	Transfer to County (Staples & Microsoft)		254.49			
4080	9990		6/3/2026	56,397.00	1902319031	LAFCO 2026	SBCERA Pension Payment 2026
4080	9990	Trust Transfers		56,397.00			
JUNE 2026 CASH RECEIPTS							
4070	9545		6/8/2026	-1,255.00	4104465182	4941050700	SC 560 fee
4070	9545		6/16/2026	-650.00	4104476777	04941050700	SC 564 fee
4070	9545		6/23/2026	-650.00	4104481776	04941050700	SC 565 fee
4070	9545		6/23/2026	-22,213.00	4104481776	04941050700	3280 fee
4070	9545		6/23/2026	-18,957.00	4104481776	04941050700	3281 fee
4070	9545	Application Fee		-43,725.00			
4070	9555		6/8/2026	-2,400.00	4104465182	4941050700	SC560 Deposit
4070	9555		6/23/2026	-4,000.00	4104481776	04941050700	3280 deposit
4070	9555		6/23/2026	-4,000.00	4104481776	04941050700	3281 deposit
4070	9555	Application Deposits		-10,400.00			
4070	9595		6/23/2026	-1,500.00	4104481776	04941050700	3280 protest
4070	9595		6/23/2026	-1,500.00	4104481776	04941050700	3281 protest
4070	9595	Protest Hearing Deposit		-3,000.00			
4075	9285		6/25/2026	-3,528.00	4200179571	LAFCO	2025/26 apportionment payment
4075	9285	Accounting Fees		-3,528.00			
COMPLETED BY: <i>Michael Tuerpe</i>							
MICHAEL TUERPE						APPROVED BY: <i>Samuel Martinez</i>	
Assistant Executive Officer						Executive Officer	
Date:		09/09/26		9/9/2026			

JULY 2026 PAYMENTS PROCESSED						
	Posting Date	Amount	Document Number	Reference	Text	
5200	2085	7/21/2026	558.08	1902354544	B4053473	Julv notice of heating
5200	2085	Legal Notices	558.08			
5200	2090	7/2/2026	90.00	1902339003	INV3522	Julv ianitorial
5200	2090	Building Expense	90.00			
5200	2245	7/9/2026	2,297.91	1902343697	80414	Prog Year 2026-27 workers' comp insurance
5200	2245	7/9/2026	11,531.97	1902343711	79969	Prog Year 2026-27 property insurance
5200	2245	Other Insurance	13,829.88			
5200	2305	7/13/2026	85.00	1902345497	633950	shredding
5200	2305	General Office Expense	1,951.36			
5200	2310	7/2/2026	255.56	4200180045	JE UPLOAD	Mail Services HAN
5200	2310	7/2/2026	10.01	4200180046	JE UPLOAD	Mail Services FLAT
5200	2310	Mail (County Mail)	265.57			
5200	2315	7/1/2026	-80.34	2700023853	ACCOUNTS PAY	Year-end Closing Journal Entry
5200	2315	7/9/2026	80.34	1902343132	RS7183059	June service
5200	2315	Records Storage	0			
5200	2323	7/1/2026	35.14	4200180003	PUR-PRINTING	N38541 - Emacs Reports 6/22/2026
5200	2323	7/26/2026	35.14	4200181061	PUR-PRINTING	N39117 - Emacs Reports 7/6/2026
5200	2323	Reproduction Services	70.28			
5200	2400	7/1/2026	-1,606.40	2700023853	ACCOUNTS PAY	Year-end Closing Journal Entry
5200	2400	7/10/2026	300.30	1902344185	1067395	legal counsel
5200	2400	7/10/2026	1,306.10	1902344188	1067394	legal counsel
5200	2400	Legal Counsel	0			
5200	2424	7/28/2026	50.00	4200180879	160-COB	NOE - LAFCO SC#564
5200	2424	7/28/2026	50.00	4200180941	160-COB	NOE - LAFCO SC #562
5200	2424	7/28/2026	50.00	4200180943	160-COB	NOE - LAFCO SC#560
5200	2424	Environmental Consultant	150.00			
5200	2445	7/1/2026	-2,080.00	2700023853	ACCOUNTS PAY	Year-end Closing Journal Entry
5200	2445	7/1/2026	1,190.00	1902336793	87	Rebecca Lowery
5200	2445	7/9/2026	199.53	4200180234	3819	ROV certification
5200	2445	7/9/2026	199.53	4200180236	3820	ROV certification
5200	2445	7/10/2026	1,235.50	1902344164	88	Rebecca Lowery
5200	2445	7/10/2026	3,528.00	4300000505	LAFCO 25-26	apptmnt 25-26
5200	2445	7/20/2026	200.00	1902353844	BACA7-20	Julv Meeting stipend
5200	2445	7/20/2026	200.00	1902353846	BAGLEY7-20	Julv Meeting stipend
5200	2445	7/20/2026	200.00	1902353848	COX7-20	Julv Meeting stipend
5200	2445	7/20/2026	200.00	1902353849	FARRELL7-20	Julv Meeting stipend
5200	2445	7/20/2026	200.00	1902353850	HAGMAN7-20	Julv Meeting stipend
5200	2445	7/20/2026	200.00	1902353856	HARVEY7-20	Julv Meeting stipend
5200	2445	7/20/2026	200.00	1902353858	KENLEY7-20	Julv Meeting stipend
5200	2445	7/20/2026	200.00	1902353859	WARREN7-20	Julv Meeting stipend
5200	2445	7/21/2026	1,200.00	1902354164	07152026	Event Lab - video recording of meeting
5200	2445	Other Professional Services	7,072.56			
5200	2449	7/1/2026	-280.00	2700023853	ACCOUNTS PAY	Year-end Closing Journal Entry
5200	2449	7/9/2026	280.00	1902343127	71513	legal counsel
5200	2449	Outside Legal (Litigation & Special Counsel)	0			
5200	2895	7/2/2026	388.71	1902339011	49385418	copy machine
5200	2895	7/2/2026	34.01	1902339011	49385418	copy machine
5200	2895	Rent/Lease Equipment (copier)	422.72			
5200	2905	7/2/2026	2,509.00	1902339003	INV3522	July rent office

5200	2905	7/2/2026	405.00	1902339006	INV3527	auditorium charge for meeting
5200	2905	Office/Hearing Chamber Rental	2,914.00			
5241	2410	7/2/2026	688.00	4104526220	ITD BILLING	Base IT Services - Period 1
5241	2410	7/2/2026	110.00	4104526220	ITD BILLING	Managed Productivity Services - Period 1
5241	2410	IT Infrastructure (Countv IT)	798.00			
5294	2940	7/20/2026	126.15	1902353846	BAGLEY7-20	July meeting mileage
5294	2940	7/20/2026	85.55	1902353848	COX7-20	July meeting mileage
5294	2940	7/20/2026	26.53	1902353849	FARRELL7-20	July meeting mileage
5294	2940	7/20/2026	121.80	1902353856	HARVEY7-20	July meeting mileage
5294	2940	7/20/2026	35.09	1902353858	KENLEY7-20	July meeting mileage
5294	2940	7/20/2026	28.42	1902353859	WARREN7-20	July meeting mileage
5294	2940	Private Mileage	423.54			
5294	2942	7/16/2026	753.93	4200180530	LAFCO	CALAFCO workshop hotel
5294	2942	7/16/2026	753.93	4200180530	LAFCO	CALAFCO workshop hotel
5294	2942	7/16/2026	71.03	4200180530	LAFCO	CALAFCO workshop hotel other
5294	2942	Hotel	1,578.89			
5294	2943	7/16/2026	61.81	4200180499	LAFCO	staff meal during onsite visit
5294	2943	7/16/2026	73.95	4200180530	LAFCO	CALAFCO workshop meals
5294	2943	7/16/2026	14.13	4200180530	LAFCO	CALAFCO workshop meals
5294	2943	7/16/2026	45.59	4200180530	LAFCO	CALAFCO workshop meals
5294	2943	Meals	195.48			
JULY 2026 CASH RECEIPTS						
4030	8500	7/31/2026	-12,955.17	101754999	Countv Auditor	QE 6/30/2026 INTEREST APPORTIONMENT
4030	8500		-12,955.17			
4060	8842	7/1/2026	-2,265.33	1800002735	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-9,693.89	1800002736	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-5,900.77	1800002737	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-6,128.46	1800002738	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-26,423.23	1800002739	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-13,084.85	1800002741	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-19,406.85	1800002742	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-37,979.01	1800002744	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-1,265.78	1800002745	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-11,508.52	1800002747	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-5,167.00	1800002748	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-4,577.94	1800002750	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-7,082.37	1800002751	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-5,856.39	1800002752	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-80,754.58	1800002753	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-28,169.34	1800002754	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-22,637.90	1800002755	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-26,394.71	1800002756	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-39,893.23	1800002757	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-1,677.78	1800002758	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-14,669.08	1800002760	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-34,340.55	1800002761	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-5,801.40	1800002762	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-3,068.70	1800002763	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-10,000.00	1800002764	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-152.44	1800002765	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT

4060	8842	7/1/2026	-169.55	1800002766	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-728.33	1800002767	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-402.99	1800002768	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-164.60	1800002769	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-43.22	1800002770	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-1,516.52	1800002771	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-10,000.00	1800002772	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-10,000.00	1800002773	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-62.83	1800002774	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-1,155.18	1800002775	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-10,000.00	1800002776	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-30,000.00	1800002777	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-10,000.00	1800002778	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-10,000.00	1800002779	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-1,797.69	1800002780	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-30,000.00	1800002781	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-211.14	1800002782	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-20,000.00	1800002783	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-10,000.00	1800002784	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-10,000.00	1800002785	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-1,500.00	1800002786	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-20,000.00	1800002787	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-1,556.56	1800002788	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-30,000.00	1800002789	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-10,000.00	1800002790	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-164.98	1800002791	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-20,000.00	1800002792	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-286.30	1800002793	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-94.41	1800002794	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-30,000.00	1800002795	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-20,000.00	1800002796	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-594.43	1800002798	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-140.18	1800002799	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-10,000.00	1800002800	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-610.04	1800002801	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-10,000.00	1800002802	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-30,000.00	1800002803	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-10,000.00	1800002804	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-133.77	1800002805	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-167.63	1800002806	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-10,000.00	1800002807	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-1,703.96	1800002808	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-20,000.00	1800002809	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-257.30	1800002810	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-72.14	1800002811	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-20,000.00	1800002812	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/1/2026	-61.48	1800002813	Countv Auditor	LAFCO'S 2026-2027 APPORTIONMENT
4060	8842	7/29/2026	-413,748.00	4200180767	Countv Auditor	2026-27 LAFCO CONTRIBUTION
4060	8842	Apportionment	-1,241,243.33			
4070	9545	7/1/2026	-54,806.50	2700023851	ADVANCES FROM	Year-end Closing Journal Entrv
4070	9545	Fees	-54,806.50			
4070	9555	7/1/2026	-13,500.00	2700023852	ADVANCES FROM	Year-end Closing Journal Entrv

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: SEPTEMBER 9, 2026 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #5 – Review and Consideration of Amendments to LAFCO
Conflict of Interest Code

RECOMMENDATION:

Staff recommends that the Commission:

1. Review and approve the amendments to the Conflict of Interest Code for the Local Agency Formation Commission for San Bernardino County; and,
2. Adopt LAFCO Resolution No. 3442 amending the Commission's Conflict of Interest Code and directing that such amendment be submitted to the San Bernardino County Board of Supervisors as the Commission's code-reviewing body (Gov. Code § 82011) requesting approval of the amendment as required under Government Code section 87303.

BACKGROUND:

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially. For the 2026 update, amendments include revision in disclosure categories and updated language to reflect the newly passed SB 852 revising Form 700 filing requirements for Public Officials who manage public investments. In addition, LAFCO staff proposes to amend the titles of three existing positions. The purpose of this amendment is to provide the Executive Officer with greater flexibility to hire and assign job duties based on current organizational needs.

Under the existing structure, certain job functions are tied to specific classifications. For example, GIS responsibilities are limited to the Analyst I position, which prevents employees performing GIS work from being promoted to Analyst II. Analyst II is currently defined with project management duties, making the classifications too rigid.

The revised approach assigns positions with flexible job classifications at the discretion of the Executive Officer. Under the proposed LAFCO structure, Analyst I may serve as a GIS Analyst, while Analyst II may serve as a Project Manager and GIS Analyst at the same time.

Or, instead of a GIS Analyst, the Analyst I may serve as a Financial Analyst. The update will allow more adaptability so the Executive Officer can align roles and responsibilities with operational needs.

Conflict Code (Proposed)	Policy Manual (Proposed)
Analyst I Analyst-GIS/Database Management	Analyst I LAFCO Analyst-GIS/Database Management
Analyst II Project Manager	Analyst II Project Manager
Analyst III Senior Analyst	Analyst III Senior Analyst

See Attachment #1 for the proposed changes to the Conflict of Interest Code.

At a subsequent meeting, staff would present the amendments to the Policy and Procedure Manual to coincide with the amendments made to the Conflict of Interest Code.

The amended code must be forwarded to the County Board of Supervisors (Board) for approval within 90 days of filing the biennial notice. LAFCO participates in Best, Best, and Krieger's (BBK) Public Law Update Program and BBK has prepared the package for submission to the Clerk of the Board. The amended Code will not be effective until 30 days after it has been approved by the Board as the reviewing body. The Commission and those listed in the Code will receive a copy of the updated Code when approved by the Board.

Staff posted the Notice of Intention to Amend the LAFCO Conflict of Interest Code at the LAFCO office and on its website.

Staff recommends that the Commission take the actions listed above for adoption of its Amended Conflict of Interest Code and coordinate with BBK to file said amended Conflict of Interest Code with the Clerk of the Board. Should the Commission have any questions, staff will be glad to answer them prior to or at the hearing.

Attachments:

1. [Draft Legislative Version of Amended Conflict of Interest Code in Track Change](#)
2. [Draft Resolution No. 3442 with attached Final Amended Conflict of Interest Code](#)

**CONFLICT OF INTEREST CODE
OF THE
LOCAL AGENCY
FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

CONFLICT OF INTEREST CODE OF THE LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations- Section 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, regulation and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **Local Agency Formation Commission – San Bernardino County (“LAFCO”)**.

~~All Officials and designated positions required to submit a statement of economic interests shall file their statements of economic interests with the **Commission Clerk** as LAFCO's Filing Officer. The **Commission Clerk** shall retain the originals of the statements filed by all officials and designated positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)~~

Officials Who Manage Public Investments shall electronically file their statements of economic interests directly with the Fair Political Practices Commission. Individuals holding designated positions shall file their statements of economic interests with the Commission, which will make the statements available for public inspection and reproduction. (Government Code Section 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

LOCAL AGENCY FORMATION COMMISSION

COUNTY OF SAN BERNARDINO

(Amended ~~September 21, 2022~~ September 16, 2026¹)

PART “A”

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

LAFCO Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to LAFCO's Code, but must file disclosure statements under Government Code Section 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments²:

Members of the Commission and their Alternates

Executive Officer

Financial Consultants

¹ — Titles updated and clarifying language added as provided by the Fair Political Practices Commission in July 2012.

² Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

DESIGNATED POSITIONS' TITLE OR FUNCTION

DISCLOSURE CATEGORIES ASSIGNED

Analyst GIS/Database Management <u>Analyst I</u>	2, 4 <u>1, 2</u>
Assistant Executive Officer	1, 2
General Counsel	1, 2
Project Manager <u>Analyst II</u>	1, 2
Senior Analyst <u>Analyst III</u>	1, 2

Consultant and New Positions³

³

Individuals providing services as a consultant as defined in Regulation 18700.3 or in a new position created since this Code was last approved that make or participate in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Executive Officer may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regs 18219 and 18734.) The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

PART “B”

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the Designated Position must disclose for each disclosure category to which the Designated is assigned.⁴ ~~“Investment” means financial interest in any business entity (including a consulting business or other independent contracting business) and~~ Such economic interests are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of LAFCO.

Category 1: All investments, ~~and~~ business positions in business entities, and sources of income, ~~(including receipt of~~ gifts, loans and travel payments~~)~~, that are located in, do business in or own real property within the jurisdiction of LAFCO.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of LAFCO, including any leasehold, beneficial or ownership interest or option to acquire property.

Category 3: All investments, ~~and~~ business positions in business entities, and sources of income, ~~(including receipt of~~ gifts, loans and travel payments~~)~~, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of LAFCO.

Category 4: All investments, ~~and~~ business positions in business entities, and sources of income, ~~(including receipt of~~ gifts, loans and travel payments~~)~~, that provide services ~~(including training or consulting services)~~, products, materials, machinery, vehicles or equipment of ~~a the~~ type purchased or leased by LAFCO.

Category 5: All investments, ~~and~~ business positions in business entities, and sources of income, ~~(including receipt of~~ gifts, loans and travel payments~~)~~, that provide services ~~(including training or consulting services)~~, products, materials, machinery, vehicles or equipment of ~~a the~~ type purchased or leased by the Designated Position’s department, unit or division.

⁴ This Conflict of Interest Code does not require the reporting of gifts from outside this agency’s jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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HEARING DATE: SEPTEMBER 16, 2026

RESOLUTION NO. 3442

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

On motion of Commissioner _____, duly seconded by Commissioner _____, and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Local Agency Formation Commission for San Bernardino County ("LAFCO") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Commission adopted a Conflict of Interest Code (the "Code") which was last amended on September 21, 2022, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within LAFCO have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update LAFCO's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in LAFCO being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Commission of, the proposed amended Code was provided to each affected designated employee and publicly posted for review at the LAFCO office and its website; and

WHEREAS, a public meeting by this Commission was called for September 16, 2026, at which all present were given an opportunity to be heard on the proposed amended Code.

RESOLUTION NO. 3442

NOW, THEREFORE, BE IT RESOLVED, that the Local Agency Formation Commission for San Bernardino County hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Commission Clerk and available to the public for inspection and copying during regular business hours;

BE IT FURTHER RESOLVED that the said amended Conflict of Interest Code shall be submitted to the San Bernardino County Board of Supervisors for approval and said Code shall become effective immediately after the County Board of Supervisors approves the proposed amended Code as submitted.

BE IT FURTHER RESOLVED that all previous conflict of interest codes of the Local Agency Formation Commission for San Bernardino County shall be rescinded upon the effective date of said amended Code as approved by the County Board of Supervisors.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:

AYES: COMMISSIONERS:

NOES: **COMMISSIONERS:**

ABSENT: COMMISSIONERS:

* * * * *

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of September 16, 2026.

DATED:

SAMUEL MARTINEZ
Executive Officer

**CONFLICT OF INTEREST CODE
OF THE
LOCAL AGENCY
FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

**CONFLICT OF INTEREST CODE
OF THE
LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, regulation and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **Local Agency Formation Commission – San Bernardino County (“LAFCO”)**.

Officials Who Manage Public Investments shall electronically file their statements of economic interests directly with the Fair Political Practices Commission. Individuals holding designated positions shall file their statements of economic interests with the Commission, which will make the statements available for public inspection and reproduction. (Government Code Section 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

LOCAL AGENCY FORMATION COMMISSION

COUNTY OF SAN BERNARDINO

(Amended September 16, 2026)

PART “A”

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

LAFCO Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to LAFCO's Code, but must file disclosure statements under Government Code Section 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

Members of the Commission and their Alternates

Executive Officer

Financial Consultants

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

DESIGNATED POSITIONS' **TITLE OR FUNCTION**

DISCLOSURE CATEGORIES **ASSIGNED**

Analyst I	1, 2
Analyst II	1, 2
Analyst III	1, 2
Assistant Executive Officer	1, 2
General Counsel	1, 2

Consultant and New Positions²

²

Individuals providing services as a consultant as defined in Regulation 18700.3 or in a new position created since this Code was last approved that make or participate in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Executive Officer may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regs 18219 and 18734.) The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

PART “B”

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the Designated Position must disclose for each disclosure category to which the Designated is assigned.³ Such economic interests are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of LAFCO.

Category 1: All investments, business positions in business entities, and sources of income, (including receipt of gifts, loans and travel payments), that are located in, do business in or own real property within the jurisdiction of LAFCO.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of LAFCO, including any leasehold, beneficial or ownership interest or option to acquire property.

Category 3: All investments, business positions in business entities, and sources of income, (including receipt of gifts, loans and travel payments), that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of LAFCO.

Category 4: All investments, business positions in business entities, and sources of income, (including receipt of gifts, loans and travel payments), that provide services (including training or consulting services), products, materials, machinery, vehicles or equipment of the type purchased or leased by LAFCO.

Category 5: All investments, business positions in business entities, and sources of income, (including receipt of gifts, loans and travel payments), that provide services (including training or consulting services), products, materials, machinery, vehicles or equipment of the type purchased or leased by the Designated Position's department, unit or division.

³ This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sanbernardinolafco.gov

DATE: SEPTEMBER 9, 2026 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #6 – APPROVE AGREEMENT WITH PLATINUM STRATEGIES INC. FOR ACCOUNTING SERVICES

RECOMMENDATION:

Staff recommends that the Commission:

1. Review the quotes received for accounting services.
2. Approve the agreement with Platinum Strategies Inc. for accounting services for the period through June 30, 2027.
3. Authorize the Executive Officer to sign the agreement with Platinum Strategies Inc. following review by legal counsel to meet legal form.

BACKGROUND INFORMATION:

The Commission's financial statements have been prepared by the independent auditor, and the Yellow Book has clarified that a firm preparing financial statements for an audit client creates a significant threat to independence. As a part of the budget adopted for FY 2026/27, the Commission allocated \$7,500 for an accountant to assist with audit preparation to maintain the independence of the independent auditor.

Staff requested quotes and contacted several firms. Two firms submitted quotes and staff interviewed each firm as well (see Attachments, in order received). Staff recommends that the Commission select Platinum Strategies Inc. and authorize the Executive Officer to sign the agreement.

The initial term is through June 30, 2027. Thereafter, this agreement would automatically renew for successive one-year terms unless either party provides written notice of termination at least 30 days prior to the end of the current term.

SM/MT

Attachments



STARTING LINE ADVISORY

Proposal for Financial and Accounting Services:

San Bernardino Local Agency Formation Commission

Submitted by: Starting Line Advisory

Ian Berg, CPA | Founder

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Cover Letter

August 12, 2026

Samuel Martinez, Executive Officer
San Bernardino LAFCO
1601 E. 3rd Street, Suite 102
San Bernardino, CA 92415-0490

Subject: Proposal for Accounting Services

Dear Mr. Martinez,

Starting Line Advisory is pleased to submit this proposal to provide services to the San Bernardino LAFCO. Our team has experience advising more than 40 local governments and nonprofits, a background which enables us to deliver a variety of customized, practical solutions that meet the unique needs of public agencies like yours. Our services range from handling day-to-day accounting functions to outsourcing executive-level positions. Our goal is to provide outstanding service that respects public resources without compromising results.

We are committed to delivering services with integrity, transparency, and innovation, standards which create a lasting foundation with our clients. We cultivate our client relationships and emphasize communication and collaboration to promote trust and synergy between our team and the people we work with. Our personalized approach sets us apart from a typical CPA firm.

We believe that our specialized experience and values align with the needs of SB LAFCO, and we understand the importance of fiscal stewardship for all public agencies. We welcome and appreciate the opportunity to provide services that support your mission.

Thank you for considering our proposal.

Sincerely,



Ian Berg, CPA

Founder | Starting Line Advisory

26632 Towne Centre Dr, Suite 300
Foothill Ranch, CA 92610
(714) 928-2403

1. Work Plan / Scope

Starting Line Advisory will provide year-end accounting and audit support services for the San Bernardino Local Agency Formation Commission (SB LAFCO), including:

- Review year-end account balances and prepare year-end closing schedules, supporting workpapers, adjusting journal entries, and the adjusted trial balance in preparation for the annual audit.
- Respond to inquiries and provide financial information to the firm conducting an independent audit of SB LAFCO financial records, as requested by SB LAFCO management.
- Review of draft audited annual financial statements and related disclosures prior to issuance of the audit report to identify potential errors, inconsistencies, or presentation concerns.
- Consultation with management regarding audit findings, accounting matters, and year-end reporting requirements.

Project Timeline

The schedule below summarizes an outline of a proposed timeline to deliver the services described above. We will work with SB LAFCO staff to onboard, including the preferred mix of in-person and remote support, coordination of document exchange, and timing of deliverables.

- **September** – Completion of year-end closing procedures and preparation of audit-ready schedules and adjusted trial balance.
- **October** – Audit support during fieldwork and follow-up requests from the independent auditors.
- **November** – Review of draft financial statements and disclosures prior to issuance of the final audit report.

Approach and Methodology

We will begin by collaborating closely with you to establish expectations, align on reporting schedules, and ensure a smooth transition from any existing systems or service providers. Our firm has experience with onboarding new clients with efficiency, and we are professionals working with remote or hybrid partners.

Key elements of our services include:

- ✓ **Dedicated Account Lead:** A partner or manager will be assigned as the primary point of contact, ensuring accountability, continuity, and responsiveness throughout the engagement.
- ✓ **Clear Visit & Monthly Workflow:** We will collaborate to establish recurring deliverables, processes and coordinate the timing of deliverables.
- ✓ **Secure and Streamlined File Sharing:** We are fully remote-efficient and use secure cloud-based tools to exchange documents, organize files, and communicate updates with clients.

Assumptions and Key Considerations

These assumptions are not intended to limit the scope of work, but rather to ensure alignment between our firm and the client in how the engagement is delivered and supported. We are flexible and responsive to changing needs and will collaborate closely with your staff to adjust, as necessary. In preparing this proposal, we have made the following assumptions and offer the following key considerations to ensure a successful engagement:

- ❖ **Access to Financial Systems and Records:** We assume the client will provide timely and secure access to relevant financial systems, historical records, prior audits, bank statements, and other materials necessary to perform the services outlined in the scope of work.
- ❖ **Designated Point of Contact:** A designated representative will be available to coordinate access to records, respond to questions, and facilitate communication between Starting Line Advisory and the client.
- ❖ **Remote Service Model:** Our services are structured to be delivered remotely unless otherwise specified. We are available to attend Board or staff meetings virtually or in person upon request, and we can accommodate travel as needed with reasonable notice.
- ❖ **Document Sharing and Collaboration:** SB LAFCO will utilize or support a mutually agreed-upon method for secure file exchange and document sharing. We typically provide access to a shared cloud-based workspace to streamline collaboration.
- ❖ **System Compatibility and Support:** We assume that SB LAFCO's existing accounting systems and reporting tools are in working order and accessible. Should system enhancements or implementation support be requested, we can provide additional services under a separate scope or agreement.

Project Staffing Assignments & Availability

The engagement will be led by Scott Nelsen, Advisory Manager, with overall responsibility for engagement oversight and quality control, and who will also serve as the primary point of contact and be responsible for coordinating and managing the delivery of services. A Senior Advisor and additional staff will support the engagement as appropriate to meet the scope of services. Lead professionals will maintain ongoing involvement in the engagement to ensure continuity, responsiveness, and availability to SB LAFCO staff. Estimated levels of effort by position are reflected in the proposed fee structure and are designed to align with SB LAFCO's service requirements.

2. Starting Line Advisory Team





Ian Berg, CPA

Founder & Managing Partner

714 928 2403 | ian@startinglineadvisory.com

Ian is licensed as a Certified Public Accountant in the State of California and the firm Founder and Managing Director. He cultivates a deep understanding of critical finance needs of today's local governments with more than a decade of experience in public finance. Ian brings specialized knowledge through his experience with water and wastewater districts, resource conservation districts, LAFCOs, and nonprofits. His work emphasizes the importance of public trust and financial longevity.

Ian launched Starting Line Advisory in 2024, envisioning a firm focused on delivering personalized accounting advisory services for local governments. Under his leadership, the team supports sixteen clients across California, designing and communicating financial information clearly to executive leadership, governing boards, and public stakeholders. He serves as a lead on major projects and drives the firm's strategy and quality of service.

Ian has a wide breadth of experience providing advisory services to public agencies during his tenure with a national CPA firm and has also served as an employee to both Moulton Niguel Water District and Orange County Sanitation District. His strengths reside in project management, ERP system implementations, dataflow, and data flow management, directing the annual budget, directing cash flow and liquidity, long-range financial planning, Proposition 218 rate study guidance, capital project tracking, and GAAP and GASB compliance.

Ian takes pride in partnering with local agencies to navigate increasing complexity with confidence to achieve their mission.

Licenses & Certifications

- Certified Public Accountant (CPA)

Professional Memberships

- Government Finance Officers Association (GFOA)
- California Society of Municipal Finance Officers (CSMFO)
- California Special Districts Association (CSDA)
- California Society of CPAs (CalCPA)

Education

- B.S., Business Administration – Accounting, Cal Poly Pomona

Hobbies & Interests

- Quality family time
- Playing guitar
- Writing music
- Golfing
- Travel and exploration
- Cooking



Scott Nelsen, CGFM

Advisory Manager

909 292 8827 | scott@startinglineadvisory.com

Scott is a Certified Government Financial Manager (CGFM) with more than eight years of experience providing outsourced finance services to California special districts, joint powers authorities, and nonprofits. He serves as an Advisory Manager with the firm and has made immense contributions towards the development of the firm's growing client base and unique culture. He leads day-to-day engagements focused on accounting, budgeting, year-end closing, financial system implementations, and advises his clients on the best financial practices.

Scott previously worked in a top-ranked national CPA firm consulting with a wide range of government clients. He managed a team of staff accountants providing outsourced accounting functions, prepared and oversaw budget and financial plan development, trained staff, and supported his clients through various financial ERP system implementations. His work has spanned the full spectrum of public sector financial operations, from interim CFO duties to monthly close process evaluation and improvement and internal control enhancements.

Scott is a certified QuickBooks ProAdvisor and is known as a QuickBooks power user. In addition to his experience in the QuickBooks ecosystem, he has in-depth expertise in several ERP systems tailored to local governments, including Tyler ERP Pro 10, Caselle, and Springbrook.

He is recognized for his responsiveness, mindfulness, and ability to clearly communicate complex financial concepts to finance professionals and governing boards alike. Clients that work with Scott value his readiness and ability to get the job done with accuracy and efficiency.

Licenses & Certifications

- Certified Government Financial Manager (CGFM)
- Certified QuickBooks ProAdvisor (Online, Desktop, Payroll)

Professional Memberships

- Government Finance Officers Association (GFOA)
- Association of Government Accountants (AGA)
- California Society of Municipal Finance Officers (CSMFO)
- California Special Districts Association (CSDA)

Education

- B.S., Business Administration – Accounting, Cal Poly Pomona

Hobbies & Interests

- Fishing
- Backpacking



Rhea de Guzman, CCMT, CGIP

Senior Advisor

818 634 2204 | rhea@startinglineadvisory.com

Rhea is a resolute finance professional with over 16 years of experience overseeing financial portfolios, driving treasury and debt functions, and ensuring regulatory compliance for public agencies. She has experience in day-to-day accounting functions as well as assisting with the high-level needs of public executives.

Rhea's background includes a wide range of finance functions in government and healthcare, including experience in every function of a finance department from the ground up. Rhea has led investment program administration, coordinated the preparation of the Annual Comprehensive Financial Report (ACFR), and managed debt service programs for revenue and general obligation bonds. Her work has supported successful public debt issuances, enhanced internal controls, and compliance with regulatory requirements.

At Starting Line Advisory, Rhea applies her depth of experience to support clients with financial policy development, administrative efficiencies, budgeting, and forecasting, closing monthly accounting records, and redesigning financial processes for improvement in day-to-day recurring tasks. She collaborates closely with clients to promote their understanding of financial information, strengthen financial operations, and build fiscal resiliency.

Rhea is valued by clients for her collaborative leadership style, analytical approach, and positive energy.

Licenses & Certifications

- Certified California Municipal Treasurer (CCMT)
- Certified Government Investment Professional (CGIP)

Professional Memberships

- California Municipal Treasurers Association (CMTA)
- California Society of Municipal Finance Officers (CSMFO)
- Government Finance Officers Association (GFOA)

Education

- Master of Science in Financial Analysis, University Of San Francisco
- B.A., Business Administration – Management & Accounting, Mount Saint Mary's University, Los Angeles
- B.A., Mathematics – Computer Science Emphasis, Mount Saint Mary's University, Los Angeles

Hobbies & Interests

- Travel
- Attending Lakers / Dodgers games



Kim Adam, MBA

Senior Advisor

949 812 9595 | kim@startinglineadvisory.com

Kim is a strategic and meticulous accounting professional with over 25 years of experience supporting organizations through outsourced accounting services, business operations management, and precise financial reporting. Throughout her career, she has successfully delivered efficient financial advisory services to a diverse range of entities in various sectors including government, nonprofit, real estate, e-commerce, and professional services.

Kim currently serves as a Senior Advisor with Starting Line Advisory, where she provides direct support to public agencies and nonprofit clients. Her day-to-day work includes full-cycle accounting, financial reporting and analysis, compliance support, and implementation assistance into updated accounting systems. She is experienced in QuickBooks (Online and Desktop), and has successfully assisted clients in streamlining workflows, improving internal controls, and enhancing cross-departmental collaboration.

Kim has held roles as Director of Business Operations, Controller, and Board Treasurer, giving her a broad view of both strategic planning and operational detail. She has experience managing complex budgets, treasury functions, and providing Board-level financial reporting. She is valued for her relationship building, problem-solving, and management of complex engagements in challenging environments.

Kim is actively involved in community and volunteer efforts, including serving on the board of a local nonprofit.

Licenses & Certifications

- QuickBooks ProAdvisor
- CPA Candidate (exams in progress)

Professional Affiliations

- Delta Sigma Pi, Zeta Mu Chapter
- Icouldbe.org, Advisory Group
- Friends of Malcom Foundation, Board Member

Education

- Master of Business Administration, Pepperdine University
- B.S. Management Information Systems, University of Texas at Arlington

Hobbies & Interests

- Travel
- Music
- Fiction Writing
- Video Games
- Cooking & Baking

3. Experience, Qualifications and References

LOCAL AGENCIES



Starting Line Advisory is dedicated to supporting California's special districts, including water and sewer agencies, resource conservation districts, library districts, and other local agencies. We understand the unique financial responsibilities and compliance demands faced by these organizations, from day-to-day accounting to complex state and federal reporting.

Our team brings specialized knowledge of public sector accounting, including CalPERS retirement reporting, State Controller's Annual Financial Transaction Reports (FTR), and State Compensation Reporting (GCC). We assist districts in navigating the complexities of capital improvement program budgeting, long-term financial planning, and grant cost allocation and compliance. Our approach is designed to strengthen internal controls, ensure alignment with Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB) requirements, and support accurate, transparent financial reporting to boards, auditors, and the public. By focusing exclusively on local governments and special districts, we offer solutions that help agencies in meeting their fiduciary duties while advancing their community missions.

SIMILAR PROJECTS



The experience of Starting Line Advisory is demonstrated in successful execution of projects with similar requirements. We collaborate with our clients to understand their needs and make sure that we deliver results that leave an impression. We believe the engagements listed below exemplify our ability to fulfill the accounting needs of SB LAFCO.

Trabuco Canyon Water District (Trabuco Canyon, CA)

[Trabuco Canyon Water District | Home](#)

Service Dates	November 1, 2024 – Current (ongoing)
Contact	Larry McKenney, General Manager
Email	lmckenney@tcwd.ca.gov
Phone	(949) 858-0277

We currently provide CFO-level services to the Trabuco Canyon Water District and Trabuco Canyon Public Financing Authority. Recently, the District found itself in a difficult position upon resignation of the prior Treasurer and service provider in October 2024. Ian Berg, founder of Starting Line Advisory, stepped in to provide critical financial support and a seamless transition for the District.

Within three months, Ian assumed monthly reporting to the Finance and Audit Committee, compiled the public-facing adopted budget document for fiscal year 2024-25, prepared the Annual Comprehensive Financial Report (ACFR), and presented the final ACFR report and results to the Board of Directors. Throughout the rest of the fiscal year, Ian improved financial reporting and analysis, successfully directed the annual budget process, revamped the District reserve policy, and developed a new dynamic 10-year financial planning model that integrated a revised 10-year Capital Improvement Program model, totaling \$73 million over the next ten years.

The District is experiencing increased sensitivity to water rates from the public, and Ian is currently providing integral strategies and advisory solutions to address financial constraints with timely and critical financial information. During the budget process, he provided extensive work detailing four potential water rate options including debt issuance projections and semi-annual rate implementation circumstances. He is leading the District in executing upcoming projected debt issuances with contracted Municipal Financial Advisors, updating, and developing additional financial policy, and implemented a mid-year budget process during Fiscal Year 2025-2026 to monitor the District financial performance on a more frequent basis. Today, Ian serves as Treasurer of both the Trabuco Canyon Water District and the Trabuco Canyon Public Financing Authority.

East Orange County Water District (Orange, CA)

[East Orange County Water District - Home](#)

Service Dates	February 1, 2024 – Current (ongoing)
Contact	Dave Youngblood, General Manager
Email	dyoungblood@eocwd.com
Phone	(714) 538-5815

We provide CFO-level services to the East Orange County Water District and deploy complex multi-fund financial solutions to provide accurate financial information for three separate utilities operated by the District (retail water, wholesale water, and sewer collections). Starting Line Advisory contracts to provide financial guidance, GAAP and GASB compliance, internal control improvements, process automation, financial reporting, and directing the annual budget.

In February 2025, Starting Line Advisory facilitated a seamless transition from the prior CPA firm service provider, utilizing a team-approach. This was a particularly technical transition as it was in the middle of financial ERP system implementation. Our team members are responsible for the complete overhaul of the chart of accounts and streamlined and improved project tracking and visibility by utility fund. We drove the implementation of a new fixed asset module, transitioning the District's multi-fund fixed asset listing into an integrated solution within Springbrook Cirrus. The Starting Line Advisory team has also

implemented a paperless Accounts Payable workflow approval system and is progressing forward with additional efficiencies in the system as the engagement matures.

Since February 2025, our team has improved monthly financial reporting with updated dashboards, directed the annual budget process, and created an integrated budget and capital planning model that will align with the upcoming master plan and implemented project tracking module.

Humboldt County Resource Conservation District (Humboldt, CA)

[Humboldt County Resource Conservation District – A hub for natural resource conservation](#)

Service Dates	January 1, 2024 – Current (ongoing)
Contact	Jill Demers, Executive Director
Email	<u>jill@hcrd.com</u>
Phone	(707) 424-6058

We provide quarterly accounting review and financial reporting, file 1099 and W-2 tax forms, and general accounting advisory services. We support the District during the annual budget and closing the year-end accounting records in a multi-fund QuickBooks Desktop / QuickBooks Online environment. Our firm acts as the District's trusted advisors in advisory and strategy matters, as well as adhering to GAAP and complying with new GASB accounting pronouncements.

As of July 1st, 2025, Our team has successfully migrated the District's financial system from QuickBooks Desktop to QuickBooks Online, including payroll, timekeeping, general ledger, accounts receivable, accounts payable, and fixed assets functions. This transition is increasing efficiency through electronic approvals, direct bank connections, process automation, AI summarization tools, and enhanced project tracking. The District manages dozens of grants simultaneously, and we are directing the systematic approach and implementation to track these projects for costing and reimbursement in detail with automated processes. Starting Line Advisory will be furthering the District utilization of QuickBooks Online, Payroll, Timekeeping, and class accounting to develop program manager level reports of grant-funded project activity.

Current Advisory Clients

Bellflower-Somerset Mutual Water Company

Big Bear Airport District

Bighorn Desert View Water Agency

Coachella Valley Public Cemetery District

East Orange County Water District

Helendale Community Services District

Humboldt County Resource Conservation District

Industry Public Utilities

La Puente Valley County Water District

Monte Vista Water District

Mendocino County Russian River Flood Control and Improvement District

Serrano Water District

Sites Project Authority

South Coast Water District

Tahoe Resource Conservation District

Trabuco Canyon Water District

Trabuco Canyon Public Financing Authority

Twentynine Palms Water District



Prior Client Advisory Team Experience

Altadena Library District

Amador Water Agency

Apple Valley Fire Protection District

Banning Library District

Bellflower Municipal Water System

Cabazon Water District

California Utility Executive Management Association (CUEMA)

Calaveras County Water District

Chino Basin Water Conservation District

Chino Basin Watermaster

City of Ojai

De Luz Community Services District

Eastern Madera Fire Safe Council

Greater Los Angeles County Vector Control District

Joshua Basin Water District

Los Angeles Local Agency Formation Commission

Newberry Springs Community Services District

Orange County Local Agency Formation Commission

Pico Water District

Pleasant Valley County Water District

Pomona Walnut Rowland Joint Water Line Commission (JPA)

Rowland Water District

Running Springs Water District

Salton Sea Authority

San Gabriel County Water District

San Miguel Fire and Rescue

San Bernardino Valley County Water Conservation District

4. Proposed Fees

Our proposed fees are based on the scope of services outlined in Section 1 of this proposal and the estimated level of effort required to meet SB LAFCO's needs. For the services described in Section 1, the total estimated cost for the proposal billed on an hourly basis is estimated at **\$8,200** for the defined scope of services. The fee is based on our projected level of effort detailed in the following section.

Hours and Cost Estimate

This estimate reflects the anticipated hours by position necessary to deliver the services described in Section 1 and is provided solely as an estimate.

Service Description	Staff	Hours	Rate	Annual Cost
Year-end close, workpapers, adjusting entries, and adjusted trial balance	Manager	15.0	\$ 205	\$ 3,075
Adjusting journal entries and adjusted trial balance	Manager	10.0	\$ 205	\$ 2,050
Audit support and auditor coordination	Manager	10.0	\$ 205	\$ 2,050
Financial statement review	Manager	5.0	\$ 205	\$ 1,025
		40.0		\$ 8,200

Hourly Rates, Travel Billing and Expenses

Our time will be billed based on hours required to perform the work. Travel time spent during performance of services will be billed at 50% of Starting Line Advisory hourly rates and mileage will be billed at the IRS standard rates at the time of travel. Services and travel time will be billed at the following hourly rates:

Position	Hourly Rate	Travel Rate
Partner	\$235.00	\$117.50
Advisory Manager	\$205.00	\$102.50
Senior Advisor	\$170.00	\$85.00
Advisor	\$135.00	\$67.50
Intern	\$95.00	\$47.50

5. Disclosure of Legal Actions, Conflicts of Interest, or Other Potential Conflicts

Starting Line Advisory is pleased to disclose no active or pending legal actions, conflicts of interest, or other potential conflicts in working with the client.



August 29, 2026

Michael Tuerpe

San Bernardino LAFCO
1601 E. 3rd Street, Suite 102
San Bernardino, CA 92415-0490

Dear Mr. Tuerpe,

This letter outlines the understanding of the terms and objectives of the consulting engagement between Platinum Strategies, Inc (PSI) and San Bernardino LAFCO for the period through June 30, 2027.

SCOPE OF WORK

The purpose of this project is to assist LAFCO in preparing for its annual audit. PSI will prepare all audit schedules and supporting documentation requested by the auditors, respond to auditor inquiries and communicate directly with the auditors throughout the audit process, and assist LAFCO in reviewing and finalizing the audit report. PSI represents and warrants that it has the necessary experience and expertise to provide the services necessary to complete this project in accordance with industry standards.

As a separate item, PSI will process LAFCO's accounts payable invoices on a weekly basis.

PSI will not assume management responsibilities on behalf of LAFCO. LAFCO's management understands and agrees that any advice or recommendation PSI may provide in connection with this engagement is solely to assist management in performing its responsibilities.

PROPOSAL

Below is PSI's not-to-exceed cost proposal for the scope of services outlined above. PSI anticipates it can perform the assessment of services needed by LAFCO for not to exceed \$29,000 through June 30, 2027. PSI's fees are based on the amount of time required at various levels of responsibility, plus actual out-of-pocket expenses for mileage or incidentals. PSI charges half of its hourly rates for travel time. Invoices are payable within forty-five (45) days of invoice date.

Following is the breakdown of PSI's fees based on its understanding of the scope of work and the level of involvement of LAFCO's staff. The estimated hours below are based on initial conversations with LAFCO staff.

Description	Estimated Cost
Audit preparation, schedules, and auditor communication	\$6,000
Weekly accounts payable invoice processing	\$23,000
Total	\$29,000



This cost estimate is made with the understanding that PSI has not reviewed LAFCO's policies or procedures.

The project manager assigned to the project will be Joshua Byerrum, CPA.

RESPONSIBILITIES

PSI's Responsibilities:

- PSI will perform the services under *Statements on Standards for Consulting Services* issued by the American Institute of Certified Public Accountants (AICPA) and in accordance with ethics standards set forth by the International Ethics Standards Board for Accountants.
- PSI will maintain the confidentiality of all information provided by LAFCO.
- All analysis, records, reports, and filings will be performed in compliance with local, state, and federal law
- PSI's engagement does not include any procedures designed to discover errors, fraud or theft. Therefore, this engagement cannot be relied upon to disclose such matters.
- The non-attest services are limited to the services previously outlined above. PSI, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries. PSI will advise LAFCO with regard to tax positions taken in the preparation of the tax return, but LAFCO must make all decisions with regard to those matters.

LAFCO's Responsibilities:

- LAFCO will provide all necessary information and documents in a timely manner.
- LAFCO will ensure the accuracy and completeness of the information provided.
- LAFCO represents and warrants that all information and documentation provided or to be provided to PSI is true, correct and complete, to the best of your knowledge and belief.
- LAFCO will be responsible for all management decisions and functions.

OWNERSHIP

As a result of this Agreement, PSI will create the Work Product, including, but not limited to, documents, presentations, reports and the like, physical and/or electronic. All Work Product shall be owned by LAFCO. PSI does not maintain any rights to this Work Product and shall turn over all Work Product upon the termination of this Agreement.

PRIVACY POLICY

For current and former clients, PSI does not disclose any non-public personal information obtained in the course of our practice except as required or permitted by law. Permitted disclosures include, for instance, providing information to PSI employees, and in limited situations, to unrelated third parties who need to



know that information to assist PSI in providing services to you. In all such situations, we stress the confidential nature of information being shared.

PSI retains records relating to the professional services that it provides so it is better able to assist LAFCO with its professional needs and, in some cases, to comply with professional guidelines. To guard LAFCO's non-public personal information, PSI maintains physical, electronic and procedural safeguards that comply with applicable professional standards.

In the interest of facilitating the services to be provided to LAFCO, PSI may send data over the Internet, store electronic data via computer software applications hosted remotely on the Internet, or allow access of data through third-party vendors' secured portals or clouds. Electronic data that is confidential to LAFCO may be transmitted or stored using these methods. PSI may use third-party service providers to store or transmit this data, such as Microsoft SharePoint or Dropbox.

Throughout this engagement, PSI will deliver confidential documents to LAFCO using PSI's secure portal or other secure methods. PSI requests that LAFCO use similar secure tools when sending information to PSI. If unsecure communication applications are used by LAFCO, LAFCO accepts the risk that the information may be accessed by unintended third parties. Additionally, PSI may communicate with LAFCO via email or other electronic methods, and LAFCO acknowledges that these forms of communication carry the risk of being misdirected or intercepted.

TERMINATION

This Agreement shall remain in effect for the initial term as stated above. Thereafter, this Agreement will automatically renew for successive one-year terms unless either party provides written notice of termination at least 30 days prior to the end of the current term.

This Agreement may be terminated at any time by either party upon at least fourteen (14) days' written notice to the other party. LAFCO will be responsible for payment for all Services performed through the date of termination, except where the termination results from PSI's material breach of this Agreement and PSI fails to cure such breach upon reasonable notice of at least seven (7) days.

Upon termination, PSI shall return all LAFCO content, materials, and Work Product to LAFCO at its earliest convenience, but in no event beyond thirty (30) days after the date of termination.

INDEMNITY

Each party ("indemnifying party") will indemnify and hold harmless the other party, its respective affiliates, officers, agents, employees, and permitted successors and assigns (collectively, "indemnified party") against any and all third party claims, losses, damages, liabilities, penalties, punitive damages, expenses, reasonable legal fees and costs of any kind or amount whatsoever (collectively, "Claims"), which result from the indemnifying party's negligent or willful acts or omissions or breach of this Agreement; provided, however, this indemnification shall not apply to the extent any Claim results from the indemnified party's negligent or willful acts or omissions. . This section remains in full force and effect



even after termination of the Agreement by its natural termination or the early termination by either party.

LIMITATION OF LIABILITY

Under no circumstances shall either party be liable to the other party or any third party for any damages resulting from any part of this agreement such as, but not limited to, loss of revenue or anticipated profit or lost business, costs of delay or failure of delivery, which are not related to or the direct result of a party's negligence or breach. Except for any indemnification obligation or any willful act or omission, in no event shall PSI's aggregate liability to LAFCO exceed two times fees paid under this agreement, nor shall PSI ever be liable to you for incidental, consequential, punitive or exemplary damages, or attorneys' fees, unless provided by court order or judgment.

SEVERABILITY

In the event any provision of this Agreement is deemed invalid or unenforceable, in whole or in part, that part shall be severed from the remainder of the Agreement and all other provisions should continue in full force and effect as valid and enforceable.

WAIVER

The failure by either Party to exercise any right, power, or privilege under the terms of this Agreement will not be construed as a waiver of any subsequent or future exercise of that right, power, or privilege or the exercise of any other right, power, or privilege.

MEDIATION; VENUE; GOVERNING LAW

Any disagreement, controversy, or claim arising from or related to our services or relationship (referred to as a "Dispute") must first be submitted to mediation before any court litigation. Mediation involves both parties working towards a mutually agreeable resolution with the help of an impartial mediator. The process begins with a written demand for mediation. The mediator will be chosen by mutual agreement, or if we cannot agree, one will be appointed by the American Arbitration Association (AAA). Mediation will take place in person in Los Angeles, CA. Each party will cover its own costs, and the mediator's fees and expenses will be split equally. No lawsuit may be initiated until the mediator declares an impasse. In the event mediation does not resolve the dispute, either party may commence litigation. Venue for any such litigation shall be in the state or federal courts in Los Angeles County California. Any such litigation will be governed by California law. The prevailing party in any such litigation shall be entitled to recover its reasonable attorneys' fees and costs of litigation from the other party.

FEES

PSI's fees for work are presented below, subject to change by the Los Angeles-Long Beach-Anaheim Consumer Price Index (measured October). Annual increases from CPI will be a minimum of 3% and maximum of 6% effective July 1, 2027. Mileage or other out of pocket costs are billed at the appropriate IRS mileage rates and actual costs.



Staff Level	Hourly Rate
Partner	\$200
Sr. Accountant	\$125
Accounting Technician	\$80
Payroll Specialist	\$250

In addition, PSI will be compensated for any time and expenses, including time and expenses of legal counsel, it incurs in conducting or responding to discovery requests or participating as a witness or otherwise in any legal, regulatory, or other proceedings as a result of its performance of these services. PSI will promptly provide LAFCO with a copy of every subpoena it is asked to respond to on LAFCO's behalf and LAFCO will have the ability to control the extent of the discovery process to control the costs it may incur.

Should this relationship terminate before the project is completed, PSI will bill LAFCO for services through the date of termination. A service charge of 1% per month, which is an annual rate of 12%, will be added to all accounts unpaid forty-five (45) days after billing date. If a collection action is necessary, expenses and reasonable attorney's fees will be added to the amount due.

ASSIGNMENTS PROHIBITED

This Agreement is not assignable without the express written consent of the other party.

Please sign and return the attached copy of this letter to indicate LAFCO's acknowledgment of, and agreement with, the arrangements for the scope of services referenced above, the parties' respective responsibilities.

PSI appreciates the opportunity to provide LAFCO with these services and looks forward to working with LAFCO's staff.

Respectfully,

Joshua Byerrum, CPA
Partner

RESPONSE:

This letter correctly sets forth our understanding.



Acknowledged and agreed on behalf of San Bernardino LAFCO by:

Name: _____

Title: _____

Date: _____

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

11601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sanbernardinolafco.gov

DATE: SEPTEMBER 9, 2026 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #8: LAFCO 3282 – Countywide Service Review for
Local Park and Recreation

RECOMMENDATIONS:

Staff recommends that the Commission take the following actions related to LAFCO 3282:

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 Local Park and Recreation 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) Initiate a special study for the Hesperia Recreation and Park District.
 - b) Signal Commission intent to establish a sphere of influence for County Service Area 120.
 - c) Continue to monitor the following agencies and return to the Commission at its January 20, 2027 meeting: Baker Community Services District, Daggett Community Services District, Newberry Community Services District, Town of Apple Valley, and Yermo Community Services District.
4. Adopt LAFCO Resolution No. 3443 reflecting the Commission's determinations and directions as required by Government Code Section 56430 and Commission policy.

BACKGROUND:

On July 15, 2026, the Commission conducted a workshop to review a draft of the service review (watermarked as Workshop Draft) and provided feedback to staff. Staff incorporated the Commission's direction and issued a Proposed Draft on July 30 to all agencies (staff leadership and to each board/council member) for their review and comment.

The Executive Summary summarizes the content of the review, identifies key facts found during the review's preparation, and lists recommendations for Commission action (also on page 1 of this staff report). Additionally, staff has identified an opportunity for the Barstow community to consider – this does not have a recommendation for Commission action.

Appendix A to the service review includes the comments and suggested changes from agencies to the Proposed Draft.

Agency Outreach

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

- *Questionnaire.* LAFCO requested each agency to complete a questionnaire.
- *Interviews.* When warranted, staff met with agency representatives to clarify circumstances or review recommendations.
- *Working Copy.* Each agency was provided with a working copy of its agency profile for technical review and input.
- *Proposed Draft.* Each agency was provided with the proposed draft of the service review for review and comment, LAFCO staff provided responses to comments received on the proposed draft (Appendix A to this service review).
- *Notice of the LAFCO hearing.* LAFCO provided the required notice of the Commission hearing to all agencies 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 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, opines that the service review is certain not to have a significant effect on the environment. Therefore, Mr. Dodson, recommends that the Commission consider the adoption of a "Common Sense" Exemption and find that an Exemption (as defined in CEQA) applies to this Service Review under Section 15061(b)(3) of the State CEQA Guidelines. A copy of Mr. Dodson's analysis is included as Attachment #2 to this report.

ADDITIONAL DETERMINATIONS:

1. On July 15, 2026, the Commission conducted a workshop to review a draft of the service review (watermarked as Workshop Draft) and provided feedback to staff.
2. On July 30, 2026, the Proposed Draft of the service review was released to all affected agencies and placed on the LAFCO website.
3. As required by State Law, notice of the hearing was provided through publication in newspaper of general circulation within the area, *San Bernardino 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.
4. 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.
5. On September 9, 2026, the Final Draft of the service review was released to all parties, 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 Local Park and Recreation.

SM/MT

Attachments:

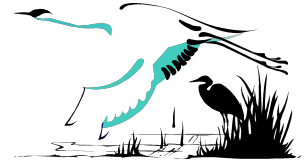
1. Final Draft of Countywide Service Review for Local Park and Recreation
The Final Draft is located on the LAFCO website www.sanbernardinolafco.gov under Agendas and Notices/September 16, 2026.
This is the same location where the agenda packet is accessible.
It is also accessible via this link:
[Countywide Service Review for Local Parks and Recreation - San Bernardino LAFCO](#)
2. [Environmental Recommendation from Tom Dodson](#)
3. [Draft Resolution No. 3443](#)

TOM DODSON & ASSOCIATES

Mailing Address: PO Box 2307, San Bernardino, CA 92406

Physical Address: 2150 N. Arrowhead Avenue, San Bernardino, CA 92405

Tel: (909) 882-3612 ♦ **Email:** tda@tdaenv.com ♦ **Web:** tdaenvironmental.com



MEMORANDUM

September 1, 2026

Mr. Samuel Martinez
Local Agency Formation Commission
1601 East 3rd Street, Suite 102
San Bernardino, CA 92415-0490

Dear Sam:

The Local Agency Formation Commission (LAFCO) Staff has prepared a Countywide Service Review for the Local Park and Recreation Districts (LAFCO 3282). This review encompasses all of the established Districts throughout the County that provide Park and Recreation services provided to County residents. This County service review does not require a formal environmental determination for the California Environmental Quality Act (CEQA) by the Commission. Instead, these reviews are received and filed by the Commissioners, and only when specific actions (recommendations with physical consequences) are proposed in the future are actual decisions considered that could have potential effects on the physical environment.

Therefore, after careful consideration of the Countywide Local Park and Recreation Service Review, I am recommending that the Commission consider the adoption of a “Common Sense” Exemption. I recommend that the Commission find that an Exemption (as defined in CEQA) applies to this Service Review under Section 15061 (b) (3) of the State CEQA Guidelines, which states: *“The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”* It is my opinion, and recommendation to the Commission, that this circumstance (certainty of no significant environmental impact) applies to LAFCO 3282 Service Review.

Based on this review of the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that the upcoming Local Park and Recreation Service Review does not constitute a project under CEQA and adoption of Common Sense Exemption and filing of a Notice of Exemption is the most appropriate environmental determination to comply with CEQA for this action. The Commission can choose to receive the review and findings for this action and I recommend that you notice the LAFCO 3282) as exempt from CEQA for the reasons outlined in the State CEQA Guideline section cited above. The Commission Staff may file a Notice of

Exemption with the County Clerk to the Board for this action once the hearing is completed and the Service Review has been received.

A copy of this exemption recommendation should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA record. If you have any questions, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink that reads "Tom Dodson". The signature is written in a cursive, flowing style.

Tom Dodson

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sanbernardinolafco.gov

PROPOSAL NO.: LAFCO 3443

HEARING DATE: SEPTEMBER 16, 2026

RESOLUTION NO. 3443

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3443 – COUNTYWIDE SERVICE REVIEW FOR LOCAL PARK AND RECREATION.

On motion of Commissioner ____, duly seconded by Commissioner ____, and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, a service review mandated by Government Code 56430 has been conducted by the Local Agency Formation Commission for San Bernardino County (hereinafter referred to as “the Commission”) in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

WHEREAS, the Executive Officer has reviewed available information and prepared a report including his recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, a public hearing by this Commission was called for September 16, 2026 at the time and place specified in the notice of public hearing and in any order or orders continuing the hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written support and opposition; the Commission considered all objections and evidence which were made, presented, or filed; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the service review, in evidence presented at the hearing; and,

WHEREAS, at this hearing, this Commission certified that the service review is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) and such exemption was adopted by this Commission on September 16, 2026. The Commission directed its Executive Officer to file a Notice of Exemption within five working days of its adoption; and,

WHEREAS, the determinations required by Government Code Section 56430 and local

RESOLUTION NO. 3443

Commission policy are included in the service review prepared and submitted to the Commission dated September 9, 2026 and was recommended for acceptance and filing by the Commission on September 16, 2026, a complete copy the service review is on file in the LAFCO office.

WHEREAS, the following additional determinations are made in conformance with the Government Code and local Commission policy:

- On July 15, 2026, the Commission conducted a workshop to review a draft of the service review (watermarked as Workshop Draft) and provided feedback to staff.
- On July 30, 2026, the Proposed Draft of the service review was released to all affected agencies and placed on the LAFCO website.
- As required by State Law, notice of the hearing was provided through publication in newspaper of general circulation within the area, *San Bernardino 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.
- 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.
- On September 9, 2026, the Final Draft of the service review was released to all parties, the Commission, and posted on the LAFCO website.
- Comments from the public and any affected agency will be reviewed and considered by the Commission in making its determinations.

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission for San Bernardino County, State of California, that this Commission shall:

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 Local Park and Recreation 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) Initiate a special study for the Hesperia Recreation and Park District.
 - b) Signal Commission intent to establish a sphere of influence for County Service Area 120.
 - c) Continue to monitor the following agencies and return to the Commission at its January 20, 2027 meeting: Baker Community Services District, Daggett Community

RESOLUTION NO. 3443

Services District, Newberry Community Services District, Town of Apple Valley, and Yermo Community Services District.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of September 16, 2026.

DATED: September 16, 2026

SAMUEL MARTINEZ
Executive Officer

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Unit 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
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DATE: SEPTEMBER 9, 2026 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #9: Consideration of Request for Override of Commission Policy Related to Deferral of Processing Applications for Projects Pending Settlement of Litigation Related to LAFCO 3280 and LAFCO 3281

REQUESTED BY:

City of Barstow, applicant; and,
BNSF Railway Company, developer of the project

RECOMMENDATION:

Staff recommends that the Commission consider the request to override its policy requiring the conclusion of environmental litigation prior to holding the public hearing to review and consider both LAFCO 3280 and LAFCO 3281.

If the Commission chooses to override its policy and grant the waiver, staff recommends adopting an intent to condition any approval of LAFCO 3280 and LAFCO 3281 with a term and condition substantially similar in scope and effect as the following:

"In the event a court of competent jurisdiction invalidates the reorganization (annexations/detachments) of the subject properties for any reason or requires the City of Barstow to cure and/or correct any deficiencies in the environmental impact report, and putting the reorganization in abeyance, the City of Barstow shall enter into a service agreement with San Bernardino County for all services the City of Barstow proposes to take over through the reorganization process, and submit a request to LAFCO pursuant to Government Code Section 56133 within 60 days of such a court determination. The City of Barstow shall provide written consent to this condition within five (5) working days of the approval of this resolution."

BACKGROUND:

The Commission has received two applications from the City of Barstow related to the Barstow International Gateway (BIG) Project identified as follows:

- LAFCO 3280 – Reorganization to include Annexations to the City of Barstow, Barstow Fire Protection District, and Odessa Water District, and Detachments from the San Bernardino County Fire Protection District, its North Desert Service Zone, and its Zone FP-5, and County Service Area 70 (Area A)

The overall reorganization for Area A encompasses approximately 2,701.5 acres and is generally located west of the Interstate 15 and south and west of State Route 58, more specifically north and south of Main Street, and east and west of Delaney Road, within the City of Barstow's Sphere of Influence.

- The proposed annexation to the City of Barstow and Odessa Water District and detachment from County Service Area (CSA) 70 generally includes the entire reorganization area encompassing approximately 2,686.5 acres.
- The proposed annexation to the Barstow Fire Protection District and Detachment from San Bernardino County Fire Protection District, its North Desert Service Zone, and its Zone FP-5 encompasses approximately 2,609 acres.
- LAFCO 3281 – Reorganization to include Annexations to the City of Barstow and Odessa Water District, and Detachment from County Service Area 70 (Area B)

The proposed reorganization for Area B includes an annexation to the City of Barstow and Odessa Water District and detachment from CSA 70. The reorganization area encompasses approximately 99 acres and is generally bordered by a combination of Main Street, Castle Court and parcel lines (along the boundary for LAFCO 3280) to the north, Delaney Road (existing City of Barstow boundary) to the east, Gazana Street (existing City of Barstow boundary) to the south, and Amarylis Street to the west, within the City's Sphere of Influence.

Maps of both LAFCO 3280 and LAFCO 3281 are included as Attachment #1.

LAFCO staff is actively reviewing said applications and has initiated the property tax transfer negotiation process with the City of Barstow and the County of San Bernardino (acting on behalf of itself and affected special districts) pursuant to Revenue and Taxation Code Section 99. Under State law, the property tax transfer negotiation process must be finalized prior to issuance of a Certificate of Filing for either proposal.

Pending Litigation and Request for Policy Waiver

LAFCO was recently notified that the environmental impact report (EIR) prepared and certified by the City of Barstow as lead agency for the BIG Project is currently the subject of a CEQA legal challenge filed by a coalition of environmental and community advocacy groups including the Sierra Club, Center for Biological Diversity, Natural Resources Defense Council, and the East Yard Communities for Environmental Justice.

Under standard operating procedures and established Commission policy, LAFCO defers the formal consideration and public hearing of a proposal until pending environmental litigation challenging the underlying CEQA document is resolved. The City of Barstow and the developer of the BIG Project, BNSF Railway Company, have submitted a formal request asking the Commission to override/waive this policy (see Attachment #2). In support of their request, the proponents highlight that the BIG Project was certified as a critical infrastructure project under Senate Bill 149, which establishes expedited judicial review procedures designed to resolve trial and appellate proceedings within approximately 270 days.

Policy Analysis & Historical Precedent

The Commission's policy deferring consideration of applications pending environmental litigation (see Attachment #3) is not related to cost, but to the potential confusion of service providers and the distribution of property tax and other revenue streams. This policy was established following past reorganizations where the Commission proceeded as a Responsible Agency under CEQA Guidelines Sections 15231 and 15233, which provide that an EIR is presumed adequate unless declared otherwise by a court.

In those prior instances, after the reorganizations were completed and recorded, the courts ultimately found the underlying EIRs deficient and set aside project approvals. Consequently, the Commission was required to:

1. Remove the areas annexed through the filing and recording of Certificates of Completion detaching the areas from the cities;
2. Notify the affected agencies, such as the State Board of Equalization, the County Assessor, Auditor-Controller, law enforcement and fire service provider, emergency dispatch centers, etc., that the area needed to be returned to the County and the prior agencies with jurisdiction; and,
3. Notify the appropriate taxing authorities that the property tax and subvention revenues should be returned to said prior agencies.

The resulting confusion and operational disruption caused by shifting law enforcement, fire protection providers, emergency dispatch systems, property tax distribution back and forth prompted the Commission to adopt the policy to require that environmental

litigation conclude before scheduling proposals for public hearing. This policy and process has worked well for the Commission in other situations in the past.

Commission Precedents

However, it should be noted that there are precedents to waive the imposition of this policy if the Commission chooses to do so.

The Commission has exercised its discretion to grant policy waivers in the past. In 2004 (reorganization proposals involving the City of Rancho Cucamonga) and in 2006 (reorganization proposal to the City of San Bernardino), the Commission approved policy waivers under similar circumstances. In those cases, the Commission chose to override its policy noting that unless and until the courts determined the environmental documents to be inadequate, CEQA requires that they be considered adequate for review by the Commission as a responsible agency. In both cases, the Commission agreed to move forward and imposed the condition of approval required the annexing cities to execute out-of-agency agreements guaranteeing the continuation of municipal services under Government Code Section 56133 if the reorganization was later invalidated by the courts. In both instances, the underlying lawsuits were resolved without impairing the completed reorganizations.

CONCLUSION:

Should the Commission choose to override its policy and grant the waiver and proceed with processing both LAFCO 3280 and LAFCO 3281 once all other statutory prerequisites are met (including completion of the property tax transfer process), then staff recommends that any future approvals include the imposition of the conditional language outlined above.

Attachments:

1. Vicinity Maps of LAFCO 3280 and LAFCO 3281
2. City of Barstow's Letter Requesting Waiver of Commission Policy that Includes, as an Enclosure, the BNSF Railway Company Letter to LAFCO
3. Commission's Policy – Completion of Environmental Litigation Prior to Consideration of Change
4. Notice of Action Challenging the City of Barstow's Approval of the EIR for the City's General Plan Update and the Barstow International Gateway Project



Main St.

Lenwood Rd

LAFCO 3280

City of Barstow

City of Barstow
Sphere of Influence

15

Vicinity Map

LAFCO 3280 – Reorganization to include Annexations to the City of Barstow, Barstow Fire Protection District, and Odessa Water District, and Detachments from the San Bernardino County Fire Protection District, Its North Desert Service Zone, and its Zone FP-5, and County Service Area 70 (Area A)

LAFCO 3280
(Annexation to City and
Odessa W.D.)

LAFCO 3280
(Annexation to Barstow
FPD)

City of Barstow /
Odessa Water District

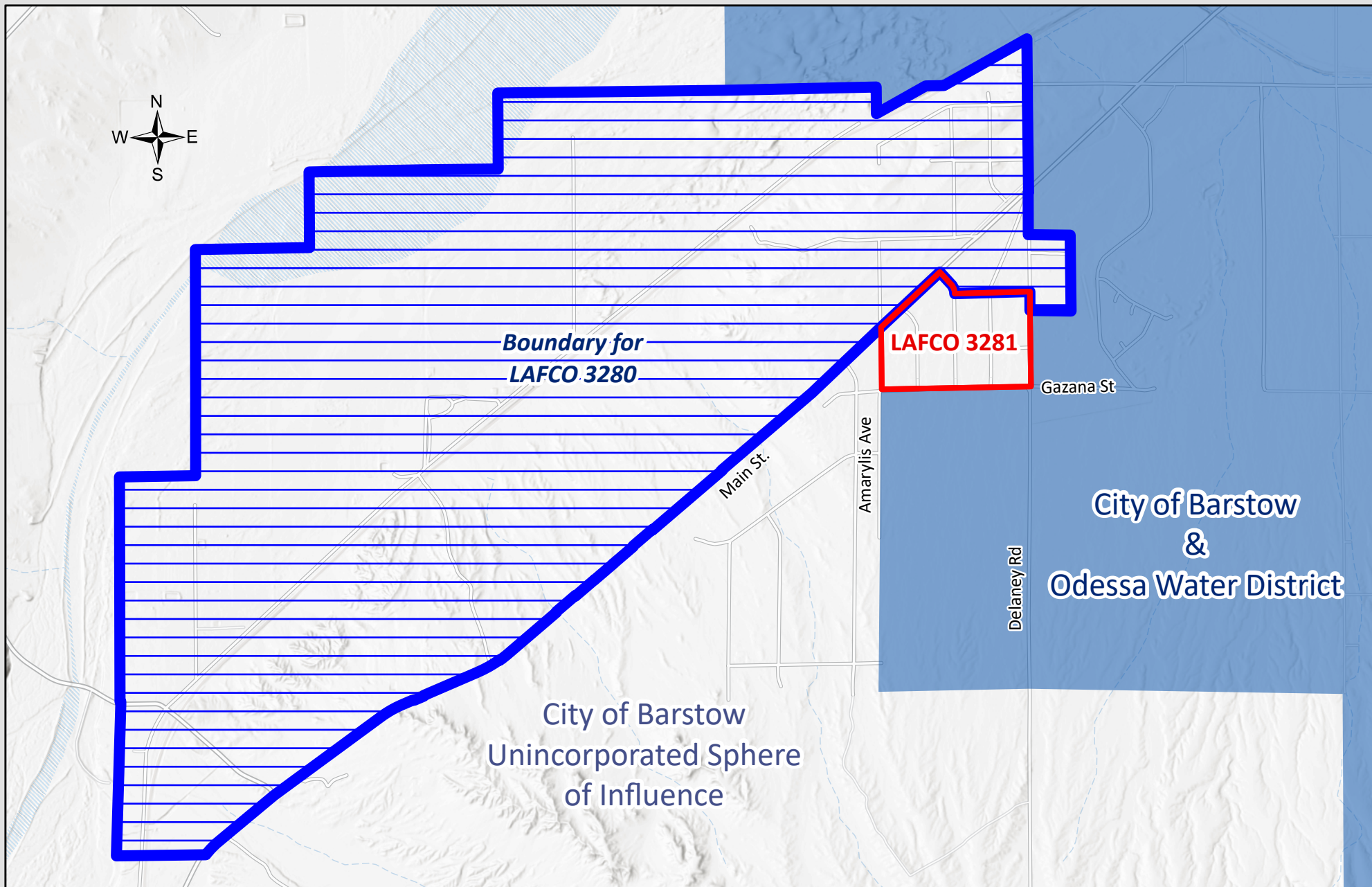
Barstow /Odessa W.D. /
Barstow FPD Sphere

Barstow Fire Protection
District



Disclaimer: This information
shown is intended to be used
as general display and its not
to be used as an official map.

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Vicinity Map

LAFCO 3281 – Reorganization to include Annexations to the City of Barstow and Odessa Water District, and Detachment from County Service Area 70 (Area B)

 LAFCO 3281

 City of Barstow /
Odessa W.D.

Author: Arturo Pastor | 06/25/2026



Disclaimer: This information shown is intended to be used as general display and its not to be used as an official map.

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Miles



August 24, 2026

Samuel Martinez
Executive Officer
San Bernardino LAFCO
1601 E. 3rd Street, Suite 102
San Bernardino, CA 92415-0490

RE: Request to Override LAFCO Litigation Policy (Chapter 4.1) for Reorganization Applications LAFCO 3280 and 3281

Dear Mr. Martinez,

The City of Barstow (**City**) respectfully requests consideration to an override of the San Bernardino Local Agency Formation Commission's Litigation Policy (Chapter 4.1) with respect to the City's Reorganization Applications LAFCO 3280 and 3281 (**Applications**) for LAFCO Action Areas A and B, respectively, for the Barstow International Gateway Project and Specific Plan (**BIG**) (collectively, the **Annexation Areas**).

The Litigation Policy states:

**COMPLETION OF ENVIRONMENTAL LITIGATION PRIOR
TO CONSIDERATION OF CHANGE:**

It is the policy of San Bernardino LAFCO that in those instances where LAFCO is a CEQA Responsible Agency and there has been a legal challenge to the environmental document prepared by the lead agency, LAFCO shall not take action on the proposal (application) until the legal challenge to the lead agency's document has been fully resolved and all appeals have been exhausted, if any.

The Commission may choose to override this policy upon the request of the applicant.

The City certified an Environmental Impact Report (EIR) and approved these two Reorganization Applications on June 2, 2026, as part of its approvals for the Barstow General Plan Update and BIG Project, approved on June 16, 2026. On July 1, 2026, a lawsuit was filed challenging the certification of the EIR and approval of BIG (the **Action**). On August 19, 2026, LAFCO's Executive Officer sent a letter informing the City that LAFCO had received a copy of

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(760) 256-3531 • Fax: (760) 256-1750

Samuel Martinez, Executive Officer
San Bernardino LAFCO
August 24, 2026

the Action. LAFCO advised the City of the procedures for requesting an override of its Litigation Policy.

There is good reason for the Commission to override the Litigation Policy for the City's Applications with respect to the Action. The annexations proposed in the Applications would facilitate the development of the BIG project site. The State of California certified BIG under SB 149 as a critical infrastructure project, which allows for any CEQA litigation challenging the project to be significantly expedited (with all trial and appellate court proceedings resolved within 270 days). The City asks for similar consideration in the approval of the litigation policy override request.

We greatly appreciate your consideration of this request. Please also see the attached letter from BNSF Railway Company (**BNSF**), the project proponent for BIG, in support of the override request. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Rochelle Clayton', is written over the closing 'yours,'.

Rochelle Clayton
City Manager

Enclosure: BNSF Railway Company Letter to San Bernardino LAFCO



David T. Rankin
Senior General Attorney

BNSF Railway Company
2500 Lou Menk Drive
Fort Worth, TX 76131
817-352-2383

david.rankin@bnsf.com

August 22, 2026

Samuel Martinez
Executive Officer
San Bernardino LAFCO
1601 E. 3rd Street, Suite 102
San Bernardino, CA 92415-0490

**RE: Justification for Request to Override LAFCO Litigation Policy (Chapter 4.1)
for Reorganization Applications LAFCO 3280 and 3281**

Dear Mr. Martinez,

This letter is submitted on behalf of BNSF Railway Company (**BNSF**) in support of the City of Barstow's (**City**) request to override of San Bernardino LAFCO's Litigation Policy (Chapter 4.1) with respect to the City's Reorganization Applications LAFCO 3280 and 3281 (Applications) for Areas A and B, respectively, for the Barstow International Gateway Project and Specific Plan (**BIG**) (collectively, the **Annexation Areas**). BNSF is the project applicant for BIG.

The City certified an Environmental Impact Report (**EIR**) on June 2, 2026, and approved BIG on June 16, 2026. As approved, BIG will be the first of its kind integrated rail facility developed by a Class 1 railroad in the United States, located on approximately 4,300 acres on the west side of the City, consisting of a rail yard, warehouses for transloading freight from international containers to domestic containers, and an approximate 140-acre, 21 MWh solar farm. In addition to the state-of-the-art design, BNSF's investment in BIG includes a substantial list of zero emission and near-zero emission proven technologies that will substantially reduce emissions. BNSF will invest more than \$4 billion to construct BIG as a state-of-the-art master-planned rail facility and a showpiece for the region.

The annexations proposed in the Applications are critical to the success of BIG by integrating the BIG project site into the City's jurisdiction and facilitating the development of BIG with infrastructure improvements and public safety services under City oversight. This will lead to substantial high-quality job creation and improved freight efficiency.

On July 1, 2026, a lawsuit was filed challenging the certification of the EIR and approval of BIG (the **Action**). Under CEQA, in the event of litigation, responsible agencies "shall assume" that the challenged EIR fully complies with CEQA and "shall approve or disapprove" the project per the standard process. (Pub. Resources Code, § 21167.3(b).) In such circumstances, such approval shall constitute permission to proceed with the project at the applicant's risk.

BNSF understands that LAFCO's Executive Officer sent the City Manager of Barstow a letter on August 19, 2026, informing the City that LAFCO had received a copy of the



Samuel Martinez
Executive Officer
San Bernardino LAFCO
August 22, 2026
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Action challenging the EIR. LAFCO advised the City of the procedures for requesting an override of the Litigation Policy. BNSF respectfully asks the Commission to grant the City's requested override because of the regional and statewide importance of BIG and the strong public policy against any delay in the implementation of the Project, including consideration and action on the City's Applications.

The Governor Has Certified BIG as a Critical Infrastructure Project

On April 30, 2026, the State of California certified BIG as a critical infrastructure project under Senate Bill (SB) 149, the first transportation infrastructure project to be certified under that statute. A copy of the Governor's certification is included as Attachment A to this letter.

SB 149 provides expedited rules for lawsuits challenging certified critical infrastructure projects, such as BIG, that benefit the state, ensuring that this key infrastructure initiative can move forward swiftly while adhering to robust environmental standards.

Transportation infrastructure projects certified under SB 149 "help state, regional, and local agencies more quickly meet the goals of advancing safety, rehabilitating the aging transportation infrastructure, and addressing the impacts of climate change." (Pub. Resources Code, § 21189.80(e).) The primary purpose of SB 149's unique streamlining benefits is to achieve the public benefits of these important projects and put people to work as soon as possible. (§ 21189.80(g).)

In certifying the Project under that status, the Governor determined:

The Barstow International Gateway Project ("Project") is a transformative, next-generation integrated rail facility located in the City of Barstow and unincorporated territory of the County of San Bernardino that would allow the direct transfer of containers from ships at the Ports of Los Angeles and Long Beach to trains for transport to Barstow. The Project would result in a mode shift from heavy trucks to rail that would remove hundreds of thousands of annual truck miles from the national roadway network. The Project represents a \$4 billion private investment in California, will help reduce congestion in port-adjacent communities, improve supply chain reliability, and support the transition to a zero-emission freight system.

The California Legislature concurred with the Governor's certification of BIG on May 28, 2026. A copy of the Legislature's concurrence is included as Attachment B.

The State's SB 149 certification is a monumental recognition of the value and importance of BIG, underscoring its pioneering environmental and community benefits. BNSF is proud to bring California's very first certified transportation infrastructure project under SB 149 to Barstow and San Bernardino County. Because of the critical importance



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of BIG, as recognized by the State of California, it is important that there be no unnecessary delays in the implementation of BIG, including the Commission's consideration of the City's Applications.

BIG, as a Critical Infrastructure Project, Is Subject to Expedited Judicial Review

As noted, SB 149 provides expedited rules for lawsuits challenging critical infrastructure projects that benefit the state. BIG is subject to a specific statute (Pub. Resources Code, § 21189.85(a)) that mandates that any legal challenge to such a project be resolved, to the extent feasible, within 270 days after certification of the administrative record, including any potential appeals. The Legislature passed this provision to expedite any legal challenge and avoid any unnecessary delays to the Project because it deemed these types of critical infrastructure projects to be of statewide and regional significance. (Pub. Resources Code, § 21189.80.) In enacting the measure, the Legislature found:

The purpose of this chapter is to provide unique streamlining benefits under this division for critical state, regional, and local investments in climate resiliency, safety, and infrastructure maintenance while maintaining the environmental and public engagement benefits of this division for projects that provide the public benefits, including environmental and climate-related benefits, described above and to both achieve those benefits and put people to work as soon as possible. (Pub. Resources Code, § 21189.80(g).)

As a result, unlike the typical CEQA case, there is no uncertainty regarding the litigation schedule or duration. The lawsuit challenging the EIR is already expedited, with a trial court hearing on the merits scheduled for November 10, 2026. Any appeal is expected to be resolved no later than April 2027.

Moreover, the current litigation challenging the EIR is without merit. The issues raised by petitioners were adequately addressed by City staff and the EIR consultants during the administrative process, and the City's findings and conclusions are fully supported by substantial evidence. To address any concern about how the litigation may affect the Commission's actions, BNSF has fully committed to indemnify, hold harmless and reimburse the City, and in turn, San Bernardino LAFCO, for all legal actions that might be initiated as a result of the Action's impact on the approval of the Applications.

The Applications Are Critical to BIG's Success and Should Not Be Delayed

The Applications include two reorganizations, Actions A and B, totaling 2,785 acres, allowing for the orderly development of the Annexations Areas, including the BIG project site, and other lands within and adjacent to the City. These annexations are critical to facilitating the success of BIG and providing substantial benefits to the City and the region.



Samuel Martinez
Executive Officer
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Page 4

Because of the unique and state-of-the-art nature of BIG, BNSF spent years deciding the best location for this transformative project and substantial investment. The BIG Project would further sustainable transportation practices by improving the efficient movement of goods between the City and within the region and would increase the competitiveness of rail transport over heavy-duty truck transport cross-country. BIG's design, project components and technology commitments will enhance supply chain resiliency, efficiency, and cost-effective goods movement by rail. But more importantly, BIG will modernize decades-old systems and advance a mode shift by converting freight movements from trucks to trains. BIG would shift cargo away from heavy-duty trucking and toward rail transport, reducing truck traffic in the dense population centers around the Ports. This substantial reduction in truck trips would, in turn, result in a net decrease in greenhouse gas emissions for the entire region.

Key infrastructure improvements were identified that not only support the operations at BIG, but also provide City-wide benefits, including significant drainage improvements, bridge improvements, water main extensions, and sewer improvements. The proposed infrastructure coordination enhances connectivity between employment centers and housing. This would help the City support its General Plan Objectives for economic development, job creation, and long-term growth by accommodating approximately 9 million square feet of industrial warehouse space and associated infrastructure. Combined, the end result of the proposed reorganizations would reduce truck trips, improve rail efficiency, and minimize environmental impacts compared to existing freight patterns.

BNSF was pleased to work with the City to locate BIG on the western edge of the City, consistent with General Plan objectives to site industrial uses away from residential uses. The location, scale, and scope of BIG also allow it to provide key benefits to the City and its residents. The Commission's prompt consideration of the Applications is an important part of achieving those benefits, which include:

- **Creating jobs and increasing economic activity.** BIG would create over 20 years: approximately 62,000 direct, indirect, and induced construction jobs, including union construction jobs and approximately 15,000 direct, indirect, and induced operation jobs. In addition, the construction economic benefit is approximately \$11 billion, and the operational economic benefit is approximately \$7 billion.
- **Improving public infrastructure.** BIG would result in several substantial public improvements, including:
 - Widening Lenwood Channel by between 60 and 100 feet for more than two miles, substantially reducing existing flooding hazards;
 - Replacing the existing Main Street low-water crossing over Lenwood Channel with a new four-lane bridge designed for 100-year flood events;



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August 22, 2026
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- Replacing the existing Hinkley Road bridge over the Mojave River with a longer bridge to better match the channel width of the Mojave River at that location, improving flood resilience compared to existing conditions;
- Expanding Golden State Water Company (GSWC) infrastructure to the western extent of the City, providing the backbone infrastructure to enable nearby residents to make future connections to Golden State Water Company water lines; and
- The widened channel, new four-lane bridge, and replacement of the existing Hinkley Road Bridge would improve flooding protections compared to existing conditions. Furthermore, expanding GSWC infrastructure would provide potable water access to the west side of the City, and the projected water supply would be sufficient to meet all projected water demand for BIG, under current and future conditions, for normal, single-dry, and multiple dry years through 2045.
- **Supporting public safety in Barstow.** Tax revenue generated by BIG will support additional staffing for firefighters and police beyond what is needed to service BIG, providing a City-wide benefit. BNSF has also committed to the purchase of a quintuple combination pumper fire truck to support City-provided fire services throughout the City. BNSF will purchase maintenance equipment (i.e., Skid Steer) to facilitate maintenance of City-owned drainage facilities to help enhance flood control.

* * * * *

In sum, BNSF concurs with the City's request and urges the Commission to override the Litigation Policy with respect to the Applications. BIG presents unique circumstances, and any delay in consideration of the Applications would be detrimental to the City and the region and contrary to the State's designation of BIG as a project of statewide significance. BNSF appreciates the Commission's consideration of this letter and attachments.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Rankin".

David T. Rankin
Senior General Attorney

Enclosure: Attachment A [Governor's Certification]
Attachment B [Legislature's Concurrence]

cc: City of Barstow

Attachment A [Governor's Certification]

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

**GOVERNOR'S CERTIFICATION FOR JUDICIAL STREAMLINING OF
THE BARSTOW INTERNATIONAL GATEWAY PROJECT
IN THE COUNTY OF SAN BERNARDINO**

I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by Public Resources Code Section 21189.80 et seq., make the following determinations:

The Barstow International Gateway Project (Project) is a transformative, next-generation integrated rail facility located in the City of Barstow and unincorporated territory of the County of San Bernardino that would allow for the direct transfer of containers from ships at the Ports of Los Angeles and Long Beach to trains for transport inland to Barstow. The Project would result in a mode shift from heavy trucks to rail that would remove hundreds of thousands of annual truck miles from the national roadway network. The Project represents a \$4 billion private investment in California, will help reduce congestion in port-adjacent communities, improve supply chain reliability, and support the transition to a zero-emission freight system. A copy of the Project's application, which contains information supporting this certification, is attached as Exhibit 1. All materials associated with this application are available online at: <https://lci.ca.gov/ceqa/judicial-streamlining/#under-consideration>

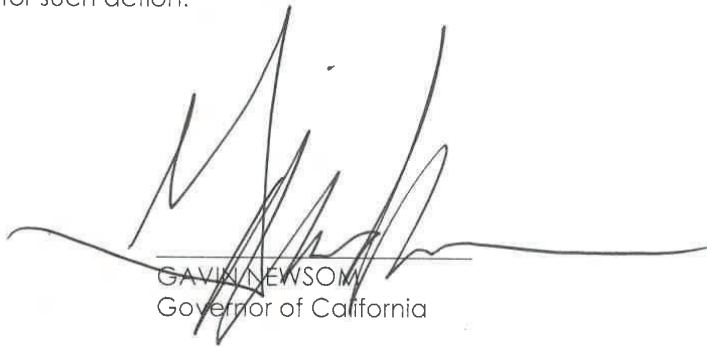
As set forth below, the Project has demonstrated that it meets all requirements to be eligible for certification for streamlining.

1. Project Applicant: Burlington Northern Santa Fe (BNSF) Railway Company
2. Project Description: The Applicant proposes the construction, operation, and maintenance of an integrated rail facility encompassing approximately 4,300 acres.
3. CEQA Lead Agency: City of Barstow
4. The Project meets the criteria set forth in Public Resources Code Section 21189.81, Subdivision (g)(1) which defines a "Transportation-related project." (Exhibit 1, Sections 3.1, pg. 22-39).
5. This Project meets the criteria set forth in Public Resources Code Section 21189.81, Subdivision (g)(2). The applicant has agreed the Project will comply with the applicable provisions of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code. (Exhibit 1, Section 3.2, pg. 39, and Attachment 4).
6. This Project meets the criteria set forth in Public Resources Code Section 21189.82, Subdivision (a)(3). This Project would not exceed limitations on the number of transportation-related projects that may be certified by the Governor.
7. The Project Applicant has provided information establishing that the Project will minimize impacts to disadvantaged communities in compliance with Public Resources Code Section 21189.82, Subdivision (c).

Specifically, the Project Applicant has committed to avoid or minimize significant environmental impacts in any disadvantaged community and to mitigate any significant environmental impacts to disadvantaged communities with mitigation measures that shall be undertaken in, and directly benefit, the affected community. (Exhibit. 1, Section 3.6, pg. 41-48, and Attachments 1 and 3).

8. The Project Applicant has entered into a Memorandum of Understanding (MOU) with the Mojave Desert Air Quality Management District (MDAQMD) executed on February 23, 2026 (Exhibit 1, Attachment 5) and with the California Air Resources Board (CARB) executed on April 23, 2026 (Exhibit 2) to implement a demonstration project of hybrid battery electric locomotive technology ("Pilot") as part of the Project.
9. This Project meets the criteria set forth in Public Resources Code Section 21189.83, Subdivision (b). The Project Applicant has demonstrated that the Project would not result in any net increase in greenhouse gas emissions. (Exhibit 1, Section 3.5, pg. 39-41, and Attachment 2).
10. The Project Applicant has agreed to pay the costs of preparing the record of proceedings for the Project concurrent with review and consideration of the Project pursuant to the requirements in Public Resources Code Section 21189.86. (Exhibit 1, Sections 3.3 and 3.4, pg. 39).
11. The application materials submitted by the Project Applicant were made available to the public on the Office of Land Use and Climate Innovation's website on February 27, 2026, and 67 public comment letters on the Project application were received. These comments were thoroughly reviewed and considered before making this determination.

Therefore, I hereby certify that the Barstow International Gateway Project is an eligible project under Public Resources Code Section 21189.80 et seq. Pursuant to statute, this certification must be submitted to the Joint Legislative Budget Committee (JLBC) for concurrence or nonconcurrence; I therefore instruct the Director of the Office of Land Use and Climate Innovation to transmit this certification to the JLBC for such action.



GAVIN NEWSOM
Governor of California

April 30, 2026

Attachment B [Legislature's Concurrence]

CHAIR
JOHN LAIRD

SENATE

MELISSA HURTADO
CAROLINE MENJIVAR
ROGER W. NIELLO
ROSILICIE OCHOA BOGH
SASHA RENÉE PÉREZ
ELOISE GÓMEZ REYES
LAURA RICHARDSON

Joint Legislative Budget Committee

CALIFORNIA LEGISLATURE

LEGISLATIVE ANALYST
GABRIEL PETEK

VICE CHAIR
JESSE GABRIEL

ASSEMBLY

DAWN ADDIS
DAVID A. ALVAREZ
STEVE BENNETT
Dr. COREY A. JACKSON
JOE PATTERSON
SHARON QUIRK-SILVA
DAVID J. TANGIPA

May 28, 2026

Mr. Samuel Assefa, Director
Governor's Office of Land Use and Climate Innovation
1400 10th Street
Sacramento, California 95814

Dear Mr. Assefa:

In a letter dated April 30, 2026, you informed the Joint Legislative Budget Committee that Governor Newsom had determined that the Barstow International Gateway Project in San Bernardino County is eligible for the alternative California Environmental Quality Act (CEQA) review process authorized by Senate Bill 149 (Caballero), Chapter 60, Statutes of 2023.

SB 149 provides a streamlined CEQA review process for energy infrastructure, semiconductor and microelectronics, transportation-related, and water-related projects that meet certain requirements. For example, transportation-related projects must advance various state climate and transportation goals, meet labor and greenhouse gas emission-related requirements, and avoid or minimize impacts to disadvantaged communities.

Based on the information you have provided, and a subsequent review by the Legislative Analyst's Office, I have concluded that the Governor's determination meets the SB 149 criteria set forth in Public Resources Code section 21189.80 et seq. and concur with the certification.

Sincerely,



John Laird
Chair

cc: Members of the Joint Legislative Budget Committee
Mr. Joe Stephenshaw, Director of the Department of Finance

CHAPTER 4: LAFCO POLICIES

1. COMPLETION OF ENVIRONMENTAL LITIGATION PRIOR TO CONSIDERATION OF CHANGE:

It is the policy of San Bernardino LAFCO that in those instances where LAFCO is a CEQA Responsible Agency and there has been a legal challenge to the environmental document prepared by the lead agency, LAFCO shall not take action on the proposal (application) until the legal challenge to the lead agency's document has been fully resolved and all appeals have been exhausted, if any.

The Commission may choose to override this policy upon the request of the applicant.

In those instances where the Commission determines to override this policy based upon the unique circumstance of the application and approve the application, it shall include the following condition in its resolution of approval:

In the event that a court of competent jurisdiction invalidates the action taken by this resolution for any reason, the City of _____ or _____ District shall enter into an out-of-agency service agreement(s) with the previous service provider(s) for the provision of all services transferred by this action and shall present said contract(s) and/or agreement(s) to the San Bernardino LAFCO pursuant to Government Code Section 56133 within 60 days of such court determination. The affected agency(s) shall provide written consent to this condition within five (5) working days of the adoption of the resolution of approval and the protest process shall not commence until the Executive Officer has received that consent.

Earthjustice
707 WILSHIRE BLVD STE 4300
LOS ANGELES CA 90017-3622

USPS CERTIFIED MAIL



9414 8118 9876 5595 3322 19

San Bernardino County
Local Agency Formation Commission
1601 E 3RD ST STE 102
SN BERNRDNO CA 92408-0219



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JUL 30 2026

LAFCO
San Bernardino County



July 28, 2026

RECEIVED

JUL 30 2026

LAFCO
San Bernardino County

VIA U.S. MAIL

Please see attached service list for all recipients

**Re: *Sierra Club, et al. v. City of Barstow et al.*, San Bernardino County Superior Court
Case No. CIVVS2604816 (filed July 1, 2026)**

To Whom It May Concern:

This notice letter is being sent to you pursuant to California Public Resources Code § 21167.6.5(c) to advise you of an action challenging the City of Barstow's approval of the Environmental Impact Report ("EIR") for the City of Barstow General Plan Update and BNSF Barstow International Gateway project (State Clearinghouse No. 2024020501) ("the Project"). The City of Barstow has identified your agency as a responsible agency for the Project or a public agency having jurisdiction over a natural resource affected by the Project.

Please be advised that on July 1, 2026, Petitioners Sierra Club, East Yard Communities for Environmental Justice, Natural Resources Defense Council, and Center for Biological Diversity filed suit against the City of Barstow challenging the EIR's failure to comply with the California Environmental Quality Act requirements.

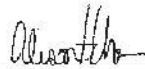
Please find attached copies of the Petition filed on July 1, 2026, and the City's Notice of Responsible Agencies that Petitioners received on July 20, 2026.

Sincerely,

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Colleen K. Fitzgerrell (State Bar No. 354072)
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*Attorneys for Petitioners Sierra Club, East Yard
Communities for Environmental Justice, and
Natural Resources Defense Council*



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*Attorney for Petitioners East Yard Communities for
Environmental Justice and Natural Resources
Defense Council*



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Fax: (510) 844-7150

*Attorneys for Petitioner Center for Biological
Diversity*

SERVICE LIST

Federal	
U.S. Army Corps of Engineers 441 G Street NW Washington, DC 20314-1000	U.S. Fish and Wildlife Service 1849 C Street, NW Washington, DC 20240
State/Regional	
California Air Resources Board Legal Office/CEQA Unit P.O. Box 2815 Sacramento, CA 95812	California Department of Fish and Wildlife P.O. Box 944209 Sacramento, CA 94244-2090
California Department of Transportation P.O. Box 942873 Sacramento, CA 94273-0001	California Highway Patrol 601 North 7th Street Sacramento, CA 95811
California Office of Historic Preservation 1725 23rd Street, Suite 100 Sacramento, CA 95816	California Public Utilities Commission 505 Van Ness Avenue San Francisco, CA 94102
Lahontan Regional Water Quality Control Board 15095 Amargosa Rd Bldg 2 - Suite 210, Victorville, CA 92394	Mojave Desert Air Quality Management District 14306 Park Avenue Victorville, CA 92392
Mojave Water Agency 13846 Conference Center Drive Apple Valley, CA 92307	State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0100
Local	
County of San Bernardino 385 N. Arrowhead Ave. San Bernardino, CA 92415	San Bernardino County Department of Public Health 451 E. Vanderbilt Way San Bernardino, CA 92408
San Bernardino County Fire Protection District 598 S Tippecanoe Ave San Bernardino, CA 92408	San Bernardino County Flood Control District 825 E. 3rd Street, Room 108 San Bernardino, CA 92415-0835
San Bernardino County Sheriff's Department 655 East Third Street San Bernardino, California 92415-0061	San Bernardino County Local Agency Formation Commission 1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490

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17 *Attorneys for Petitioners Sierra Club, East Yard*
18 *Communities for Environmental Justice, and*
19 *Natural Resources Defense Council*

20 (List of Counsel continued on next page)

21
22
23
24
25
26
27
28
IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN BERNARDINO

29 SIERRA CLUB, EAST YARD COMMUNITIES
30 FOR ENVIRONMENTAL JUSTICE, NATURAL
31 RESOURCES DEFENSE COUNCIL, AND
32 CENTER FOR BIOLOGICAL DIVERSITY,

33 Petitioners,

34 v.

35 CITY OF BARSTOW, and DOES 1-20, inclusive,

36 Respondents,

37 BURLINGTON NORTHERN SANTA FE
38 RAILWAY COMPANY, LLC, and DOES 21-40,
39 inclusive,

40 Real Parties in Interest.

Electronically Filed
Superior Court of California
County of San Bernardino
Victorville District
7/1/2026 6:22 PM
By: Rylee Grant, DEPUTY

Case No. CIVVS2604816

California Environmental Quality Act (CEQA)

Streamlined CEQA Project

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY & INJUNCTIVE
RELIEF**

Code Civ. Proc. §§ 1085, 1094.5;
Pub. Resources Code §§ 21000 *et seq.*,
21189.80-21189.91

The proponent of the project at issue provided
notice to the lead agency that it was proceeding
under Public Resources Code sections
21189.80-21189.91 and is subject to this rule.

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9 *for Environmental Justice and Natural Resources*
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19 Fax: (510) 844-7150

20 *Attorneys for Petitioner Center for Biological*
21 *Diversity*

INTRODUCTION

1. On June 16, 2026, the City Council for the City of Barstow ("the City") approved the Burlington Northern Santa Fe ("BNSF") Barstow International Gateway railyard ("BIG" or "BIG Project"). The BIG Project will be a 5,000-acre rail and logistics facility that includes 9 million square feet of transload warehousing, an ancillary rail storage area, a block swap yard, and an intermodal facility, making it the largest rail facility in the country.

2. On June 2, 2026, the City Council approved the Barstow General Plan Update ("General Plan"), which takes actions to accommodate the BIG Project and forecasts Barstow's significant development over the next 25 years. The BIG Project and the General Plan are collectively referred to herein as "the Project."

3. The massive BIG Project will move shipping containers from the Ports of Los Angeles and Long Beach ("Ports") 130 miles to the High Desert town of Barstow, California, where goods will be repackaged before they are shipped nationwide. Likewise, goods will travel from the rest of the nation to Barstow and then onwards to the Ports.

4. BIG will operate 24 hours a day, 365 days per year.

5. BIG will use diesel locomotives, diesel trucks, and diesel railyard equipment, all of which contribute significant amounts of pollution to a region already plagued by the nation's worst air quality. Specifically, the project proponent, BNSF, intends to operate diesel switcher locomotives, which are locomotives that move trains within the railyard itself; a "captive fleet" of diesel line-haul locomotives to travel back and forth from the Ports to Barstow on a closed loop; diesel line-haul locomotives to travel to and from the Project from the east; and diesel railyard equipment, such as rubber-tired gantry cranes and transport refrigeration units to manage goods at the Project site. BIG will also receive hundreds of trucks per day, all of which are expected to be fueled by diesel.

6. The City, as the lead agency for the Project, must prepare a California Environmental Quality Act ("CEQA") environmental review disclosing the Project's environmental impacts for public review and comment, and must adopt all feasible mitigation measures to reduce the Project's significant environmental impacts to the extent feasible.

1 7. The freight and logistics industry is one of the biggest polluters in Southern California.
2 The goods movement industry contributes a significant amount of emissions near portside communities,
3 Inland Empire residents, and individuals across the region. While the City and BNSF tout this Project as
4 a greenhouse gas-reducer because it will move goods by train rather than by truck, this oversimplifies and
5 masks the Project's significant contributions to local and regional environmental pollution.

6 8. The City's Environmental Impact Report ("EIR") for the Project concludes that at the
7 height of operations, BIG will emit over 550 tons of health-harming nitrogen oxide ("NOx") emissions
8 per year and burn approximately 18 million gallons of diesel per year. These figures are jarring, but they
9 severely underestimate the Project's environmental impacts on Barstow and the surrounding Southern
10 California community. Instead of performing an honest assessment of the Project's impacts, the EIR
11 relies on faulty assumptions and makes promises outside of BNSF's control to claim BIG will reduce
12 tens of millions of gallons of diesel fuel consumption per year. The City's EIR analysis lacks substantial
13 evidence and must be corrected.

14 9. To make matters worse, the Final EIR alters some of the Draft EIR's most critical
15 conclusions without explanation, and without recirculating the document for full public review and
16 comment. For instance, whereas the Draft EIR concluded the Project will *decrease* fuel consumption by 5
17 million gallons of diesel per year compared to existing conditions, the Final EIR newly determined
18 without justification that the Project will *increase* diesel fuel usage by over 3 million gallons per year
19 compared to existing conditions. This 8-million-gallon difference in annual diesel fuel consumption
20 certainly amounts to significant new information that required EIR recirculation.

21 10. In addition to the region-wide and global harms posed by the Project's air pollution
22 greenhouse gas ("GHG") impacts, the construction and operation of these facilities will transform the
23 local landscape of Barstow and the Mojave Desert. The Project will destroy or degrade thousands of
24 acres of habitat relied upon by numerous special-status wildlife species and native plants, and will
25 imperil the adjacent Mojave River, a critical water source for both people and wildlife in the arid region.
26 The EIR fails to adequately address or reduce these harms. Further, beginning during construction and
27 continuing throughout operations, railyard and warehouse facilities will impose huge burdens on nearby
28

1 communities due to constant light, noise, dust, and traffic; all of which are impacts that the City refused
2 to mitigate through feasible measures or alternative designs.

3 11. Yet, the Project is ideally suited to operate entirely—or at least partially—with non-
4 polluting equipment, including switcher locomotives, ‘captive fleet’ locomotives, railyard equipment,
5 and trucks. In fact, on June 5, 2026, the South Coast Air Quality Management District (“SCAQMD”)
6 awarded \$190 million for 31 battery-electric switcher locomotives and supporting charging
7 infrastructure, the largest award of its kind. Electric freight locomotives are also widely used around the
8 world, and there are more than 2,500 non-polluting heavy-duty trucks operating across the country today.

9 12. The BIG Project was proposed and paid for by BNSF, one of the largest Class I railroads
10 in the United States, which enjoyed net profits exceeding \$5.475 billion last year.

11 13. Despite repeated attempts for years by members of the public and Sierra Club, East Yard
12 Communities for Environmental Justice, Natural Resources Defense Council, and Center for Biological
13 Diversity (collectively, “Petitioners”) requesting the City address the deficiencies in its CEQA
14 environmental review for the Project, the City failed to, among other issues, adequately disclose, analyze,
15 and mitigate environmental impacts before approving the Project. The City’s Findings and Statement of
16 Overriding Considerations, adopted in connection with the Project are also invalid both because they
17 unlawfully purport to override impacts that can and should have been analyzed and mitigated more fully
18 and because they are not based on substantial evidence supporting either the purported benefits of the
19 Project or the environmental effects being outweighed, including, *inter alia*, the adverse economic
20 consequences of such effects.

21 14. For all these reasons, we ask this Court to issue a writ of mandate directing the City to
22 vacate and set aside its approval of the Project, certification of the EIR, adoption of related Findings,
23 Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program.

24 PARTIES

25 15. Petitioner SIERRA CLUB is a national nonprofit organization of approximately 597,000
26 members, of whom about 127,000 live in California and about 5,500 belong to the Sierra Club’s local
27 San Gorgonio Chapter. Sierra Club is dedicated to exploring, enjoying, and protecting the wild places of
28

1 the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to
2 educating and enlisting humanity to protect and restore the quality of the natural and human environment;
3 and to using all lawful means to carry out these objectives. The Sierra Club and the San Geronio
4 Chapter have an interest in preserving the native, endangered, imperiled, and sensitive species and
5 wildlife habitats in the region; decreasing environmental degradation from air, water, noise, and other
6 pollution; and ensuring that good, livable, and healthy jobs are brought to the area. The members of the
7 San Geronio Chapter live, work, and recreate in and around the areas that will be directly and indirectly
8 affected by approval and implementation of the Project. Sierra Club submitted comments on the Draft
9 EIR and Final EIR for the Project.

10 16. Petitioner CENTER FOR BIOLOGICAL DIVERSITY (the "Center") is a nonprofit
11 conservation organization dedicated to the protection of native species and their habitats through science,
12 policy, and environmental law. The Center has approximately 101,000 members worldwide, including
13 members who reside within communities in the vicinity of the Project. The Center has worked for many
14 years to protect imperiled plants and wildlife, open space, air and water quality, and the overall quality of
15 life for people in San Bernardino County and the city of Barstow, where the Project will be located.
16 Members of the Center will be directly and adversely affected by the approval and implementation of the
17 Project. The Center submitted comments on the Draft EIR and the Final EIR for the Project.

18 17. Petitioner NATURAL RESOURCES DEFENSE COUNCIL, INC. ("NRDC") is a
19 nonprofit organization with millions of members and online activists—including over 32,000 located in
20 California—and its mission is to safeguard the earth's people, its plants and animals, and the natural
21 systems on which all life depends. Established in 1970, NRDC uses science, policy, law, and human
22 power to pursue its mission. NRDC or its affiliates have offices not only in San Francisco and Santa
23 Monica, California, but also New York City, Washington, D.C., Chicago, Beijing, and Delhi. NRDC
24 submitted comments on the Draft EIR and the Final EIR for the Project.

25 18. Petitioner EAST YARD COMMUNITIES FOR ENVIRONMENTAL JUSTICE
26 ("EYCEJ") is a member-based organization that was established in 2001. With membership bases in
27 Commerce, East Los Angeles, Carson, and Long Beach, EYCEJ's mission is to achieve a safe and
28 healthy environment for communities that are disproportionately suffering from the negative effects of

1 industrial and transportation pollution. Today, EYCEJ has a database of over 350 community residents,
2 many of whom are active and participate regularly in community outreach, education and civic
3 engagement efforts. EYCEJ members reside near and around the Ports and the Alameda Corridor rail
4 tracks and will be directly and indirectly adversely affected by the Project's approval and
5 implementation. EYCEJ submitted comments on the Draft EIR and the Final EIR for the Project.

6 19. Petitioners are collectively referred to herein as "Petitioners."

7 20. Respondent CITY OF BARSTOW (the "City") is a political subdivision of the State of
8 California and is responsible for regulating and controlling land use in the city of Barstow, including, but
9 not limited to, implementing and complying with the provisions of CEQA and the CEQA Guidelines.
10 The City is the "lead agency" for purposes of Public Resources Code section 21067, with principal
11 responsibility for conducting environmental review and approving the Project. The City's June 3, 2026
12 Notice of Determination for the General Plan lists "City of Barstow" as the "Project Applicant."

13 21. As referred to herein, "the City" refers to all of Barstow's boards, departments, and
14 commissions, including the City Council and Planning Commission.

15 22. Petitioners do not know the true names and capacities, whether individual, corporate,
16 associate, or otherwise, of Respondents DOE 1 through DOE 20, inclusive, and therefore sue said
17 Respondents under fictitious names. Petitioners will amend this Petition to show their true names and
18 capacities when they are known.

19 23. Petitioners are further informed and, on that basis, believe that BURLINGTON
20 NORTHERN SANTA FE RAILWAY COMPANY, LLC ("BNSF"), a subsidiary of Berkshire
21 Hathaway, Inc., a limited liability company, is a Real Party in Interest insofar as BNSF is described as
22 the Project proponent subject to the City's actions pursuant to its Project approvals and Project-related
23 actions. The City's June 17, 2026 Notice of Determination for BIG lists "BNSF Railway Company" as
24 the "Project Applicant."

25 24. Petitioners do not know the true names and capacities, whether individual, corporate,
26 associate or otherwise, of Real Parties in Interest DOE 21 through DOE 40, inclusive, and therefore sue
27 said Real Parties under fictitious names. Petitioners will amend this Petition to show their true names and
28 capacities when they are known.

JURISDICTION AND VENUE

25. The Court has jurisdiction over this action pursuant to Article 6, Section 10 of the California Constitution, Public Resources Code section 21168 (or in the alternative, pursuant to Public Resources Code section 21168.5), and Code of Civil Procedure sections 1085 and 1094.5.

26. Venue is proper in the Superior Court of California, County of San Bernardino under Code of Civil Procedure section 395 because the City and the Project are currently located, or will be located, in San Bernardino County.

27. Venue is also proper in this Court pursuant to Code of Civil Procedure section 394 because this is an action or proceeding against a city.

28. This action is filed in the Civil Division of the Rancho Cucamonga District located in the Rancho Cucamonga Courthouse, 8303 Haven Avenue, Rancho Cucamonga, CA 91730 in accordance with the Superior Court of California County of San Bernardino webpage, <https://sanbernardino.courts.ca.gov/general-information/where-can-i-file>, which lists this court as the venue to file CEQA cases for the Desert region of the County of San Bernardino, which encompasses Barstow.

29. In accordance with Public Resources Code section 21167, subdivision (c), this Petition has been filed within 30 days of the City's Notice of Determination approving the General Plan and certifying the Final EIR, which was approved on June 2, 2026 and posted by the City of Barstow's Clerk on June 3, 2026. This Petition has also been filed within 30 days of the City's Notice of Determination approving the BIG Project and certifying the Final EIR, which was approved on June 16, 2026 and posted by the City of Barstow's Clerk on June 17, 2026.

30. Petitioners have complied with Public Resources Code section 21167.5 by prior service of a letter upon the City indicating their intent to file this Petition. (Exhibit "A" hereto.)

31. Petitioners will promptly send a copy of the Petition to the California Attorney General within three court days of filing this Petition, thereby complying with the requirements of Public Resources Code section 21167.7, Code of Civil Procedure section 388, and California Rule of Court 3.2222, subdivisions (d).

32. Petitioners have performed any and all conditions precedent to filing this instant action and have exhausted any and all available administrative remedies to the extent required by law.

33. Petitioners do not have a plain, speedy, or adequate remedy at law because Petitioners and their members will be irreparably harmed by the City's failure to comply with CEQA's environmental review and mitigation requirements in approving the EIR for the Project and by the ensuing environmental and public health consequences that will be caused by the construction and operation of the Project as approved.

STATEMENT OF FACTS

I. Community and Environmental Setting

34. The City of Barstow is an incorporated city in San Bernardino County, California, in the western Mojave Desert. Barstow is surrounded entirely by unincorporated San Bernardino County.

35. The Mojave Desert region comprises a highly biodiverse ecosystem, with a very high species richness for native plants. The Mojave Desert also provides essential habitat to hundreds of native wildlife species, including threatened or endangered species such as the desert tortoise, fringe-toed lizard, and western burrowing owl, as well as many other populations of special status mammal, bird, amphibian, reptile, fish, insect, and arachnid species.

36. The Project is located adjacent to and within the Mojave River corridor. The Mojave River is an especially ecologically integral component of the broader Mojave Desert ecosystem. As an ephemeral river, the Mojave River channel functions to move water, nutrients, and organisms through the arid surrounding landscape, and provides refuge, habitat, and connectivity benefits for a diverse range of terrestrial and semi-aquatic species.

37. Desert habitats, such as those of the Mojave, are particularly sensitive to disturbance, recovering from negative impacts on the order of decades or even centuries. Desert lands like the Project area are also important carbon sinks, with carbon sequestered in the soil as roots, mycorrhizal and microbial networks, and mineral deposits, as well as above ground vegetation.

38. Interstates 15 and 40 and Highways 58 and 247 converge in Barstow, making the city a major transportation corridor. These highways carry a significant amount of heavy-duty truck traffic.

Furthermore, Barstow is a major hub for the multiple rail lines that traverse the high desert, with BNSF already operating a 600-acre railyard in the city. The BIG Project will represent a significant increase in rail operations; at 4,300 acres, the BIG Project will be at least 7 times larger than the existing facility.

39. As of the 2020 Decennial Census, the United States Census Bureau estimates approximately 25,415 people reside in Barstow, including over 40 percent Hispanic or Latino residents and over 19 percent Black or African American residents.¹ Only 13.2 percent of Barstow residents hold a bachelor's degree or higher coupled with a median household income of \$53,380 compared to the \$100,149 median household income in California.² An estimated 23.1 percent of the population earn income below the federal poverty level.³

40. CalEnviroScreen, the California Environmental Protection Agency's health screening tool, identifies census tracts in Barstow as having an overall pollution burden as high as in the 86th percentile, meaning these census tracts experience more pollution than 86 percent of all census tracts in the state.⁴ The area also has census tracts that are in the 99.9th percentile for asthma and cardiovascular disease.⁵ Residents in and near the Project area are exposed to more diesel particulate matter ("DPM") than 97.8 percent of census tracts, more ozone than 87.8 percent of census tracts, and more traffic impacts than 73.5 percent of census tracts.⁶

¹ United States Census Bureau, *Hispanic or Latino, and Not Hispanic or Latino by Race: Decennial Census, DEC Demographic and Housing Characteristics, Table P9*,

<https://data.census.gov/profile/Barstow_city,_California?g=160XX00US0604030#populations-and-people> [as of July 1, 2026]; United States Census Bureau, *Race: Decennial Census, DEC Redistricting Data (PL 94-171), Table P1*,

<<https://data.census.gov/table/DECENNIALPL2020.P1?g=160XX00US0604030>> [as of July 1, 2026].

² United States Census Bureau, *Educational Attainment: 2024 American Community Survey 5-Year Estimates, Table S1501*,

<https://data.census.gov/profile/Barstow_city,_California?g=160XX00US0604030#education> [as of July 1, 2026]; United

States Census Bureau, *Income and Poverty: Income and Earnings: 2024 American Community Survey 5-Year Estimates, Table S1901*, <https://data.census.gov/profile/Barstow_city,_California?g=160XX00US0604030#income-and-poverty> [as of July 1, 2026].

³ *Ibid.*

⁴ See, e.g., CalEnviroScreen 5.0 (Draft), *Census Tract 6071012002*, <https://experience.arcgis.com/experience/8c5c5c91ebb8481a8a3d92c897faf8ed/page/Overall-Results#data_s=id%3AdataSource_87-19bb33ab09e-layer-3%3A6292> [as of June 30, 2026].

⁵ See, e.g., CalEnviroScreen 5.0 (Draft), *Census Tracts 6071009400 & 6071011801*, <https://experience.arcgis.com/experience/8c5c5c91ebb8481a8a3d92c897faf8ed/page/Overall-Results#data_s=id%3AdataSource_87-19bb33ab09e-layer-3%3A6179> [as of June 30, 2026].

⁶ *Ibid.*

1 41. According to Barstow’s Environmental Justice Story Map, “the majority of Barstow
2 residents live in, or immediately adjacent to, census tracts that [currently] qualify as EJ communities and
3 experience roughly comparable levels of pollution and/or socioeconomic burden.”

4 42. Barstow is located within the jurisdiction of the Mojave Desert Air Quality Management
5 District (“MDAQMD”). MDAQMD is the regional air pollution control agency with authority to regulate
6 the “serious air pollution problems” throughout most of the Mojave Desert Air Basin (“Mojave Desert”),
7 which includes the high desert region of San Bernardino County and the Palo Verde Valley area in the far
8 eastern portion of Riverside County. (Health & Safety Code, § 41200, subd. (a).)

9 43. MDAQMD is specifically responsible for clean air planning in and throughout most of the
10 Mojave Desert, pursuant to the federal Clean Air Act. The air quality planning MDAQMD conducts is
11 critical to meeting national air pollution control standards set forth under the federal Clean Air Act,
12 including National Ambient Air Quality Standards aimed at reducing the presence of contaminants of
13 concern that severely impact public health and the environment, and which contribute to climate change.
14 These contaminants include but are not limited to NOx and particulate matter (“PM”), which produce
15 soot, ground-level ozone (or “smog”), and ozone precursors.

16 44. The Mojave Desert exceeds federal public health standards for ozone and PM. According
17 to the 2026 American Lung Association State of the Air Report, San Bernardino County and Riverside
18 County rank first and second for the most ozone polluted places to live in the United States, respectively,
19 and fifteenth and tenth for the most daily PM-polluted places to live in the United States, respectively. A
20 portion of the ozone pollution in the Mojave Desert is due to prevailing winds carrying ozone and ozone
21 precursors from the San Joaquin Valley Air Basin and the South Coast Air Basin (“South Coast”) into the
22 Mojave Desert.

23 45. Exposure to ozone can cause coughing and sore throat, inflammation of and damage to the
24 airways, lung infections, aggravation of respiratory diseases such as asthma and chronic bronchitis, and
25 elevated risk of cancer, among other serious health concerns. Exposure to PM, similarly, can cause and
26 worsen numerous respiratory diseases. Exposure to DPM and other air pollutants are associated with
27 numerous adverse health effects, including increased cancer risk.

1 46. The Project is also inextricably linked to the San Pedro Bay Port Complex, which consists
2 of the Port of Los Angeles and the Port of Long Beach. The Project will move cargo from the Ports
3 through Los Angeles to the High Desert and beyond, and vice versa. BNSF locomotives will travel along
4 rail tracks located within the Alameda Corridor and likely other rail tracks to move goods between the
5 Ports and Barstow.

6 47. The Ports are the two largest seaports in the United States and together handle
7 approximately 40 percent of the nation's waterborne cargo. Cargo arriving at the Ports is transported
8 throughout the region by rail and truck through an interconnected goods movement network. Many low-
9 income communities are located near the Ports and along the rail and highway corridors that connect the
10 Ports to inland railyards and warehouses throughout Southern California.

11 48. The Ports, railyards, warehouses, and highways are pollution magnets that attract
12 significant levels of pollutants. Many low-income communities and communities of color throughout the
13 South Coast are located close to these pollution magnets and are exposed to elevated levels of NO_x, PM,
14 volatile organic compounds, DPM, and other pollutants.

15 49. CalEnviroScreen identifies census tracts adjacent to the Ports as having an overall
16 pollution burden as high as in the 99.3rd percentile, meaning these census tracts experience more
17 pollution than 99.3 percent of all census tracts in the state.⁷ The area also has census tracts that are in the
18 78.5th percentile for asthma and 80.7th percentile for cardiovascular disease.⁸ Residents are exposed to
19 more DPM than 99.4 percent of census tracts and more PM_{2.5} than 87.3 percent of census tracts.⁹

20 50. The Ports and surrounding areas are located within the jurisdiction of the South Coast Air
21 Quality Management District ("SCAQMD"). SCAQMD is the regional air pollution control agency with
22 authority to regulate the "critical air pollution problems" throughout the South Coast, which includes all
23 of Orange County and the non-desert portions of San Bernardino, Los Angeles, and Riverside counties.
24 (Health & Safety Code, § 40402, subd. (b).)

25
26 ⁷ See, e.g., CalEnviroScreen 5.0 (Draft), *Census Tract 6037294120*, <https://experience.arcgis.com/experience/8c5c5c91ebb8481a8a3d92c897faf8ed/page/Overall-Results#data_s=id%3AdataSource_87-19bb33ab09e-layer-3%3A2442> [as of June 30,
27 2026].

28 ⁸ *Ibid.*

⁹ *Ibid.*

1 51. The South Coast exceeds multiple federal public health air quality standards, including
2 ozone and PM, and is subject to state and federal plans requiring emissions reductions to attain the
3 National Ambient Air Quality Standards.

4 52. The South Coast has never attained a federal ozone standard.

5 53. The California Air Resources Board (“CARB”) is the state agency responsible for
6 monitoring the regulatory activity of California’s 35 local air districts, including MDAQMD and
7 SCAQMD. CARB has determined that diesel exhaust is responsible for over 70 percent of the total
8 known cancer risk associated with air toxics in the state. SCAQMD has determined that DPM accounts
9 for approximately 50 percent of the cancer risks associated with air toxics in the South Coast. CARB
10 estimates that the Project will increase indirect emissions in low-income communities of color living
11 alongside the Alameda Corridor.

12 54. Continued exposure to DPM is, therefore, a serious concern for South Coast and Mojave
13 Desert communities, particularly those residing near the Ports, heavy-duty truck thoroughfares, airports,
14 and railyards. Residents who live near these pollution hotspots experience some of the region’s most
15 concentrated diesel pollution and breathe some of its most polluted air. Most of these residents also lack
16 the financial means to address the health problems caused by these exposures. Children, who are among
17 the most vulnerable residents, are not only subject to these avoidable health impacts, but they also
18 experience some of the highest rates of school absences, which means lost workdays for parents and
19 caregivers, all of which only further impacts families and these communities.

20 55. In addition to the high DPM, ozone, and other PM emission concentrations, the South
21 Coast and the Mojave Desert, like the rest of the state, are experiencing increased impacts from climate
22 change, including decreasing water supply and rainfall as well as increasing temperatures. These climate
23 impacts often exacerbate air pollution concentrations.

24 56. Greenhouse gas emissions contribute to local, regional, and global climate change impacts
25 and, as such, have been the subject of increased statewide regulatory efforts. CARB, MDAQMD,
26 SCAQMD, and the Governor’s Office have all adopted rigorous goals and standards to decrease the
27
28

1 state's GHG emissions and impacts from climate change. Some of these targets have been codified into
2 state law, and others have been declared by executive order or agency action.¹⁰

3 57. The crux of many of the State's recent efforts has been to actively limit GHG emissions as
4 government agencies have recognized that a pure "business as usual" approach will only exacerbate the
5 impacts of climate change rather than help to reduce and slow its negative consequences. In setting forth
6 its GHG reduction efforts, the State has emphasized the importance of local agency involvement and
7 local agency commitments in reducing GHG emissions through policy and planning processes.
8 Continued coordination between State, regional, and local entities is instrumental to ensuring the efficacy
9 of the State's policies and to enabling the State to reach its reduction targets.

10 **II. The Project and Its Environmental Impacts**

11 58. BIG's approximately 5,000-acre site will be the largest rail facility in the nation. The BIG
12 footprint will include 4,335 acres of rail and logistics facilities. These facilities include a 9-million-
13 square-foot transload warehousing complex, an intermodal facility, an ancillary rail storage area, and a
14 block swap yard. The Project will necessarily attract increased truck, train, and other vehicular traffic to
15 Barstow.

16 59. BIG will operate 24 hours a day, 365 days per year.

17 60. The BIG site sits at the western edge of Barstow and slopes down to the Mojave River,
18 which borders the site to the north and west. BIG will be located partly in incorporated Barstow and
19 partly in a previously unincorporated portion of San Bernardino County.

20 61. The Project includes annexing portions of San Bernardino County and rezoning large
21 swaths of the City to eliminate open space and residential space, including rezoning land that contained
22 108 homes.

23
24
25 ¹⁰ See, e.g., The California Global Warming Solutions Act of 2006 Health & Safety Code, § 38500 et seq. (setting forth a
26 statewide requirement to reduce GHG emissions to 1990 levels by 2020—a reduction of approximately 15 percent below
27 emissions expected under a "business as usual" scenario—and requiring CARB to adopt regulations to achieve the maximum
28 technologically feasible and cost-effective GHG emission reductions; to mitigate risks associated with climate change;
improve energy efficiency; and expand the use of renewable energy resources, cleaner transportation, and waste reduction
practices); Governor's Exec. Order No. N-19-19 (Sept. 20, 2019) (reiterating California's goal of "reducing greenhouse gas
emissions 40 percent below 1990 levels by 2030").

1 62. As part of these rezoning efforts, the Project eliminated nearly 3,000 acres of single-
2 family residential zoning and more than 1,300 acres of mixed-use zoning and replaced it with more than
3 4,000 acres prezoned as "BIG Specific Plan." The Project also eliminated 1,500 acres of "Interim Open
4 Space." Accordingly, the Project has or will eliminate 87 percent of the City's zoned open space,
5 reducing open space from 1,349 acres to 175 acres.

6 63. The Project will transport containers arriving at the Ports to Barstow by diesel line-haul
7 locomotives on a 130-mile closed loop of rail tracks. At the Project site, diesel switcher locomotives will
8 sort, assemble, and disassemble trains throughout the railyard. Shipping containers will be unloaded,
9 sorted, repackaged, and loaded onto diesel line-haul locomotives destined for locations around the nation.
10 The Project will operate similarly in the Ports-bound direction. The Project also includes transporting
11 containers to and from BIG via heavy-duty truck. The Project will also operate diesel yard equipment,
12 including diesel rubber-tired gantry cranes and transport refrigeration units.

13 64. The BIG Project is located in close proximity to numerous residences, schools, parks, and
14 places of worship, including at least one elementary school, two churches, two public parks, and many
15 homes as close as 120 feet from BIG. Lenwood Elementary School is located 520 feet from BIG.

16 65. Rail lines associated with and connected to the Project traverse and/or will traverse
17 residential and commercial areas.

18 66. The BIG Project is or will be connected via rail line to the existing Barstow classification
19 and maintenance yard. BIG's locomotives will receive service and maintenance at the existing Barstow
20 classification yard. The Project will generate at least 1,200 annual train trips between BIG and the
21 classification yard.

22 67. Regional vehicle access to the BIG Project will be provided by Main Street from the
23 south, I-15 from the southeast, and SR-58 from the east. Local access to the BIG Project will be provided
24 primarily by Lenwood Road and Hinkley Road from the east and west, respectively, in addition to
25 various unpaved roads along Main Street.

26 68. The Project will cause approximately one premature death every two years, according to
27 the EIR's "Regional Air Quality Modeling & Health Impact Analysis."
28

69. The Project and its construction will significantly impact air quality, energy, GHG emissions, noise, vibration, water, biological resources, and cumulative impacts, among other environmental impacts, at and near the Project, including along nearby roadways, highways, and railways.

III. The City's Environmental Review Process and Project Approval

A. The Draft EIR

70. On or about February 15, 2024, the City issued a Notice of Preparation of a draft environmental impact report ("Draft EIR") and Notice of Public Scoping Meeting for the Project.

71. On or about March 13, 2024, the City held a public scoping meeting for the Project.

72. On or about November 9, 2025, the City issued a Notice of Availability of the Draft EIR for the Project.

73. On or about November 10, 2025, the City released the Draft EIR and circulated the document for a 56-day public comment period.

74. On or about November 13, 2025, the City issued a Notice of Completion of the Draft EIR for the Project.

75. On or about November 21, 2025, Petitioners submitted a written request that the City extend the comment period by an additional 45 days to allow for adequate evaluation of the lengthy, complex, and highly technical Draft EIR, particularly in light of the federal government shutdown, attacks by the federal government on communities impacted by the Project, the lack of Spanish translation of the Draft EIR, and the comment period falling largely over the holiday season.

76. On or about December 30, 2025, 6 days before the original deadline and 39 days after Petitioners submitted their request for an extension, the City extended the public comment period for the Draft EIR from January 5, 2026, to January 12, 2026.

77. Numerous organizations, individuals, and agencies, including CARB and SCAQMD, submitted comments highlighting flaws in the Draft EIR.

78. Petitioners submitted multiple letters to the City regarding the Draft EIR dated January 12, 2026. Incorporated into one of Petitioners' letters is an expert report from former Federal Railroad

1 Administration Senior Advisor for Climate and Sustainability, Hal Connolly. The letters and report
2 explained that the Draft EIR failed to comply with CEQA in the following respects:

3 **1. Project Description**

4 79. The Draft EIR failed to properly define the Project or provide an accurate, stable, and
5 finite project description because, *inter alia*, it is internally inconsistent regarding the Project's truck
6 trips, Truck Miles Traveled analysis ("Trucks Analysis"), train trips, and dedicated Tier 4 line-haul
7 locomotive fleet.

8 80. The Draft EIR is internally inconsistent regarding the Project's truck trips. The Draft EIR
9 estimated BIG would process 108,405 trucks per year in 2028, 137,605 in 2033, and 169,725 in 2048, but
10 also stated the Project will move significantly higher numbers of containers by trucks—128,000 in 2028,
11 160,000 in 2033, and 200,000 in 2048. Reasonably assuming one container per truck, these figures
12 cannot be reconciled, and the Draft EIR offers no explanation for this disparity.

13 81. By presenting contradictory, unexplained, and misleading information regarding the
14 number of the Project's train trips, the Draft EIR fails to provide an accurate, stable, and finite project
15 description. For example, the Draft EIR is internally inconsistent, without explanation, regarding the
16 number of trains that will pass through BIG over the course of the Project's lifespan. At one point, the
17 Draft EIR anticipated 24 daily freight train pass-bys in 2028 and 35 in 2048. At another point, the Draft
18 EIR assumed 32 trains per day as a present-day baseline and anticipated 37 trains per day in 2028,
19 amounting to a 5-train per day increase. At yet another point, the Draft EIR assumed the existing trains
20 per day total 45.3, and that this will increase with BIG to 134.9 trains per day in 2048, amounting to
21 nearly 90 additional trains per day.

22 82. The Draft EIR's project description for BIG is inaccurate and severely underestimates the
23 Project's impacts by relying on faulty and inaccurate assumptions in the Trucks Analysis, which
24 underpins the Project's entire environmental impact analysis. For example, the Trucks Analysis relied on
25 nationwide "reduced on-road truck trips" and "reduced diesel fuel usage" figures without adequate
26 justification, and this conceals the true, localized impacts on Barstow and the surrounding region. The
27 Trucks Analysis also rests on unenforceable assumptions that BNSF will not replace supposed truck trip
28

1 reductions by increasing cargo volumes at BNSF railyards in the region, including BNSF Hobart,
2 Commerce, and San Bernardino.

3 83. Moreover, because the Trucks Analysis failed to disclose critical information, including
4 where the Project will generate additional truck trips, omitted sources, underlying data, and assumptions,
5 and presented an incoherent, scattered document that is not accessible to the public, the Draft EIR's
6 project description is inaccurate, inconsistent, and unstable.

7 84. The Draft EIR also repeatedly stated that BIG includes a "dedicated" Tier 4 line-haul
8 locomotive fleet to move cross-dock intermodal containers between the Ports and BIG, but the Draft EIR
9 contradicted this statement, stating these "dedicated" Tier 4 locomotives will refuel at locations beyond
10 the Ports to Barstow corridor.

11 **2. Alternatives**

12 85. The Draft EIR failed to adequately analyze a reasonable range of alternatives that would
13 substantially lessen the significant environmental effects of the Project.

14 86. The Draft EIR's list of project objectives for BIG was unduly narrow. Rather than
15 articulating broad policy goals, the project objectives for BIG detailed design criteria that mirror the
16 proposed BIG Project exactly. As a result, this list of project objectives foreclosed consideration of any
17 alternative that did not replicate BIG's exact footprint, location, and operational design.

18 87. The Draft EIR failed to adequately consider, or arbitrarily dismissed, a reasonable range of
19 alternatives, including a zero-emission project alternative and a partially zero-emission project
20 alternative, despite Petitioners submitting more than 90 pages of comments detailing the feasibility of
21 operating zero-emission locomotives, trucks, and railyard equipment at the BIG Project. The Draft EIR
22 provided no meaningful analysis of either the features or impacts of these alternatives, making it
23 impossible to compare the Project's impacts with the alternatives' impacts.

24 **3. Energy Impacts**

25 88. The Draft EIR neglected to adequately disclose, analyze, and/or mitigate the Project's
26 impacts to energy resources.

1 89. The Draft EIR's energy analysis failed to consider renewable energy options when
2 weighing its significance findings for operational and transportation energy impacts.

3 90. The Draft EIR's energy impact analysis is not based on an adequate discussion of whether
4 any renewable energy features could be incorporated into the Project for transportation energy.

5 91. The Draft EIR's energy analysis for the Project also lacks substantial evidence and relied
6 on the deeply flawed Trucks Analysis.

7 92. The Draft EIR's energy analysis failed to disclose or explain how diesel fuel usage from
8 locomotive operations was calculated and how increasing locomotive operations and on-road truck trips
9 will reduce diesel fuel usage.

10 93. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project's energy
11 impacts because it failed to describe, analyze, and/or mitigate impacts directly or indirectly resulting from
12 BIG increasing the processing capacity of BNSF's San Bernardino, Hobart, and Commerce railyards, and
13 failed to describe or analyze impacts from heavy-duty truck traffic associated with new and/or changed
14 heavy-duty truck traffic across California.

15 94. The Draft EIR failed to adequately disclose and analyze the General Plan's impacts to
16 energy resources, including by failing to analyze transportation fuel consumption from rail operations.
17 The analysis was also unsupported by substantial evidence because, among other things, it failed to
18 explain how a more than 60 percent increase in diesel fuel use constitutes a less-than-significant impact.

19 95. The Draft EIR's measures for mitigating energy impacts are impermissibly vague,
20 ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or otherwise inadequate.

21 96. Finally, the Draft EIR failed to consider and/or adopt all feasible mitigation measures to
22 address energy impacts, including any or all of the following: zero-emission line-haul locomotives,
23 switcher locomotives, trucks, rubber-tired gantry cranes, and transport refrigeration units.

24 **4. Air Quality Impacts**

25 97. The Draft EIR failed to adequately disclose, analyze and/or mitigate the Project's air
26 quality impacts.

1 98. The Draft EIR did not describe, analyze, and/or mitigate impacts from heavy-duty truck
2 traffic associated with the Project, did not describe, analyze, and/or mitigate impacts resulting directly or
3 indirectly from BIG increasing the processing capacity for BNSF's San Bernardino, Hobart, and
4 Commerce railyards, and failed to describe, analyze, and/or mitigate impacts from heavy-duty truck
5 traffic associated with new and/or changed heavy-duty truck traffic across California.

6 99. The Draft EIR's air quality analysis is flawed because it is premised on unexplained and
7 faulty assumptions, including assumptions embedded in the faulty Trucks Analysis and inconsistencies
8 regarding whether the Project will operate Tier 4 switcher locomotives and a Tier 4 "captive fleet" of
9 line-haul locomotives.

10 100. The Draft EIR also failed to adequately disclose, analyze, and/or mitigate air quality
11 impacts from the General Plan by improperly segmenting and deferring analysis, including by claiming
12 without substantial evidence that it was not possible to analyze the General Plan and BIG Project's air
13 quality impacts together.

14 101. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the air quality
15 impacts associated with the Project under a *Friant Ranch*-type analysis in that it did not study or disclose
16 the impact of the Project's emissions on human health.

17 102. The Draft EIR's measures for mitigating the Project's air quality impacts are
18 impermissibly vague, ineffective, deferred, insufficient, unenforceable, unsupported by substantial
19 evidence, and/or otherwise inadequate. (See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517-
20 522 (hereafter *Friant Ranch*) [holding that an EIR must connect a project's expected air pollutant
21 emissions to public health impacts].)

22 103. Finally, the Draft EIR failed to consider and/or adopt all feasible mitigation measures to
23 address air quality impacts, including any or all of the following: zero-emission line-haul locomotives,
24 switcher locomotives, trucks, rubber-tired gantry cranes, and transport refrigeration units.

25 **5. Greenhouse Gas Emissions Impacts**

26 104. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project's GHG
27 impacts.
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1 105. The Draft EIR relied on the fundamentally flawed Trucks Analysis, and this error
2 permeated the entire GHG assessment for the Project, rendering the analysis legally inadequate under
3 CEQA.

4 106. The Draft EIR did not describe, analyze, and/or mitigate GHG impacts resulting directly
5 and/or indirectly from BIG increasing the processing capacity for BNSF's San Bernardino, Hobart, and
6 Commerce railyards, and failed to describe, analyze, and/or mitigate GHG impacts from heavy-duty truck
7 traffic associated with new and changed heavy-duty truck traffic across California.

8 107. The Draft EIR's analysis demonstrated that implementation of the General Plan will
9 increase GHG emissions by 134,471 MTCO₂e per year—a 41 percent increase over existing conditions,
10 and far in exceedance of MDAQMD's 90,718 MTCO₂e per year (100,000 ton) significance threshold.
11 The City admitted these GHG emissions will be significant even after all proposed mitigation is adopted.

12 108. The Draft EIR's sole GHG mitigation measure, MM GP GHG-1, is impermissibly vague,
13 ineffective, insufficient, deferred, unenforceable, unsupported by substantial evidence, and/or otherwise
14 inadequate. MM GP GHG-1 does not identify any specific emission reductions, performance standards,
15 or enforceable commitments. The measure states that the City will prepare a Climate Action Plan
16 ("CAP") "to align GHG emissions targets in the City with the GHG reduction targets of Assembly Bill
17 (AB) 1279," but also concedes that "the City would not achieve the GHG reduction targets of AB 1279."
18 MM GP GHG-1 also defers all substantive action to a future CAP that may not be completed for 36
19 months after EIR certification and may not be updated for another five years.

20 109. The Draft EIR's measures for mitigating the Project's GHG impacts are impermissibly
21 vague, ineffective, deferred, insufficient, unenforceable, unsupported by substantial evidence, and/or
22 otherwise inadequate.

23 110. Finally, the Draft EIR failed to consider and/or adopt all feasible mitigation measures to
24 address GHG impacts, including any or all of the following: zero-emission line-haul locomotives,
25 switcher locomotives, trucks, rubber-tired gantry cranes, and transport refrigeration units.
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1 **6. Environmental Justice Impacts**

2 111. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the environmental
3 justice impacts from the Project.

4 112. The Draft EIR failed to meaningfully disclose, analyze, and/or mitigate the Project's
5 environmental justice impacts because the Draft EIR omitted adequate analysis of communities of color
6 and low-income communities that are at clear risk of being significantly impacted by the Project.
7 Assembly Member Cristina Garcia authored Assembly Bill 617 ("AB 617") to address air pollution
8 impacts in environmental justice communities. The AB 617 program requires local air districts and
9 CARB to reduce air pollution in these most impacted communities. San Bernardino/Muscoy has been
10 formally selected by CARB as an AB 617 community for air monitoring and implementation of
11 emissions reductions plans. Bloomington, Fontana, and Rialto have been repeatedly recommended by air
12 districts as communities in need of AB 617 resources and action. The Project will only intensify
13 emissions and congestion throughout these communities by expanding BNSF rail operations and
14 increasing heavy-duty truck traffic through AB 617 and adjacent communities.

15 113. The Draft EIR failed to sufficiently disclose, evaluate, analyze, and/or mitigate the
16 Project's direct and/or indirect impacts on some or all designated AB 617 communities, even though the
17 Project will operate in San Bernardino County and Los Angeles County, which are some of the nation's
18 most polluted regions.

19 114. The Draft EIR failed to disclose, evaluate, and/or mitigate the direct and indirect
20 significant effects of the Project on Barstow County and Los Angeles County residents already heavily
21 impacted by diesel emissions stemming from nearby freight operations.

22 115. The Draft EIR failed to meaningfully disclose, analyze, and/or mitigate Project impacts on
23 AB 617 communities by omitting them from the current baseline conditions. In doing so, the Draft EIR
24 misrepresented the existing environmental conditions in San Bernardino County and failed to disclose,
25 analyze and/or mitigate potentially significant impacts that may result from intensified cumulative
26 pollution burdens in San Bernardino and Los Angeles Counties.

1 116. The Draft EIR did not adequately disclose, analyze, and/or mitigate environmental
2 impacts the Project may have on sensitive receptors. For example, the Draft EIR did not meaningfully
3 disclose, analyze, and/or mitigate the air, vibration, noise, and traffic, and other environmental impacts
4 along Route 66 that the Project may have on numerous schools, parks, and homes as close as 120 feet
5 from the Project footprint.

6 117. The Draft EIR also failed to adequately disclose, analyze, and/or mitigate the Project's
7 employee, service, and construction access points and their effect on emergency access and accident risk,
8 impacts to residential property values, community character, and long-term neighborhood stability
9 resulting from Project development.

10 118. The Draft EIR also failed to adequately disclose, analyze, and/or mitigate the Project's
11 impacts to ground water, water supply, and water demand, including but not limited to impacts to
12 community and private wells, long-term water availability, and enforceable protections for existing
13 residents.

14 119. The Draft EIR failed to comply with, is inconsistent with, and/or undermines SB 1000's
15 requirements to ensure that environmental justice is meaningfully integrated into local land-use planning.
16 According to SB 1000, when a jurisdiction adopts or updates two or more elements of its general plan
17 after January 1, 2018, it must identify "disadvantaged communities" within its planning area and adopt
18 enforceable environmental justice policies. (Gov. Code, § 65302, subd. (h)(1)-(2).) SB 1000 also requires
19 local governments to identify and address pollution burdens and other hazards that disproportionately
20 impact low-income communities and communities of color. The Draft EIR failed to identify all sensitive
21 receptors surrounding the Project, to disclose and/or analyze the pollution burdens these populations
22 already face, and to disclose and/or evaluate the pollution burdens they will likely experience with
23 Project approval.

24 120. The Draft EIR is also inconsistent with Government Code section 65302, subdivision (h),
25 *inter alia*, because it relied on stale data from 2021, failed to adequately integrate recent data and survey
26 responses gathered by communities in 2023, and failed to meaningfully address environmental justice in
27 its General Plan. Accordingly, the Draft EIR perpetuates a cycle of concentrating pollution in
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1 communities already disproportionately burdened by toxic freight pollution in Barstow, and across San
2 Bernardino, Kern, and Los Angeles Counties.

3 121. The Draft EIR's measures for mitigating the Project's environmental justice impacts are
4 impermissibly vague, ineffective, deferred, insufficient, unenforceable, unsupported by substantial
5 evidence, and/or otherwise inadequate.

6 122. The Draft EIR failed to consider and/or adopt all feasible mitigation measures to address
7 the Project's environmental justice impacts.

8 7. Noise and Vibration Impacts

9 123. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project's noise
10 and vibration impacts.

11 124. The Draft EIR did not accurately disclose and analyze the Project's impact on sensitive
12 receptors. The Project presents significant noise issues for neighboring and surrounding sensitive
13 receptors, including existing residences, yet undercounted the number of sensitive receptors impacted,
14 only analyzing impacts at a handful of sensitive receptors when maps indicate far more sensitive
15 receptors are located near the Project.

16 125. The Draft EIR did not describe, analyze, and/or mitigate noise and vibration impacts from
17 heavy-duty truck traffic associated with the Project, did not describe, analyze, and/or mitigate noise and
18 vibration impacts resulting directly or indirectly from BIG increasing the processing capacity for BNSF's
19 San Bernardino, Hobart, and Commerce railyards, and failed to describe, analyze, and/or mitigate noise
20 and vibration impacts from heavy-duty truck traffic associated with new and/or changed heavy-duty truck
21 traffic across California.

22 126. The Draft EIR improperly underestimated the Project's noise and vibration impacts,
23 including by, without substantial evidence, relying on an improperly determined projected future
24 conditions 'without BIG' baseline and omitting an existing conditions baseline.

25 127. The Draft EIR's noise and vibration analysis was inadequate because it did not conduct a
26 *Friant Ranch*-type analysis that adequately discloses, analyzes, or connects the Project's impacts to the
27 health consequences of significant noise and vibration exposure.

1 128. The Draft EIR's measures for mitigating the Project's noise and vibration impacts are
2 impermissibly vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or
3 otherwise inadequate. For example, MM BIG NOI-1, the construction noise logistics plan, failed to
4 include any concrete requirements for the measure, rendering it unenforceable.

5 129. The Draft EIR failed to consider and/or adopt all feasible mitigation measures to address
6 noise and vibration impacts.

7 **8. Water Impacts**

8 130. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project's impacts
9 to surface and groundwater.

10 131. The Draft EIR failed to adequately analyze BIG's potential impacts due to the discharge
11 of metal-contaminated runoff to the City's wastewater treatment plant. The Project has the potential to
12 generate metal pollutants from railroad activities. The Draft EIR stated that railyard wastewater would be
13 collected and treated with oil water separators before being discharged to the wastewater system.
14 However, the Draft EIR lacked any analysis of whether the City's wastewater treatment plant has the
15 ability to treat metal pollutants at the capacity required for the increased wastewater generation of the
16 Project.

17 132. The Draft EIR also failed to adequately analyze and/or mitigate potential impacts to
18 groundwater and surface water quality posed by the Project's release of contaminants into the Mojave
19 River. The Draft EIR contemplated that the Project would result in the generation of pollutants on-site
20 including heavy metals, oxygen-demanding substances, organic compounds, oil, and other hydrocarbons.
21 Further, the Draft EIR acknowledged that the Project is located within the Mojave River floodplain, with
22 portions of the Project footprint having a 26-percent likelihood of experiencing flooding during a 30-year
23 period based on designations from state and federal authorities. Similarly, due to encroachment within
24 the Mojave River corridor, areas of the Project site would be inundated in the event of catastrophic
25 failures of the Mojave River Dam, Cedar Springs Dam, and New Lake Arrowhead Dam. According to
26 the Draft EIR, inundation of these portions of the Project site would cause the release of pollutants that
27 are unable to be captured or treated by the on-site runoff Best Management Practices ("BMP") features.

1 133. The Draft EIR's analysis of this potential impact merely concluded that building design
2 and site grading would raise the final floor elevations of structures above floodplain and dam inundation
3 areas. As a result, the Draft EIR found that the risks of pollution due to site inundation were less than
4 significant. However, this discussion failed to adequately address the potential impact, because it failed to
5 introduce substantial evidence supporting the conclusion, and because it improperly relied on Project
6 design features to mitigate the foreseeable impacts of the Project itself. As a result of the inadequate
7 analysis and improper less-than-significant conclusion, the Draft EIR failed to consider the efficacy or
8 feasibility of other mitigation measures to reduce Project inundation pollution impacts.

9 134. The Draft EIR's measures for mitigating the Project's water impacts are impermissibly
10 vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or otherwise
11 inadequate.

12 135. The Draft EIR failed to consider and/or adopt all feasible mitigation measures to address
13 water impacts.

14 **9. Biological Resources Impacts**

15 136. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project's impacts
16 to biological resources.

17 137. The Draft EIR failed to fully describe the impacts of the Project on wildlife movement in
18 the Project area. Critical and specific details regarding wildlife movement in the Project area contained in
19 the Wildlife Movement Study were excluded from the main body of the Draft EIR. In lieu of these
20 details, the main discussion in the Draft EIR was based on a comparison of mapped wildlife connectivity
21 corridors and the BIG footprint. Also, rather than disclose and compare Project impacts to accurate
22 baseline conditions, the Draft EIR instead obscured the impacts of the Project by arguing that existing
23 degradation obviated the need to analyze additional impacts that the Project would result in due to
24 barriers to wildlife movement.

25 138. The Draft EIR also failed to adequately describe indirect impacts to wildlife movement
26 within the Mojave River. For example, although the Wildlife Movement Study documented an American
27 beaver moving upstream in the Mojave River in the Project vicinity, the Draft EIR stated that the
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1 ephemeral nature of the Mojave River made it unlikely to serve as habitat for the species. Yet the
2 American beaver observation evidenced the value of the Mojave River as at least a seasonal conduit
3 through the Project site for organisms, including but not limited to individuals of that species. The Draft
4 EIR thus failed to adequately analyze the consequences of Project-related impacts to this biological
5 resource.

6 139. As a result, the Draft EIR inaccurately minimized the Project area's importance to wildlife
7 connectivity and failed to adequately analyze the findings of its own Wildlife Movement Study in support
8 of the significance determinations for the Project's impacts.

9 140. Compounding this error, the Draft EIR supported its determination that the Project would
10 have a less than significant impact on wildlife movement by relying on vague or clearly inadequate
11 mitigation measures, including the replacement of several existing culverts and wildlife crossings with a
12 single culvert through MM BIG BIO-32, and the fencing of the Project site in MM BIG BIO-34, which
13 would itself likely result in habitat fragmentation and connectivity losses, rather than mitigating them.

14 141. In addition to the effects of the Project on wildlife movement along the Mojave River
15 channel itself, the Draft EIR also failed to adequately disclose, analyze, and/or mitigate Project impacts
16 on habitat areas within the Mojave River corridor. The Draft EIR contained contradictory statements
17 regarding the extent of the BIG footprint's overlap with the Mojave River. The Draft EIR also contained
18 vague and inconsistent references to an area along the northern boundary of the Project site, comprising a
19 500-foot buffer on either side of the Mojave River which would be placed under a conservation
20 easement. The Draft EIR's description of this buffer area also failed to provide key details, in particular
21 the total area proposed for conservation and the habitat areas it comprises. Further, the conservation
22 proposal in the Draft EIR lacked commitments to deed restriction, management of the area, or funding in
23 perpetuity. By merely invoking the phrase "conservation easement," absent critical details for the
24 proposal's implementation, the Draft EIR failed to clearly support the efficacy of this feature.

25 142. The Draft EIR's analysis of Project impacts on specific special status species was
26 similarly flawed. For example, the Mojave fringe-toed lizard occurs exclusively on active desert sand
27 dunes, over 1,000 acres of which will be directly impacted by the Project. However, the Draft EIR failed
28 to disclose essential information for establishing Project impacts on this species. Although the Draft EIR

1 stated that individuals were identified during surveys of the Project site, the Draft EIR did not state the
2 number of individuals, nor did it adequately analyze the impact of Project-related dust, noise, vibration,
3 fragmentation, edge effects, predator subsidy, and altered sand transport. The Draft EIR also improperly
4 relied on the vague and unenforceable conservation easement proposal to argue that impacts to fringe-
5 toed lizards would be less than significant.

6 143. The Draft EIR also failed to adequately analyze and mitigate Project impacts on the
7 Mojave desert tortoise. The discussion of Project impacts on this species is undermined by the Draft
8 EIR's reliance on an inadequate baseline, reflecting data piecemealed from surveys conducted over
9 several years and including surveys conducted outside of the appropriate seasonal period, as well as the
10 exclusion of juvenile tortoises from analysis. Further, the Draft EIR failed to analyze the effectiveness of
11 proposed mitigation measures to reduce or eliminate negative impacts from permanent habitat loss,
12 habitat fragmentation, translocation mortalities, increased traffic collision risks, and predator subsidies.

13 144. These inadequacies also apply to special status avian species that reside in and near the
14 Project site, including LeConte's and Bendire's Thrasher, southwestern willow flycatcher, western
15 yellow-billed cuckoo, and Swainson's Hawk. The Draft EIR failed to disclose the extent of impacts to
16 riparian and non-riparian bird species due to edge effects including operational noise and lighting
17 spillover, as well as disturbance distances, nitrogen deposition effects on habitat, and the extent of habitat
18 area affected. Further, the Draft EIR proposed mitigation lacking clear monitoring requirements for
19 riparian birds within the Mojave River corridor and desert birds within the surrounding dune and scrub
20 habitats. Also absent from the Draft EIR was any species-specific mitigation aside from general
21 construction and nesting bird requirements for LeConte's and Bendire's Thrasher, southwestern willow
22 flycatcher, western yellow-billed cuckoo, and Swainson's Hawk.

23 145. The Draft EIR's measures for mitigating the Project's impacts to biological resources are
24 impermissibly vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or
25 otherwise inadequate.

26 146. Finally, the Draft EIR failed to consider and/or adopt all feasible mitigation measures to
27 address impacts to biological resources.

1 **10. Cumulative Impacts**

2 147. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project's
3 cumulative impacts.

4 148. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the cumulative
5 impacts of the Project when viewed in connection with past, present, and reasonably foreseeable future
6 projects in and around the Project, including in Barstow, near the Ports and along the rail lines to and
7 from Barstow to the east, west, and in any other direction.

8 149. The Draft EIR further failed to disclose, analyze, and/or mitigate the cumulative impacts
9 of the Project when viewed in connection with reasonably foreseeable increases in container throughput
10 via the Ports or otherwise and reasonably foreseeable increases in rail, truck, and other modes of good
11 movement over the lifetime of the Project.

12 150. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the cumulative
13 impacts directly or indirectly resulting from BIG increasing the processing capacity of BNSF's San
14 Bernardino, Hobart, and Commerce railyards.

15 151. The Draft EIR failed to adequately disclose, evaluate, and/or mitigate the cumulative
16 impacts associated with long-term diesel-fueled rail and trucking operations and related freight activity
17 over at least the lifetime of the Project.

18 152. The Draft EIR further failed to adequately disclose, analyze, and/or mitigate the
19 cumulative health impacts to communities near the Project, including but not limited to Barstow and
20 portside residents, from the Project and other past, present, and reasonably foreseeable future projects in
21 the region. The Draft EIR also failed to disclose the extent to which the Project would contribute to these
22 already significant burdens.

23 153. The Draft EIR's measures for mitigating the Project's cumulative impacts are
24 impermissibly vague, ineffective, deferred, unenforceable, unsupported by substantial evidence, and/or
25 otherwise inadequate.

26 154. Finally, the Draft EIR failed to consider and/or adopt all feasible mitigation measures to
27 address cumulative impacts, including but not limited to mitigation measures to avoid concentrating the
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1 Project's impacts in communities already disproportionately burdened with cumulative environmental
2 impacts.

3 **11. Growth-Inducing Impacts**

4 155. The Draft EIR failed to adequately disclose, analyze, and/or mitigate the Project's growth-
5 inducing impacts.

6 156. The Draft EIR fails to adequately disclose and analyze BIG's growth-inducing impacts.
7 BIG was designed to remove obstacles to growth by expanding the Port's cargo capacity. One of BIG's
8 stated project objectives is to provide additional intermodal capacity to handle cargo volumes originating
9 from the Ports. The City has aggressively supported BIG to "increase cargo efficiency" as a means to
10 support the Ports' efficiency. Despite the City and BNSF's emphasis on growth, the Draft EIR lacked
11 sufficient analysis regarding whether the Project will induce more cargo through the Ports. Instead, the
12 Draft EIR summarily concluded without substantial evidence that BIG would not have any significant
13 secondary growth-inducing impacts, claiming that BIG is not expected to remove obstacles to other
14 future development or induce additional growth through infrastructure expansion.

15 157. The Draft EIR failed to analyze the Project's foreseeable growth-inducing impacts in
16 nearby regions, including but not limited to Kern County. The Draft EIR inappropriately focused its
17 growth-inducing impacts analysis on economic development, public services, and local land use changes.
18 The Project is not akin to a housing or public service project where the impacts can be naturally confined
19 to one area; the Project here contemplates an expansion along a national freight rail line and is explicitly
20 intended to expand the ability of the goods movement industry to move more cargo to and from the Ports.
21 It is reasonably foreseeable that the Project will facilitate an inland port in Shafter, California, as BIG is
22 located between the Ports and Shafter along the BNSF rail line. Both Ports have signed memorandums of
23 understanding with the City of Shafter and the Wonderful Company to advance the BIG Project. The Port
24 of Long Beach has stated that the BIG Project would "serve as a hub for imports and exports to arrive
25 through or destined to" the Port. The Port's draft agreement states that the parties agree to "[w]ork jointly
26 to collaborate with other supply chain stakeholders to advance the purpose of this MOU." The Port of
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1 Los Angeles Memorandum of Agreement contains substantially similar language based on news
2 reporting.

3 158. The City of Barstow failed to properly disclose, analyze, and/or mitigate the ripple effect
4 this Project will have on freight cargo movement throughout the region beyond alleged job creation. For
5 the Draft EIR to adequately operate as an informational document, it should include a discussion of how
6 the Project may impact cargo volumes in Shafter and other AB 617 communities along BNSF's rail lines
7 or connected roadways.

8 159. The Draft EIR's measures for mitigating the Project's harmful growth-inducing impacts
9 are impermissibly vague, ineffective, deferred, insufficient, unenforceable, unsupported by substantial
10 evidence, and/or otherwise inadequate.

11 160. The Draft EIR failed to identify, consider, and/or adopt all feasible mitigation measures to
12 avoid harmful growth-inducing impacts and failed to explain why additional mitigation would be
13 infeasible, in violation of CEQA. The Draft EIR makes no attempt to limit or control the pace of growing
14 cargo volume entering Shafter and other AB 617 communities that are also along the Project's route.

15 **B. The Responses to Comments and Final EIR**

16 161. On or about May 8, 2026, the City issued a Final EIR responding to public comments on
17 the Draft EIR and including 14 new "technical reports and data," totaling nearly 1,000 pages, not
18 previously available to the public.

19 162. The Final EIR indicated that the City made only minimal changes to correct the Draft
20 EIR's deficiencies. The Final EIR did not address the flaws Petitioners identified in the Draft EIR's
21 analysis, including but not limited to the Project's project description; alternatives analysis; and the
22 disclosure, analysis, and mitigation of energy, air quality, GHG, environmental justice, noise and
23 vibration, water, biological resources, cumulative impacts, growth-inducing impacts, and other
24 environmental impact areas.

25 163. The Final EIR also included significant new information that was not included in the Draft
26 EIR. For example, the Final EIR contained new disclosures and analysis related to the project
27 description, analysis of environmental impacts, and mitigation. The Final EIR also included the release of
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1 14 new supporting technical documents totaling almost 1,000 pages. The newly released data, analysis,
2 and conclusions change the EIR substantially, depriving the public of the opportunity to review and
3 comment on basic aspects of the Project, as well as the significance and mitigation of a range of impact
4 areas. Further, many of these changes were not reflected throughout the full document, but were
5 restricted to an appendix, thus failing to remedy the informationally inadequate and conclusory nature of
6 the EIR itself.

7 164. On May 16, 2026, Petitioners submitted written comments to the Planning Commission,
8 incorporating by reference earlier comments, noting the Final EIR could not be certified because it
9 included significant new information and failed to remedy the vast majority of the deficiencies
10 Petitioners and the public identified in comments to the Draft EIR. The letter explained that the Final EIR
11 failed to comply with CEQA in the following respects:

12 **1. Significant New Information in the Final EIR**

13 **a. Project Description**

14 165. The Final EIR disclosed significant new information and substantially amended the
15 project description by deleting the BIG Project's battery energy storage system ("BESS") component. As
16 detailed in the Draft EIR, the BESS component was designed to store solar-generated power to support
17 battery-electric equipment. No explanation was provided in the Final EIR for why the BESS component
18 was removed. When Petitioners asked the City at the May 16, 2026 Planning Commission meeting why
19 the BESS component was removed in the Final EIR, the City stated that it was "a clerical error" that the
20 BESS component had been included in the Draft EIR. The removal of the BESS component in the Final
21 EIR directly undermines the description of the Project reviewed and commented upon by the public and
22 public agencies in the Draft EIR, and has broad implications for Project energy, fossil fuel use, grid
23 reliance, air quality, GHG, and other environmental impacts. By deleting the BESS from the Project in
24 the Final EIR, the public was deprived of a meaningful opportunity to comment on a feasible way to
25 avoid or minimize these environmental impacts.

1 **b. Energy Impacts**

2 166. The Final EIR disclosed significant new information regarding the Project’s diesel fuel
3 consumption. Directly contradicting the Draft EIR, which concluded the Project will result in multi-
4 million-gallon reductions in diesel fuel use per year, the Final EIR concluded that the Project would
5 increase diesel fuel use by millions of gallons annually. Specifically, the Final EIR stated in the Errata
6 appendix that BIG will increase diesel fuel consumption by 2,027,813 gallons in 2028, 1,758,637 gallons
7 in 2033, and 3,399,814 gallons in 2048, compared to the current baseline. By contrast, the Draft EIR
8 determined BIG would decrease diesel fuel consumption by 3,361,680 gallons in 2028, 5,360,553 gallons
9 in 2033, and 4,775,749 gallons of diesel in 2048.

10 167. The Final EIR also stated in the Errata appendix that BIG’s locomotives will increase
11 diesel fuel use by 9,350,580 gallons in 2028, 11,525,607 gallons in 2033, and 14,649,821 gallons in
12 2048. By contrast, the Draft EIR provided that BIG’s locomotives will increase diesel fuel use by
13 approximately one-third of these amounts: 3,961,086 gallons in 2028, 4,406,417, gallons in 2033, and
14 6,484,258 gallons in 2048. Put another way, the Final EIR states that diesel fuel consumption by
15 locomotive operations will actually be two to three times higher per year as compared to the amounts
16 disclosed in the Draft EIR. In addition, the Final EIR newly determined in an Errata appendix that the
17 Project’s energy impacts are “Potentially Significant,” instead of “Less than Significant” as the Draft EIR
18 concluded. The Final EIR failed to include any written explanation for this change. Despite these
19 amendments, the Final EIR continues to rely on the outdated Draft EIR data and conclusions, further
20 rendering the Final EIR informationally inadequate.

21 **c. GHG Emission Impacts**

22 168. The Final EIR newly concluded the Project’s GHG emissions will be “Potentially
23 Significant,” whereas the Draft EIR provided the Project’s GHG emissions will be “Less than
24 Significant” regarding whether “the Project [would] conflict with an applicable plan, policy, or regulation
25 adopted for the purpose of reducing” GHG emissions. The Final EIR does not include any information or
26 explanation for this change or mitigate these impacts. This amendment constitutes significant new
27 information, and is not justified by analysis or substantial evidence in the Final EIR.
28

1 **d. Additional Technical Reports**

2 169. The Final EIR added 14 new technical reports, which supplied technical evidence to
3 support conclusions in the Responses to Comments and elsewhere in the Final EIR. These materials
4 introduced a substantial quantity of novel information, including data, calculations, analyses,
5 conclusions, and justifications. The reports do not merely clarify or expand on discussions included in the
6 Draft EIR but instead amount to “significant new information” themselves. For instance, the memo titled
7 “Regional Air Quality Modeling & Health Impact Analysis for the Barstow International Gateway
8 Specific Plan Project” includes newly produced mortality incidence data. Likewise, the memo titled
9 “Capacity at BNSF Los Angeles Hobart and San Bernardino Railyards,” which was prepared by a BNSF
10 employee, provides that BNSF anticipates doubling its capacity at BNSF Hobart, Commerce, and San
11 Bernardino railyards located between the Ports and Barstow over the next 20 years. By failing to
12 recirculate the Final EIR, the City deprived the public and public agencies the opportunity to review and
13 comment on the highly relevant information included in the 14 new reports.

14 170. On May 16, 2026, the Planning Commission held a hearing at which it recommended that
15 the City Council certify the EIR and approve the Project. Petitioners provided oral comments at the
16 hearing reiterating the concerns from their written comments on the Final EIR. Petitioners were joined by
17 many members of the public who similarly urged the City to address the deficiencies in its CEQA
18 analysis and reject the Project in its current form.

19 171. On or about May 26, 2026, the City issued a notice scheduling a public hearing before the
20 Barstow City Council for a final vote on adoption of the Project, related zonings and approvals, and
21 certification of the EIR.

22 172. On or about June 2, 2026, Petitioners submitted an additional written comment letter to
23 the City Council on the Final EIR. A supplemental expert report from Hal Connolly and a supplemental
24 letter from the Center for Biological Diversity were incorporated into the comment letter.

25 173. Sometime in June 2026, the City released an undated document titled “Final EIR
26 5.0_Updates to the Final EIR_June 2026” (“Late Errata Updates to the Final EIR”) that contained several
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1 more critical revisions to the Final EIR that constitute significant new information, including among
2 other things:

3 **2. Significant New Information in the Late Errata Updates to the Final EIR**

4 174. The Late Errata Updates to the Final EIR included various items, including but not limited
5 to amendments to numerous mitigation measures for biological resource impacts. Substantive changes
6 were introduced to measures including, but not limited to, MM BIG BIO-13, MM BIG BIO-16, MM BIG
7 BIO-17, MM BIG BIO-20, MM BIG BIO-21, MM BIG BIO-22, MM BIG BIO-24, MM BIG BIO-25,
8 MM BIG BIO-26, and MM BIG BIO-32. These changes call into question the analysis of the Draft EIR
9 regarding biological resources impacts and deprive the public of the opportunity to comment on the
10 adequacy of these measures or alternatives.

11 **C. The City's Approval of the Project**

12 175. On June 2, 2026, the Barstow City Council held a public hearing on the Final EIR for the
13 Project. Despite concerns expressed by Petitioners, residents, and other members of the public, the City
14 Council certified the EIR for the Project, adopted CEQA Findings, a Statement of Overriding
15 Considerations, and the Mitigation Monitoring and Reporting Programs.

16 176. On or about June 3, 2026, the City filed a Notice of Determination for the General Plan.

17 177. On June 16, 2026, the City held a public hearing on the Final EIR for the Project. Again,
18 despite concerns expressed by Petitioners, residents, and other members of the public, the City Council
19 adopted ordinances related to the Project, a new zoning map, amendments to Title 19 of the Barstow
20 Municipal Code, approval of the Development Agreement between the City and BNSF, and other
21 rezoning and related actions.

22 178. On or about June 17, 2026, the City filed a Notice of Determination for the BIG Project.

23 179. The City's approval of the Project will cause Petitioners irreparable injury for which
24 Petitioners have no adequate remedy at law. Petitioners and their members will be irreparably harmed by
25 the City's actions in approving the Project. Petitioners were harmed by, among other things, the failure of
26 the City in its certification of the EIR to adequately evaluate the Project's environmental impacts, and the
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1 City's approval of the Project without providing adequate and effective mitigation measures, contrary to
2 the requirements of state law.

3 180. The maintenance of this action is for the purpose of enforcing important public policies of
4 the State of California with respect to the protection of the environment under CEQA and conformance
5 with state law and local law. The maintenance and prosecution of this action will confer a substantial
6 benefit upon the public by protecting the public from environmental and other harms alleged in this
7 Petition. Petitioners are acting as private attorneys general to enforce these public policies and prevent
8 such harm.

9 **D. CEQA Judicial Streamlining Under SB 149**

10 181. On February 24, 2026, BNSF submitted its application for certification of the BIG Project
11 as a transportation-related infrastructure project ("BNSF Application") under Senate Bill ("SB") 149 to
12 the Governor's Office of Land Use and Climate Innovation ("Governor's Office"). The BNSF
13 Application is available at [https://www.lci.ca.gov/wp-content/uploads/20260226-](https://www.lci.ca.gov/wp-content/uploads/20260226-BIG_SB_149_Final_Application_and_Attachments.pdf)
14 [BIG_SB_149_Final_Application_and_Attachments.pdf](https://www.lci.ca.gov/wp-content/uploads/20260226-BIG_SB_149_Final_Application_and_Attachments.pdf).

15 182. On March 9, 2026, Petitioners submitted a comment letter on behalf of environmental
16 justice, health, labor, and environmental organizations urging the Governor's Office to decline to certify
17 BIG as a transportation-related infrastructure project under SB 149.

18 183. On April 30, 2026, Governor Newsom certified the BIG Project as an eligible
19 transportation-related infrastructure project under SB 149 for CEQA Judicial Streamlining. This
20 certification means that any "action or proceeding brought to attack, review, set aside, void, or annul the
21 certification of an environmental impact report for" the BIG Project, "including any potential appeals to
22 the court of appeal or the Supreme Court, shall be resolved, to the extent feasible, within 270 days of the
23 filing of the certified record of proceedings with the court." (Pub. Resources Code, § 21189.85,
24 subd. (a).)

25 184. On May 28, 2026, the California Legislature's Joint Legislative Budget Committee and
26 Legislative Analyst's Office concluded that the Governor's determination meets the SB 149 criteria set
27 forth in Public Resources Code section 21189.80 et seq. and concurred with the Certification.
28

1 185. As listed in the certified Record of Proceedings for the Project and on the City of Barstow
2 project website located at [https://www.barstowca.org/departments/community-development-](https://www.barstowca.org/departments/community-development-department/planning/barstowgeneralplanupdate-com/documents-for-public-review-download-ver1)
3 [department/planning/barstowgeneralplanupdate-com/documents-for-public-review-download-ver1](https://www.barstowca.org/departments/community-development-department/planning/barstowgeneralplanupdate-com/documents-for-public-review-download-ver1),
4 BNSF has elected to proceed with certification of the Project for judicial streamlining.

5 186. For a project that proceeds with CEQA Judicial Streamlining, the Project Applicant, here
6 BNSF, must pay the costs of preparing the record, and these costs are not recoverable from the plaintiff
7 or petitioner before, during, or after litigation. (Pub. Resources Code, § 21189.86, subd. (k).) The lead
8 agency for the Project, here the City, shall prepare the record of proceedings concurrently with the
9 administrative process and certify the record within five days of its approval of the project. (*Id.*, §
10 21189.86, subds. (a), (h).)

11 187. To be eligible to proceed with certification, the Project Applicant, BNSF, must meet
12 certain requirements, including that it will comply with Public Resources Code section 21189.82,
13 subdivision (c), which requires that the Project Applicant:

14 “(1) Avoid or minimize significant environmental impacts in any disadvantaged community.

15 (2) If measures are required pursuant to this division to mitigate significant environmental
16 impacts in a disadvantaged community, mitigate those impacts consistent with this division,
17 including Section 21002. Mitigation measures required under this subdivision shall be undertaken in,
18 and directly benefit, the affected community.

19 (3) Enter into a binding and enforceable agreement to comply with this subdivision in its
20 application to the Governor and to the lead agency prior to the agency’s certification of the
21 environmental impact report for the project.”
22 (*Id.*, § 21189.82, subd. (c).)

23 188. Per Public Resources Code section 21189.82, subdivision (c), BNSF must mitigate
24 significant environmental impacts consistent with Public Resources Code section 21002, which provides
25 “that public agencies should not approve projects as proposed if there are feasible alternatives or feasible
26 mitigation measures available which would substantially lessen the significant environmental effects of
27 such projects.”
28

1 189. In addition, BNSF made the following commitment, among others, in its BNSF
2 Application for CEQA Judicial Streamlining:

3 “BNSF agrees that it will enter into a binding and enforceable agreement with the City, prior to
4 the City’s certification of the Final EIR, that, if BIG is approved and BNSF decides to implement BIG,
5 BNSF will comply with Public Resources Code Section 21189.82(c) by (a) avoiding or minimizing
6 significant environmental impacts in disadvantaged communities; (b) if measures are required under
7 CEQA to mitigate significant environmental impacts in a disadvantaged community, mitigating those
8 impacts in compliance with CEQA; and (c) undertaking such measures in, and directly benefiting, the
9 affected community. BNSF will comply with Code Section 21189.82(c) by agreeing to the BNSF
10 Commitments listed in Attachment 3 (BIG’s Public Benefits and BNSF Commitments to Mitigating
11 Environmental Impacts and to Disadvantaged Communities), and the Mitigation Measures shown in the
12 table in Attachment 3, to the SB 149 Application. Such BNSF Commitments and Mitigation Measures
13 will be conditions of approval of the Project, and those conditions will be fully enforceable by the City,
14 or other agency designated by the City, for the life of the obligation.”

15 190. The BNSF Application also provides that:

16 “As part of the CEQA process for BIG, the City is required to adopt feasible mitigation measures
17 needed to reduce or avoid significant environmental impacts, including impacts to disadvantaged
18 communities. Pursuant to Public Resources Code section 21189.82(c)(3), BNSF and the City have
19 committed to entering into a binding and enforceable agreement to avoid or minimize significant
20 environmental impacts in any disadvantaged community, and to implement and comply with all feasible
21 measures imposed by the City to mitigate significant environmental impacts in a disadvantaged
22 community and that all relevant, feasible mitigation measures required will be undertaken in, and directly
23 benefit, the affected community. In the event that the City certifies the Environmental Impact Report
24 (EIR) and approves BIG, BNSF is committed to implementing the environmental commitments and
25 mitigation measures in the Final EIR and would be committed to do so since the Mitigation Monitoring
26 and Reporting Program is an integral part of the Final EIR.”

1 **FIRST CAUSE OF ACTION**

2 **(Violations of CEQA: Inadequate EIR, Findings of Fact, and Statement of Overriding**
3 **Considerations.)**

4 191. Petitioners hereby reallege and incorporate herein by reference the allegations contained in
5 the foregoing paragraphs.

6 **I. Applicable CEQA Requirements**

7 192. CEQA, Public Resources Code sections 21000-21177, is a comprehensive statute
8 designed “to prevent[] environmental damage, while providing a decent home and satisfying living
9 environment for every Californian.” (Pub. Resources Code, § 21000, subd. (g).) Given its broad goals,
10 the California Supreme Court has held that CEQA must be interpreted “to afford the fullest possible
11 protection to the environment within the reasonable scope of the statutory language.” (*Friends of*
12 *Mammoth v. Bd. of Supervisors* (1972) 8 Cal.3d 247, 259.)

13 193. CEQA is designed to ensure that the environmental consequences of proposed projects are
14 disclosed, considered, and feasibly avoided at the earliest opportunity. CEQA requires the lead agency
15 for a project with the potential to cause significant environmental impacts to prepare an EIR that
16 complies with the requirements of the statute, including, but not limited to, the requirement to analyze the
17 project’s potentially significant environmental impacts. (Pub. Resources Code, §§ 21002.1, subd. (a),
18 21080, subd. (d).) The EIR must provide sufficient environmental analysis to ensure that the decision-
19 makers and the public can intelligently consider environmental consequences of the proposed project.
20 (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 405.)

21 194. An EIR must “provide the public with an accurate, stable and finite description of the
22 project.” (*Washoe Meadows Cmty. v. Dept. of Parks & Recreation* (2017) 17 Cal.App.5th 277, 285.) “[A]
23 project description that gives conflicting signals to decision makers and the public about the nature and
24 scope of the project is fundamentally inadequate and misleading.” (*Id.* at p. 287.)

25 195. Under CEQA, a “project” is defined as the whole of an action that has the potential to
26 cause direct or indirect physical changes to the environment. (Cal. Code Regs., tit. 14, § 15378, subd. (a)
27 (hereafter “CEQA Guidelines”); *Habitat Watershed Caretakers v. City of Santa Cruz* (2013) 213
28

1 Cal.App.4th 1277, 1297.) A project description that omits integral components of the full project may
2 result in an EIR that fails to disclose all the impacts of the project. (*Santiago Cnty. Water Dist. v. Cnty. of*
3 *Orange* (1981) 118 Cal.App.3d 818, 829.)

4 196. Under CEQA, a proper analysis of alternatives is essential to comply with the Act's
5 mandate that significant environmental impacts be avoided or substantially lessened where feasible. An
6 EIR must assess a reasonable range of alternatives; any finding that an alternative is infeasible must be
7 supported by substantial evidence in the record. (CEQA Guidelines, § 15126.6, subd. (a), (c); Pub.
8 Resources Code, §§ 21081.5, 21081, subd. (a)(3).) The EIR must "include sufficient information about
9 each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project."
10 (CEQA Guidelines, § 15126.6, subd. (d); see *San Joaquin Raptor/Wildlife Rescue Ctr. v. Cnty. of*
11 *Stanislaus* (1994) 27 Cal.App.4th 713, 738-39; *Kings Cnty. Farm Bur. v. City of Hanford* (1990) 221
12 Cal.App.3d 692, 733.)

13 197. CEQA prohibits approval of a project where "feasible alternatives exist that would
14 substantially lessen its significant environmental effects." (*Save Panoche Valley v. San Benito Cnty.*
15 (2013) 217 Cal.App.4th 503, 520, citations omitted.) A feasible alternative is one "capable of being
16 accomplished in a successful manner within a reasonable period of time," considering economic,
17 environmental, social, and technological factors. (Pub. Resources Code, § 21061.1.) While an alternative
18 must be capable of achieving most project objectives, it need not achieve all of them. (*Mira Mar Mobile*
19 *Cmty. v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489.)

20 198. An EIR "must delineate environmental conditions prevailing absent the project, defining a
21 'baseline' against which predicted effects can be described and quantified." (*Neighbors for Smart Rail v.*
22 *Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447 [quoting *Cmtys. For a Better*
23 *Env't v. S. Coast Air Quality Mgmt Dist.* (2010) 48 Cal.4th 310, 315].) An EIR generally must measure
24 impacts against an existing conditions baseline. To depart from this norm and employ a future conditions
25 baseline, an EIR must show that unusual aspects of the project or the surrounding conditions justify the
26 departure. (*Id.* at p. 451 [discussing CEQA Guidelines, § 15125, subd. (a)].) An EIR's description of this
27 environmental setting should be sufficiently comprehensive to allow the project's significant impacts "to
28 be considered in the full environmental context." (CEQA Guidelines, § 15125, subd. (c).)

1 199. An EIR must disclose and analyze the direct and the reasonably foreseeable indirect
2 environmental impacts of a proposed project if they are significant. (CEQA Guidelines, §§ 15126.2,
3 15064, subd. (d)(3).) “[A] sufficient discussion of significant impacts requires not merely a determination
4 of whether an impact is significant, but some effort to explain the nature and magnitude of the impact.”
5 (*Friant Ranch, supra*, 6 Cal.5th at p. 519.)

6 200. An EIR must discuss a cumulative impact if a project’s incremental effect combined with
7 the effects of other projects is “cumulatively considerable.” (CEQA Guidelines, § 15130, subd. (a).) The
8 discussion of cumulative impacts must be more than “a conclusion utterly devoid of any reasoned
9 analysis.” (*Whitman v. Bd. of Supervisors* (1979) 88 Cal.App.3d 397, 411.)

10 201. CEQA also mandates that the lead agency identify feasible mitigation measures that will
11 reduce or avoid a project’s significant environmental impacts. (Pub. Resources Code, §§ 21002, 21002.1,
12 subd. (b).) Even where a public agency cannot completely eliminate a project’s significant impacts,
13 CEQA requires that it nonetheless reduce those impacts to the extent feasible. (*Friant Ranch, supra*, 6
14 Cal.5th at pp. 524-25.)

15 202. An EIR must respond to comments making specific suggestions for mitigating a
16 significant impact unless the suggested mitigation is “facially infeasible.” (*Los Angeles Unified School*
17 *Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029.) If an agency rejects a suggested measure
18 as infeasible, the rejection must be supported by substantial evidence and free of legal error. (Pub.
19 Resources Code, § 21168.5.)

20 203. CEQA instructs that “[a] public agency shall provide that measures to mitigate or avoid
21 significant effects on the environment are fully enforceable through permit conditions, agreements, or
22 other measures.” (Pub. Resources Code, § 21081.6, subd. (b).) The agency must assure that its mitigation
23 is “effective” and will “present a viable solution” to mitigating the adverse effect. (*Gray v. Cnty. of*
24 *Madera* (2008) 167 Cal.App.4th 1099, 1116.) The EIR must include facts and analysis to support its
25 conclusions regarding the effect of its mitigation measures. (*Friant Ranch, supra*, 6 Cal.5th at p. 522
26 [“The EIR must accurately reflect the net health effect of proposed air quality mitigation measures”]
27 [citing *Cleveland Nat. Forest Found. v. San Diego Assn. of Gov’ts* (2017) 3 Cal.5th 497, 514].)
28

1 204. Requiring a project to implement or fund its fair share of a measure designed to mitigate a
2 cumulative impact is a legally acceptable mechanism for addressing the project's contribution to the
3 impact. (CEQA Guidelines, § 15130, subd. (a)(3).) Fair-share contributions to a mitigation fund may be
4 adequate mitigation if they are "part of a reasonable, enforceable plan or program that is sufficiently tied
5 to the actual mitigation of the...impacts at issue." (*Anderson First Coal. v. City of Anderson* (2005) 130
6 Cal.App.4th 1173, 1189.)

7 205. CEQA requires a lead agency to address new information before certifying an EIR when
8 "[s]ubstantial changes occur with respect to the circumstances under which the project is being
9 undertaken which will require major revisions in the environmental impact report" or "[n]ew information,
10 which was not known and could not have been known at the time the environmental impact report was
11 certified as complete, becomes available." (Pub. Resources Code, § 21166, subds. (b), (c).) This includes
12 significant effects not discussed in the previous EIR and impacts that are "substantially more severe" than
13 what the previous EIR disclosed. (CEQA Guidelines, § 15162, subd. (a)(3)(A), (B).)

14 206. CEQA requires an amended EIR to be recirculated for public review and comment when
15 significant new information is added to the EIR following the circulation of the draft EIR, or where the
16 EIR is informationally inadequate and conclusory in nature. (CEQA Guidelines, § 15088.5 subd. (a).)
17 Significant new information includes, but is not limited to, changes in the environmental setting, impact
18 significance, feasible mitigation, or inclusion of additional data changing the EIR in such a way that
19 deprives the public of a meaningful opportunity to comment upon the adverse effects of the project, or
20 feasible mitigation thereof. (*Ibid.*) A lead agency is required to recirculate all portions of the EIR that
21 have been modified by the addition of significant new information. (*Id.*, § 15088.5, subd. (c).)

22 207. CEQA prohibits a lead agency from approving a project with significant environmental
23 effects unless it has made written findings for each of those effects, accompanied by an explanation of the
24 rationale for each finding. (Pub. Resources Code, § 21081, subd. (a).) These findings must support the
25 ultimate decision, be based on substantial evidence in the record, and trace the analytical route between
26 the evidence in the record and the agency's conclusions.

27 208. CEQA provides that where a project's significant environmental effects cannot feasibly be
28 mitigated, the lead agency may still approve the project if it finds that "specific overriding economic,

1 legal, social, technological or other benefits of the project outweigh the significant effects on the
2 environment.” (Pub. Resources Code, § 21081, subd. (b).) However, an agency’s Statement of
3 Overriding Considerations constitutes an abuse of discretion where it is not supported by substantial
4 evidence. (*Id.* § 21168.5; CEQA Guidelines, § 15093, subd. (b).) The statement’s core “purposes are
5 undermined if its conclusions are based on misrepresentations of the contents of the EIR or it misleads
6 the reader about the relative magnitude of the impacts and benefits the agency has considered.”
7 (*Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 718.)

8 209. An agency’s Statement of Overriding Considerations provides “a proper basis for
9 approving a project despite the existence of unmitigated environmental effects, only when the measures
10 necessary to mitigate or avoid those effects have properly been found to be infeasible.” (*City of Marina v.*
11 *Bd. of Trustees of Cal. State Univ.* (2006) 39 Cal.4th 341, 368.) Where an agency improperly determines
12 that significant impacts cannot feasibly be mitigated, it “necessarily follows” that the statement of
13 overriding consideration is invalid. (*Ibid.*)

14 **II. Violations of CEQA**

15 210. Petitioners hereby reallege and incorporate by reference each and every allegation set forth
16 above.

17 211. Respondents violated CEQA by certifying an inadequate EIR for the Project that fails to
18 comply with the requirements of CEQA and the CEQA Guidelines.

19 212. Respondents’ EIR lacks an accurate, stable, and finite project description, and engages in
20 impermissible piecemealing.

21 213. Respondents failed to provide an adequate set of project objectives.

22 214. Respondents failed to adequately analyze a reasonable range of alternatives that would
23 substantially lessen the significant environmental effects of the Project. Respondents also failed to adopt
24 feasible project alternatives and make adequate findings supported by substantial evidence that Project
25 alternatives are infeasible within the meaning of CEQA.

215. Respondents failed to accurately describe the environmental setting for the Project, thus hindering a proper analysis of Project impacts and preventing the public from understanding its potential impacts.

216. Respondents failed to adequately disclose, analyze, and/or mitigate the Project's environmental impacts, even after Petitioners and the public identified numerous analytical deficiencies. The deficiencies in the City's analysis include, but are not limited to, its analysis of Project impacts on energy, air quality, GHG emissions, environmental justice, noise and vibration, water, biological resources, cumulative, and growth-inducing impacts, among others.

217. Respondents failed to adequately mitigate the Project's impacts. The City relied on vague, ineffective, unenforceable, and unlawfully deferred mitigation measures. The City also failed to impose other feasible, effective, and legally required mitigation measures. The deficiencies include, but are not limited to, the mitigation measures for energy, air quality, GHG emissions, environmental justice, noise and vibration, water, biological resources, cumulative, and growth-inducing impacts, among others.

218. Respondents failed to adequately respond to comments on the EIR, including but not limited to ignoring or dismissing in a cursory fashion Petitioners' and the public's comments, expert reports, and recommendations for feasible mitigation measures and alternatives.

219. Respondents failed to revise and recirculate the EIR in response to significant new information that was included in the Final EIR after the release of the Project's Draft EIR.

220. Respondents failed to support the adopted Statement of Overriding Considerations and Findings of Fact with substantial evidence in the record.

221. As a result of these actions, Respondents prejudicially abused their discretion by failing to proceed in the manner required by law and by failing to act on the basis of substantial evidence. Accordingly, Respondents' certification of the EIR and approval of the Project must be set aside.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray for judgment as follows:

222. For alternative and peremptory writs of mandate directing Respondents to vacate and set aside their approval of the Project, including approval of the BIG Project and General Plan, certification

1 of the Final EIR, and adoption of Findings of Fact and a Statement of Overriding Considerations in
2 connection with their approval of the Project;

3 223. For alternative and peremptory writs of mandate directing Respondents to vacate and set
4 aside all permits, approvals, or otherwise reliant on the Final EIR for CEQA compliance;

5 224. For alternative and peremptory writs of mandate directing Respondents to comply with
6 CEQA and the CEQA Guidelines, and to take any other action as required by Public Resources Code
7 section 21168.9 or otherwise required by law;

8 225. For a temporary stay, temporary restraining order, and preliminary and permanent
9 injunctions restraining Respondents and Real Parties in Interest and their agents, servants, and
10 employees, and all others acting in concert with them or on their behalf, from taking any action (a) to
11 approve any permits, entitlements, licenses, or authorizations pursuant to the Project, or (b) to implement
12 any portion or aspect of the Project, pending Respondents' full compliance with the requirements of
13 CEQA and the CEQA Guidelines;

14 226. For costs of the suit;

15 227. For Petitioners' attorneys' fees as authorized by Code of Civil Procedure section 1021.5
16 and/or other provisions of law; and

17 228. For such other and further relief as the Court deems just and proper.

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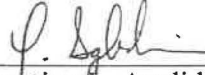
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1 Dated: July 1, 2026

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28 *Attorneys for Petitioner Center for Biological Diversity*

1 **VERIFICATION**

2 I, Mary Ann Ruiz, hereby declare:

3 I am the Conservation Chair, San Geronio Chapter, at Sierra Club. Sierra Club is one of the
4 Petitioners in this action, and I am authorized to execute this verification on Petitioners' behalf. The facts
5 alleged in the above Petition and Complaint are true to my personal knowledge and belief.

6 I declare under penalty of perjury under the laws of the State of California that the above is true
7 and correct and that this verification is executed on this 1st day of July 2026 in Los Angeles, California.

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Mary Ann Ruiz
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EXHIBIT A

*Notice to Respondent of Intent to File CEQA
Action and Proof of Service*



June 30, 2026

Via U.S. First-Class Mail and Electronic Mail

Andrea Flores
City Clerk
City of Barstow
220 East Mountain View Street, Suite A
Barstow, CA 92311
aflores@barstowca.gov

Mayor Timothy R. Silva
City Council
City of Barstow
220 East Mountain View Street, Suite A
Barstow, CA 92311
tsilva@barstowca.org

Suzie Nelson, Assistant to City Manager
Maribel Hernandez, City Clerk Services
Manager
City of Barstow
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**Re: California Public Resources Code Section 21167.5 Notice of Intent to File CEQA
Petition Challenging the Certification of the Environmental Impact Report for the
BNSF Barstow International Gateway ("BIG") Project and City of Barstow General
Plan Update (State Clearinghouse No. 2024020501)**

Dear City Clerk Flores:

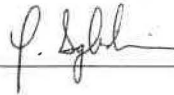
Please be advised that as required under California Public Resources Code section 21167.5, Sierra Club, East Yard Communities for Environmental Justice, Natural Resources Defense Council, and the Center for Biological Diversity (collectively, "Petitioners") through this correspondence hereby provide notice of their intent to file a petition under the California Environmental Quality Act ("CEQA") against the City of Barstow ("Respondent"), and Burlington Northern Santa Fe Railway Company, LLC ("BNSF") ("Real Party in Interest"). (*See* Pub. Resources Code, § 21000, *et seq.*)

Petitioners seek to challenge the Environmental Impact Report ("EIR") for the City of Barstow General Plan Update and BNSF Barstow International Gateway project (State Clearinghouse No. 2024020501). Petitioners will file this CEQA challenge based on the EIR's failure to comply with CEQA requirements, including but not limited to the failure to properly define the project description; failure to adequately disclose, analyze, and mitigate environmental impacts; failure to consider or analyze a reasonable range of alternatives; and failure to adequately consider cumulatively considerable impacts. For these and other reasons, the certified EIR is procedurally and substantively defective.

Among other relief, Petitioners will request that the Court issue a writ of mandate to vacate the EIR certification and to compel the recirculation and preparation of an EIR that conforms to CEQA requirements. Additionally, Petitioners will seek costs and attorney's fees. (Code Civ. Proc., § 1021.5.)

Based on the reasons outlined above, Respondent should immediately vacate the certification of the EIR and engage in an appropriate CEQA review process that results in an adequate EIR.

Most respectfully,



Yasmine L. Agelidis (State Bar No. 321967)
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Fax: (415) 217-2040

*Attorneys for Petitioners Sierra Club, East Yard
Communities for Environmental Justice, and
Natural Resources Defense Council*



Alison M. Hahm (State Bar No. 336969)
NATURAL RESOURCES DEFENSE COUNCIL
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ahahm@nrdc.org

*Attorney for Petitioners East Yard Communities for
Environmental Justice and Natural Resources
Defense Council*



Peter J. Broderick (State Bar No. 293060)
Seth P. Alston (State Bar No. 357285)
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pbroderick@biologicaldiversity.org
salston@biologicaldiversity.org

*Attorneys for Petitioner Center for Biological
Diversity*

cc: Matthew T. Summers, City Attorney
790 E. Colorado Blvd., Suite 850
Pasadena, CA 91101-2109
msummers@chwlaw.us

PROOF OF SERVICE

I am a citizen of the United States of America and a resident of the City and County of Los Angeles; I am over the age of 18 years and not a party to the within entitled action; my business address is 707 Wilshire Blvd., Suite 4300, Los Angeles, California 90017.

I hereby certify that on June 30, 2026, I served by U.S. first-class mail and by electronic mail one true copy of the following document

California Public Resources Code Section 21167.5 Notice of Intent to File CEQA Petition Challenging the Certification of the Environmental Impact Report for the BNSF Barstow International Gateway ("BIG") Project and City of Barstow General Plan Update (State Clearinghouse No. 2024020501)

on the parties listed below:

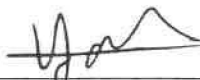
Andrea Flores
City Clerk
City of Barstow
220 East Mountain View Street, Suite A
Barstow, CA 92311
aflores@barstowca.gov

Suzie Nelson, Assistant to City Manager
Maribel Hernandez, City Clerk Services
Manager
City of Barstow
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snelson@barstowca.gov
mhernandez@barstowca.gov
generalplan@barstowca.org

Mayor Timothy R. Silva
City Council
City of Barstow
220 East Mountain View Street, Suite A
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tsilva@barstowca.org

Matthew T. Summers, City Attorney
790 E. Colorado Blvd., Suite 850
Pasadena, CA 91101-2109
msummers@chwlaw.us

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 30, 2026, in Los Angeles, California.



Yessenia Moreno

COLANTUONO
HIGSMITH
WHATLEY, PC

ANDREW L. JARED | 213-542-5739 | AJARED@CHWLAW.US

Our File No. 11158.0187

July 20, 2026

VIA EMAIL

Yasmine Agelidis
EARTHJUSTICE
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Los Angeles, CA 90017
yagelidis@earthjustice.org

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Seth P. Alston
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Oakland, California 94612
pbroderick@biologicaldiversity.org
salston@biologicaldiversity.org

Re: *Sierra Club, et al. v. City of Barstow*
San Bernardino Superior Court, Case No. CIVVS2604816
Notice of Responsible Agencies per Public Resources Code §21167.6.5(b)

Dear Counsel,

Under Public Code Resources Code section 21167.6.5(b), Respondent City of Barstow ("City") hereby provides notice to Petitioners of the responsible agencies and public agencies having jurisdiction over a natural resource affected by the City of Barstow General Plan Update and Barstow International Gateway project at issue in the Final Environmental Impact Report which is the subject of this case. The City reserves the right to amend this notice should further information become available or as may be necessary.

790 E. COLORADO BOULEVARD, SUITE 850, PASADENA, CALIFORNIA 91101-2109 | (213) 542-5700
GRASS VALLEY | ORANGE COUNTY | PASADENA | SACRAMENTO | SAN DIEGO | SONOMA

Yasmine Agelidis
July 20, 2026
Page 2

Federal

U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service

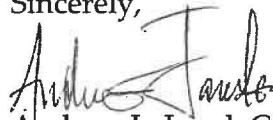
State/Regional

California Air Resources Board
California Department of Fish and Wildlife
California Department of Transportation
California Highway Patrol
California Office of Historic Preservation
California Public Utilities Commission
Lahontan Regional Water Quality Control Board
Mojave Desert Air Quality Management District
Mojave Water Agency
State Water Resources Control Board

Local

County of San Bernardino
San Bernardino County Department of Public Health
San Bernardino County Fire Protection District
San Bernardino County Flood Control District
San Bernardino County Sheriff's Department
San Bernardino County Local Agency Formation Commission

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew L. Jared".

Andrew L. Jared, City Attorney

Matthew T. Summers, Assistant City Attorney

ALJ:MTS

CC:
Service List

PROOF OF SERVICE

**Sierra Club et al. v. City of Barstow et al.
Case No. CIVVS2604816**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 790 E. Colorado Boulevard, Suite 850, Pasadena, CA 91101-2109.

On July 20, 2026, I served true copies of the following document(s) described as **NOTICE OF RESPONSIBLE AGENCIES PER PUBLIC RESOURCES CODE 21167.6.5(B)** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address mobaminassian@chwlaw.us to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 20, 2026, at Pasadena, California.

Maria Oba Minassian
Maria Oba Minassian

SERVICE LIST
Sierra Club et al. v. City of Barstow et al.
Case No. CIVVS2604816

Peter J. Broderick
Seth P. Alston
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COMMUNITIES FOR ENVIRONMENTAL
JUSTICE, and NATURAL RESOURCES
DEFENSE COUNCIL

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Attorney for Petitioners
EAST YARD COMMUNITIES FOR
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sdiveley@meyersnave.com
bbrown@meyersnave.com

Attorneys for Real Parties in Interest
BNSF RAILWAY COMPANY, erroneously
sued herein as BURLINGTON NORTHERN
SANTA FE RAILWAY COMPANY, LLC

PROOF OF SERVICE

Sierra Club, et al. v. City Barstow
San Bernardino Superior Court, Case No. CIVVS2604816

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 707 Wilshire Blvd., Suite 4300, Los Angeles, CA 90017.

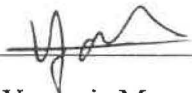
On July 28, 2026, I served true copies of the following documents described as **NOTICE TO RESPONSIBLE AGENCIES PER PUBLIC RESOURCES CODE 21167.6.5(c)** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document to be sent from e-mail address ymoreno@earthjustice.org to the persons at the email addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 28, 2026, at Los Angeles, California.



Yessenia Moreno

SERVICE LIST
Sierra Club, et al. v. City Barstow
San Bernardino Superior Court, Case No. CIVVS2604816

Andrew L. Jared
Matthew T. Summers
Carmen A. Brock
Taylor M. Anderson
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jbond@meyersnave.com
sdiveley@meyersnave.com
bbrown@meyersnave.com

*Attorneys for Real Parties in Interest BNSF
RAILWAY COMPANY ("BNSF"), sued
erroneously herein as BURLINGTON
NORTHERN SANTA FE RAILWAY COMPANY,
LLC*

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sanbernardinolafco.gov

DATE: SEPTEMBER 9, 2026 
FROM: SAMUEL MARTINEZ, Executive Officer
ARTURO PASTOR, LAFCO/GIS Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #10: Review and Accept the 2026 Mapping of the Disadvantaged Unincorporated Communities for San Bernardino County

RECOMMENDATION:

Staff recommends that the Commission:

1. Approve the updated maps showing the 2026 Disadvantaged Unincorporated Communities for cities/towns;
2. Direct the Executive Officer to provide the Disadvantaged Unincorporated Communities maps to each of the respective City/Town Managers and the LAFCO contact for each city/town and placed on the LAFCO website; and,
3. Direct staff to use the same methodology and the same 2026 data to generate the Disadvantaged Unincorporated Communities for sphere of influence updates pursuant to Government Code Section 56425(e)(5) and service reviews pursuant to Government Code Section 56430(a)(2) and (3), until the next data cycle is to be generated pursuant to Commission policy.

BACKGROUND:

Effective 2012, SB 244 establishes various requirements for LAFCOs, cities, and counties related to Disadvantaged Unincorporated Communities (DUCs). A DUC is defined as an "inhabited territory" (with 12 or more registered voters) that has a median household income that is less than 80% of the statewide median household income as defined by Section 79505.5 of the Water Code (Government Code Section 56033.5). Three of these requirements pertain to LAFCO:

1. LAFCO law now requires that a city annexation proposal (greater than 10 acres) that is contiguous to a DUC cannot be approved without a companion application to annex said DUC, unless a prior annexation application of the same DUC area was received in the previous five years, or the Commission finds that based upon written evidence that a majority of the residents within the DUC are opposed to annexation (Section 56375[a][8][A through B]).
2. It also requires—for an update of a sphere of influence for a city/town or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire (on or after July 1, 2012)—that a written statement of the present and probable need for those services within the DUC must be reviewed and considered by the Commission (Section 56425[e][5]).
3. In addition, when conducting a service review, the Commission is also required to include the location of any DUC within or contiguous to the sphere of influence of an agency (Section 56430[a][2] & [3]).

Commission Policies on Disadvantaged Unincorporated Communities

In 2012, the Commission adopted policies on DUCs to implement the new DUC-related provisions. The Commission then amended its DUCs policy in 2016 to map out the DUCs every five years (in years ending in 1 and 6), rather than annually, in order to provide for a five-year certainty for those landowners and cities/towns that may be affected by the requirement to annex an adjacent DUC. The basis for using years ending in 1 (i.e. 2021, 2026, etc.) is to capture the Decennial Census that occurs the year prior (i.e. 2010/2020 Census), and using year ending in 6 would capture the available data halfway prior to the next Census. Below is the Commission's current policies on DUCS:

1. *LAFCO shall utilize the ESRI Business Analyst Online, a web-based application, to develop the demographic data needed to define the "disadvantaged unincorporated community" as outlined in Government Code Section 56033.5. The data shall be developed and mapped every five years in years ending in 1 and 6 (for example 2011 and 2016) and made available on the LAFCO website. A community, for purposes of this Policy 14, means an inhabited area that is comprised of no less than 10 dwellings adjacent or near one another.*
2. *The Commission determines that no annexation required to be submitted pursuant to this Policy 14 shall create an island or peninsula of unincorporated territory substantially surrounded by the City to which the annexation is proposed or the annexing city and an adjacent city.*
3. *The Commission determines that in implementing Government Code Section 56375(a)(8)(B)(2), it shall consider written evidence of opposition to include an application for sphere of influence removal, petitions for creation of a new government which were unsuccessful, or written protest submitted for a previous change of organization/reorganization.*

2021 Disadvantaged Unincorporated Communities

The 2021 version of the DUCs for all cities/towns are currently posted on the LAFCO website at:

<https://www.sanbernardinolafco.gov/disadvantaged-unincorporated-communities>

2026 Disadvantaged Unincorporated Communities

The new 2026 version of the DUCs has been prepared with the same methodology pursuant to the Commission's policy. Both the ESRI 2025 Population and Housing Estimates (block group level) data and the population data from the 2020 US Census Bureau were utilized to generate the new DUC information. The baseline 80% statewide median household income used for 2026 is \$80,909, which was derived from the statewide median household income of \$101,136.

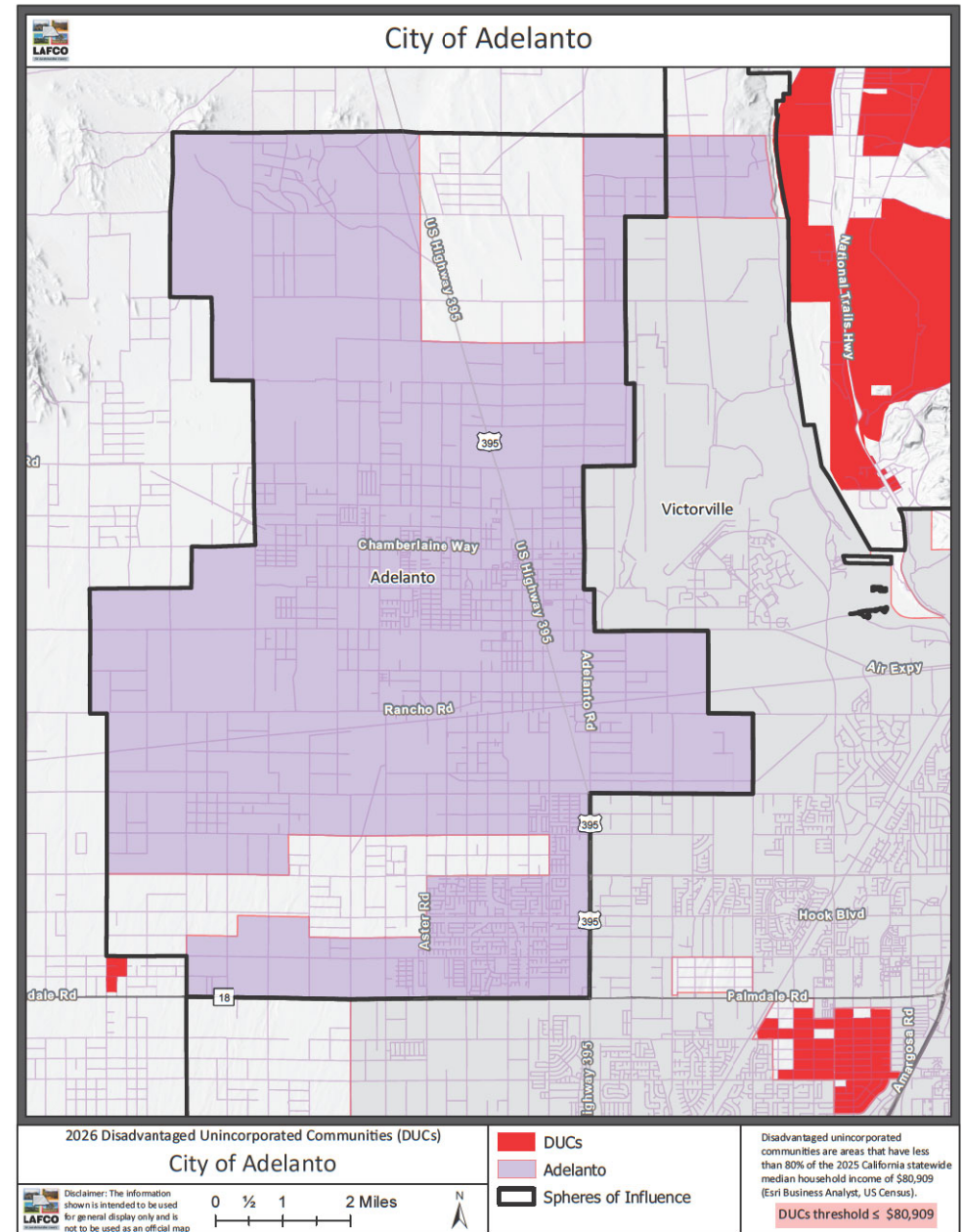
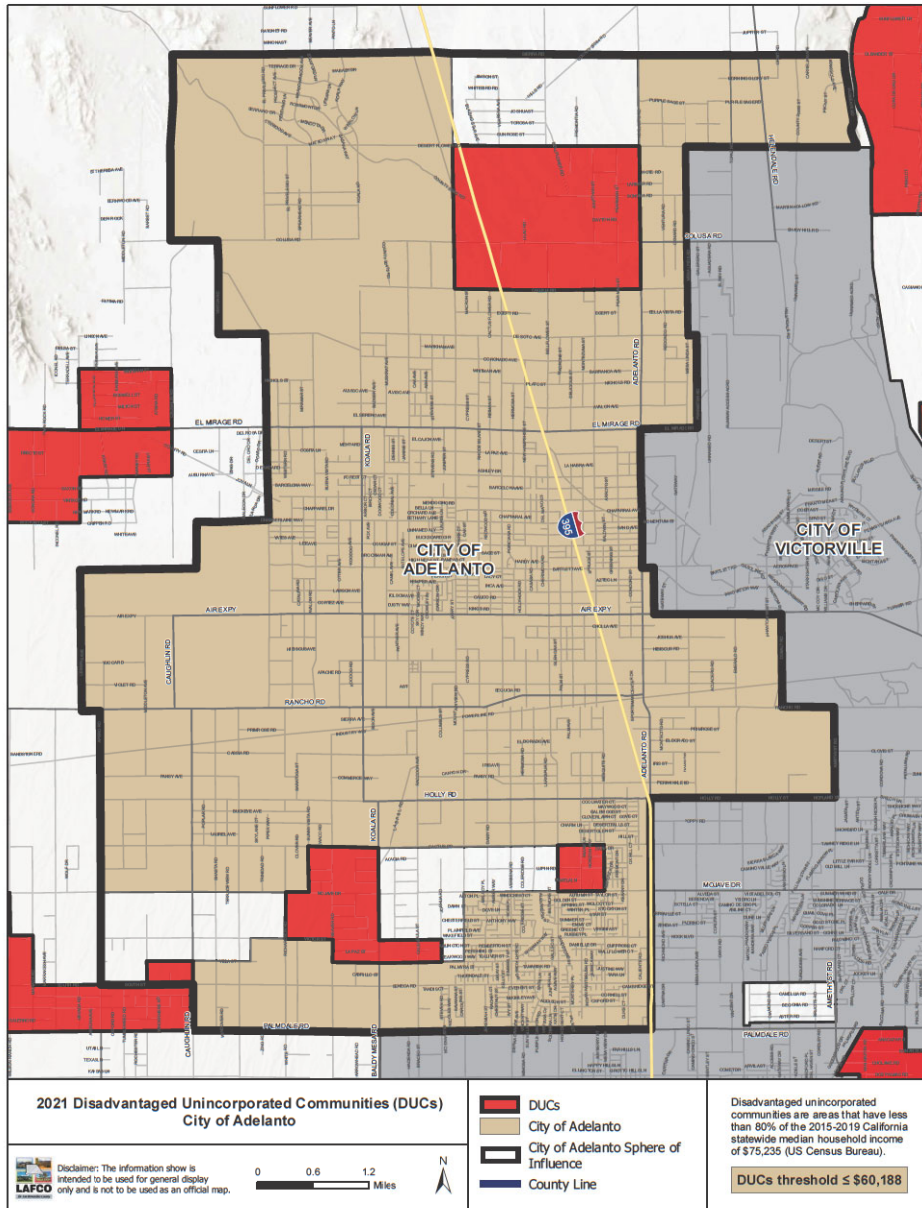
Attached to this staff report are the 2026 DUC maps for each of the cities/towns with a side-by-side comparison of the 2021 version.

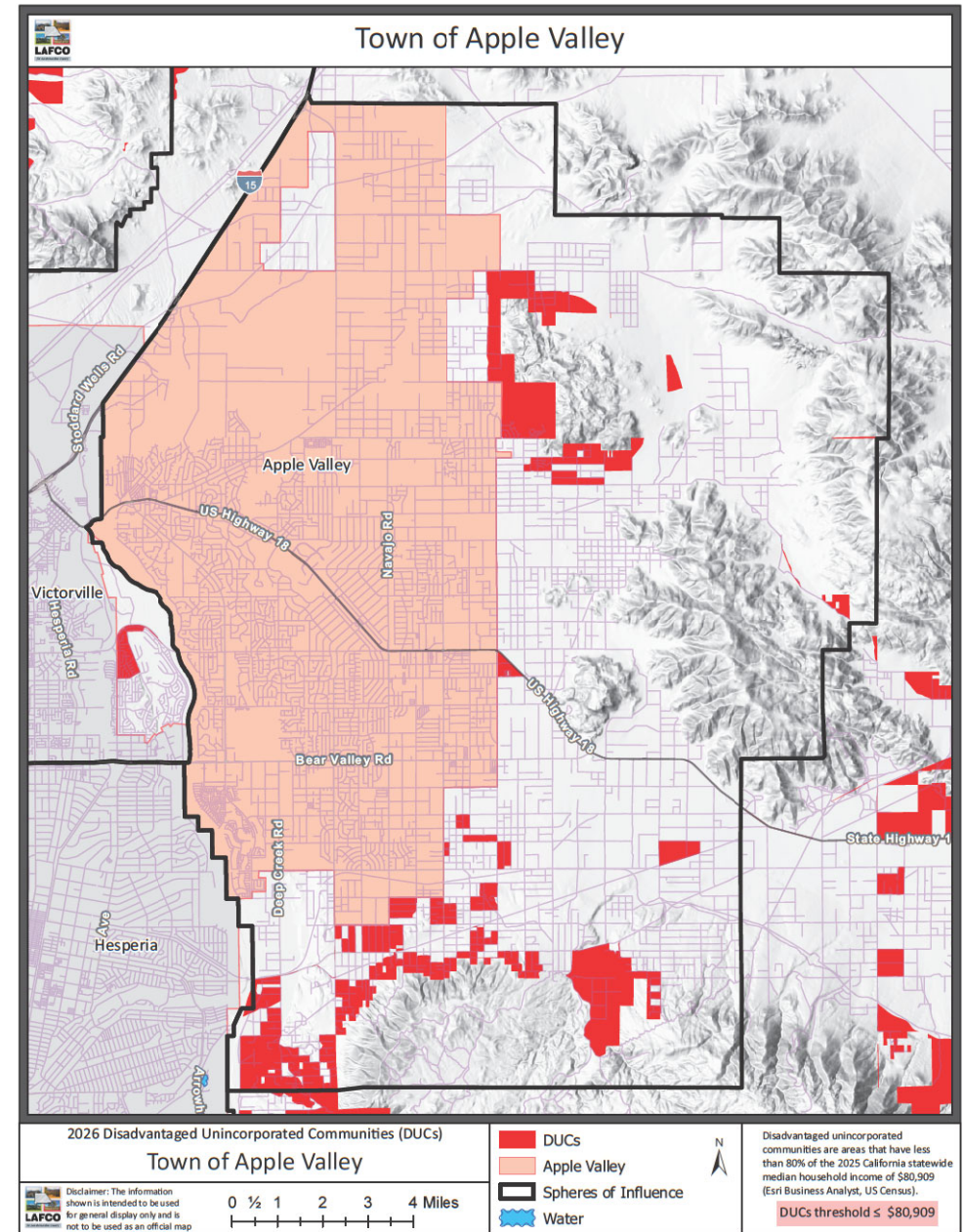
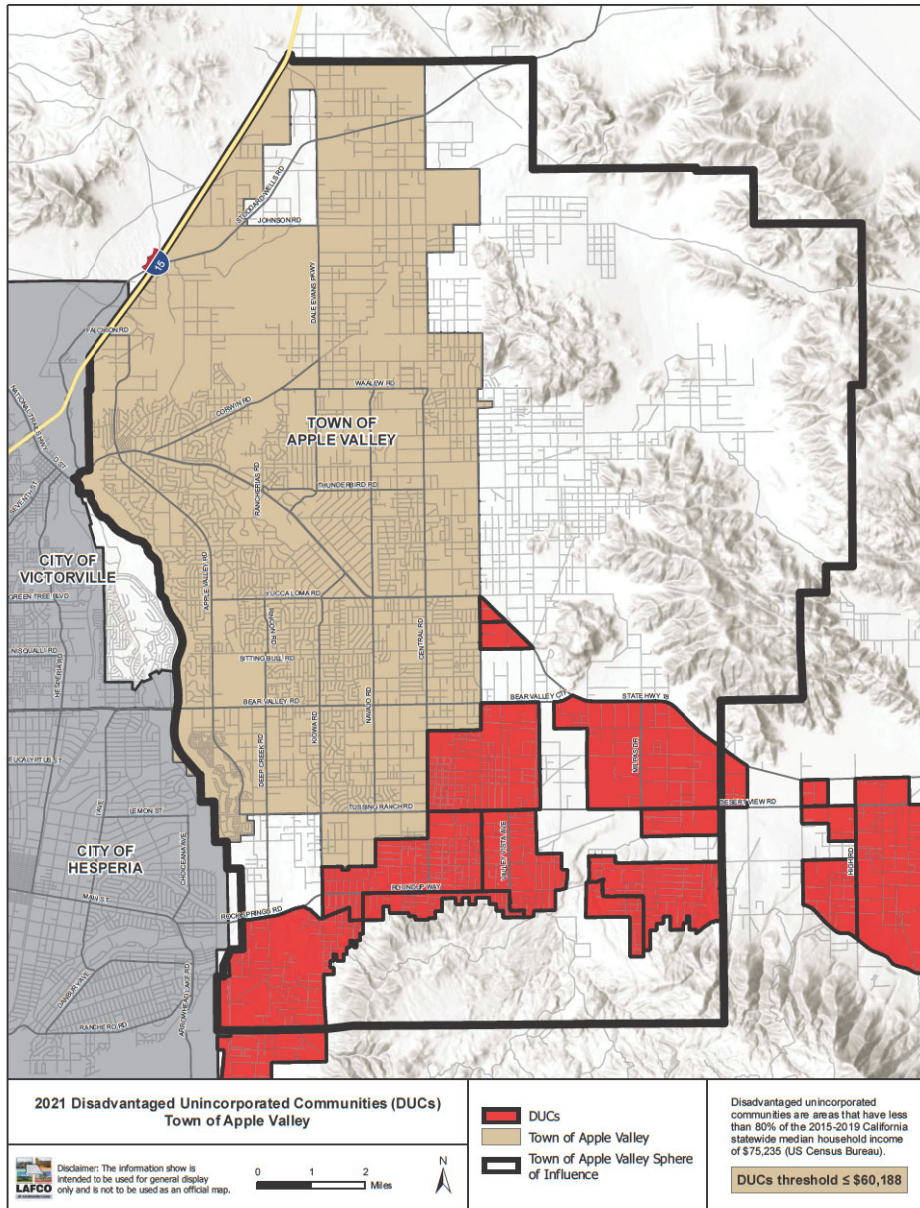
CONCLUSION:

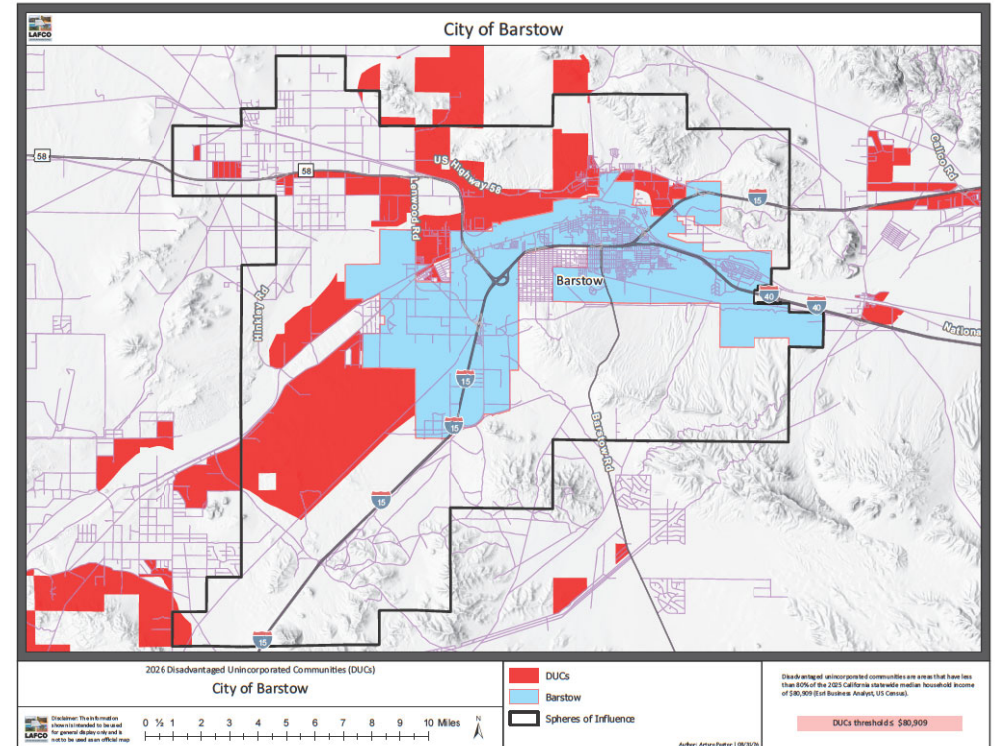
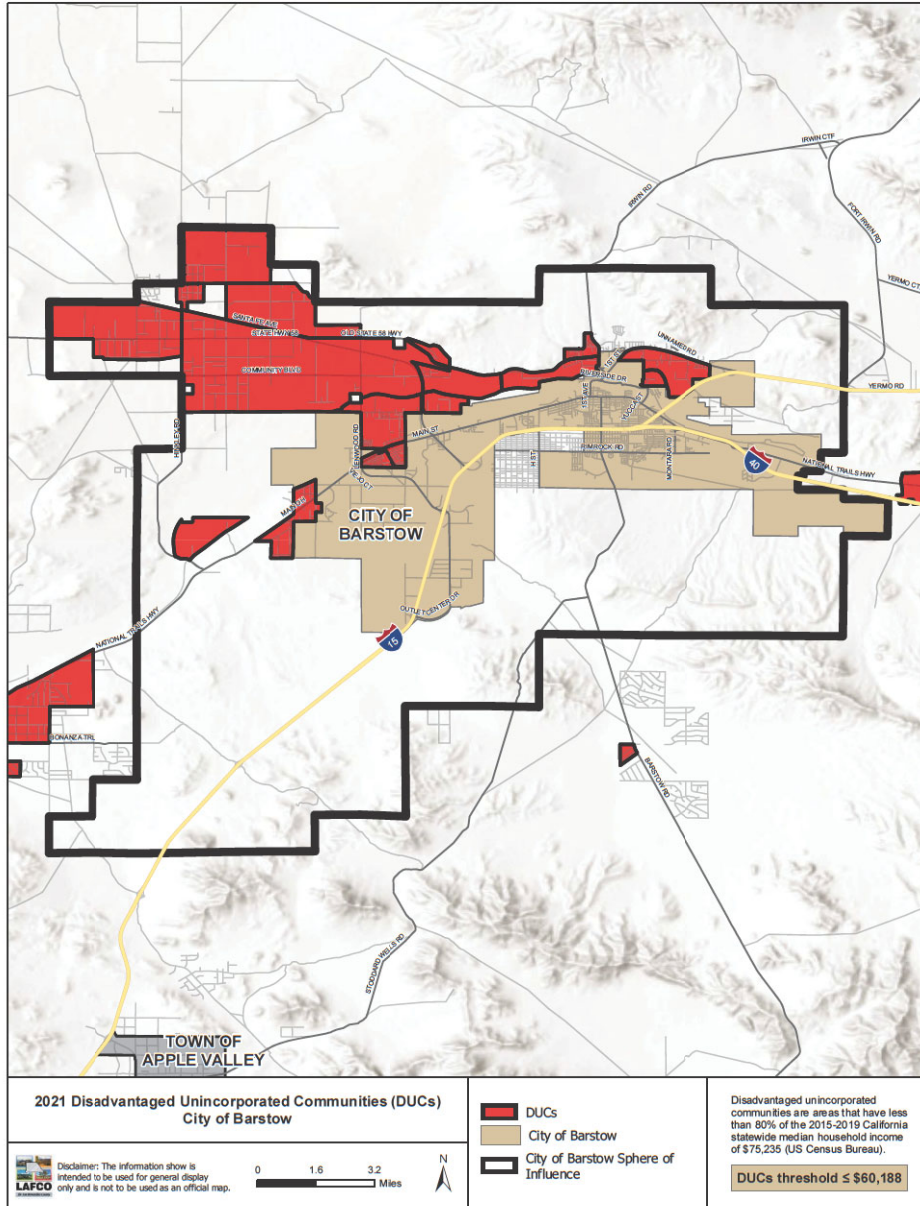
The Commission currently has policies related to the implementation of DUCs. Staff is recommending that the Commission accept the new DUC information and direct the Executive Officer to provide the respective information to all the cities and towns and placed on the LAFCO website.

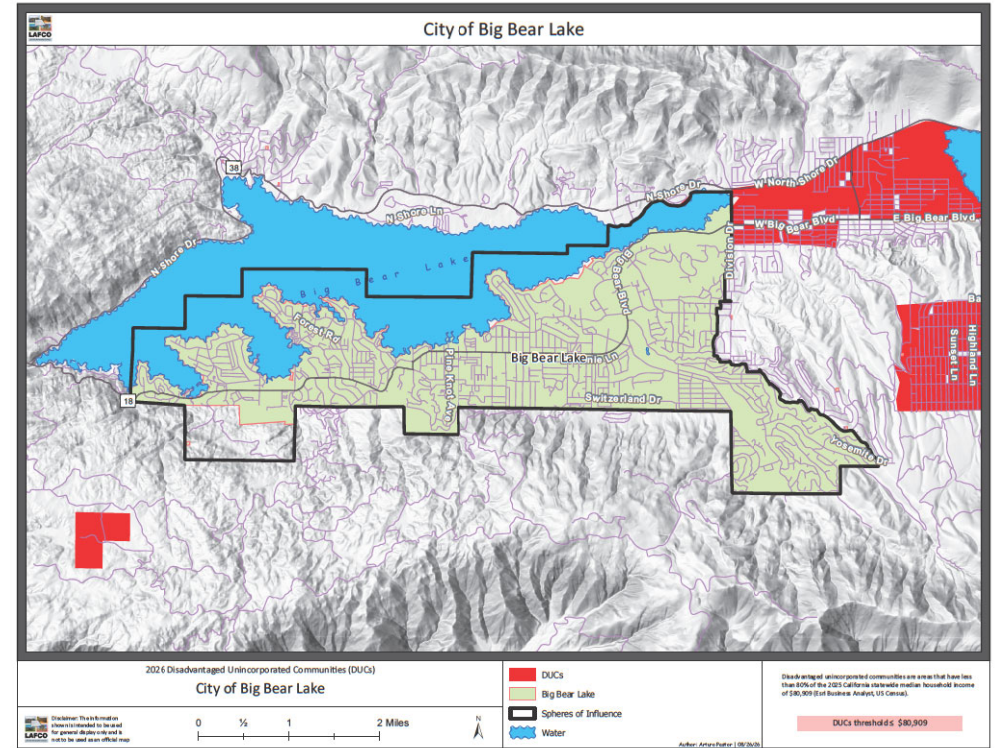
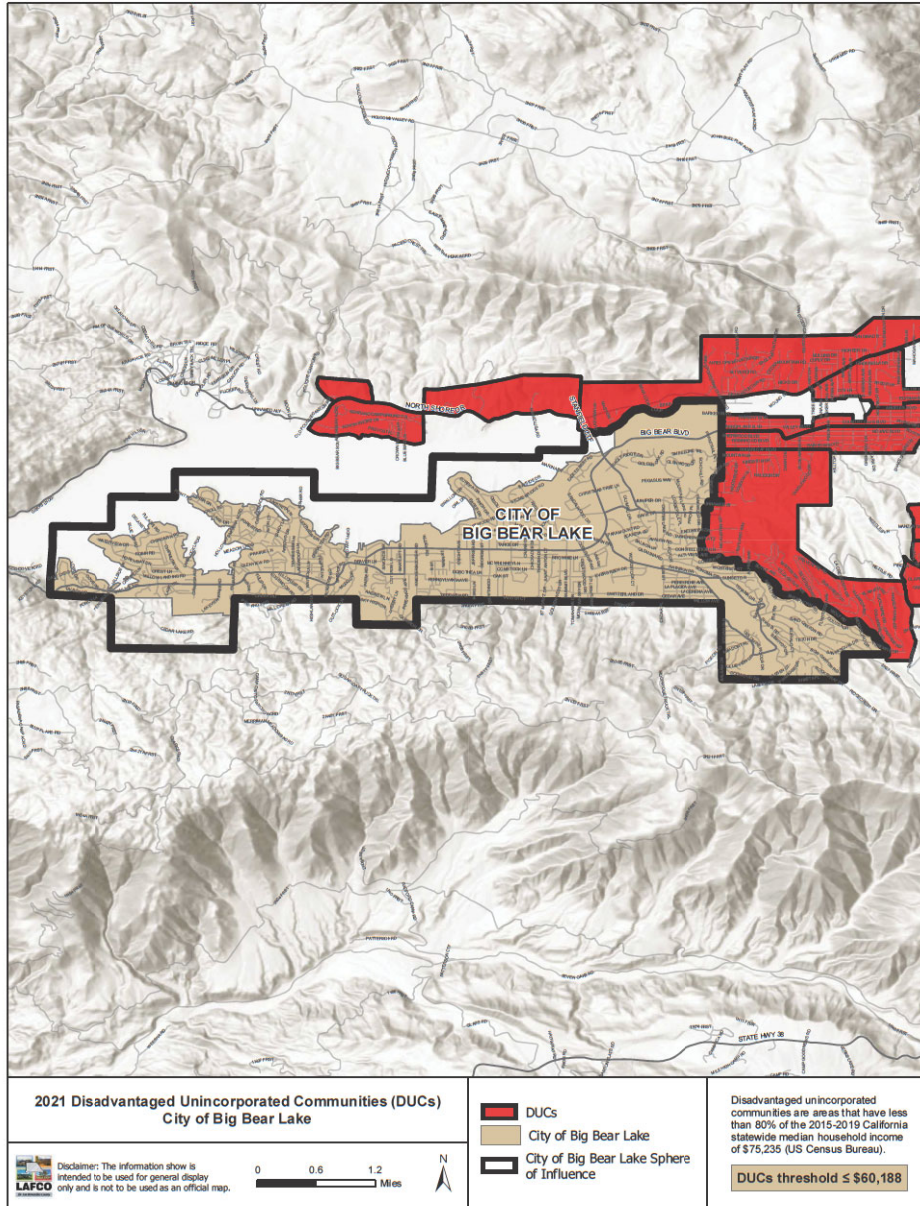
Attachment:

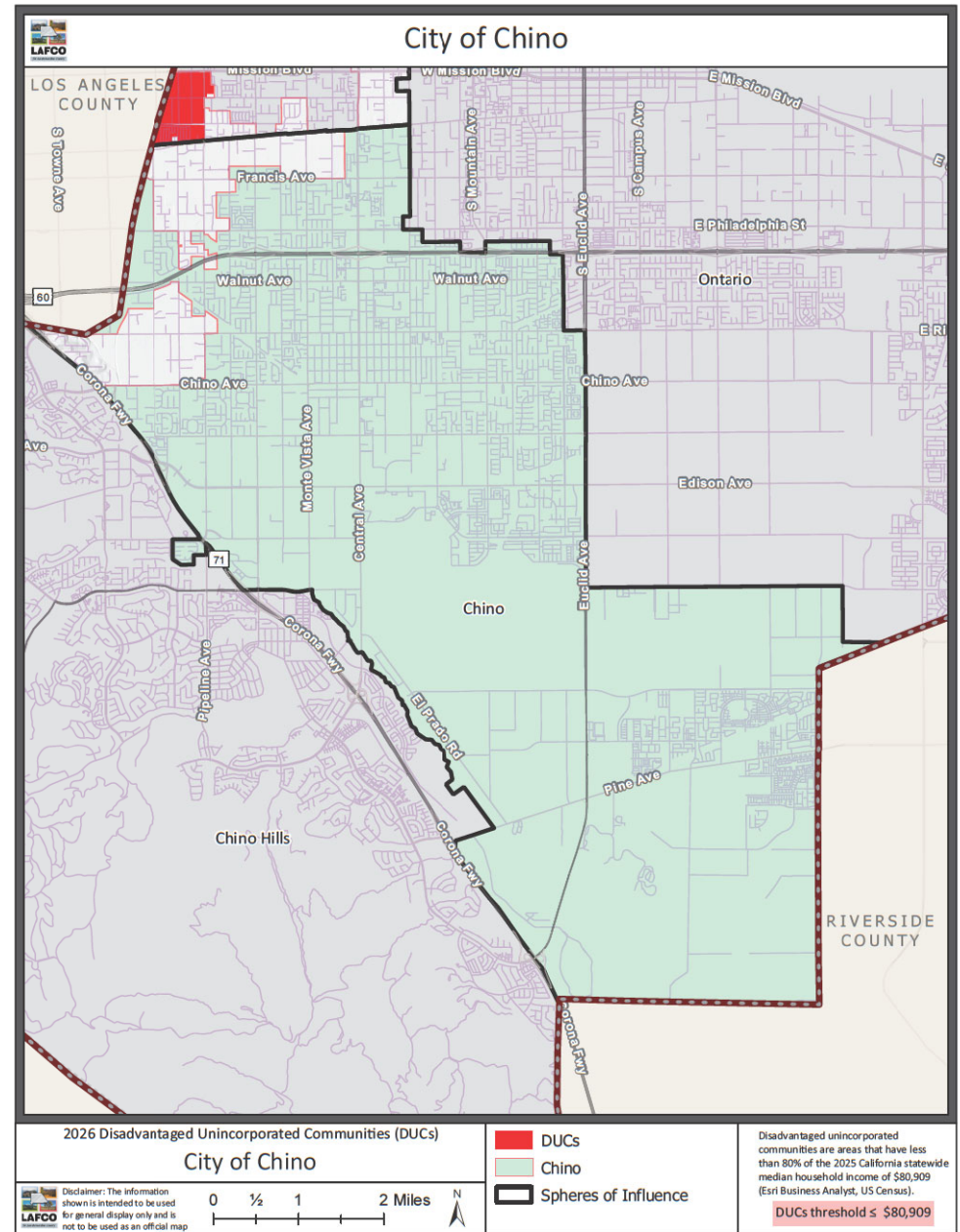
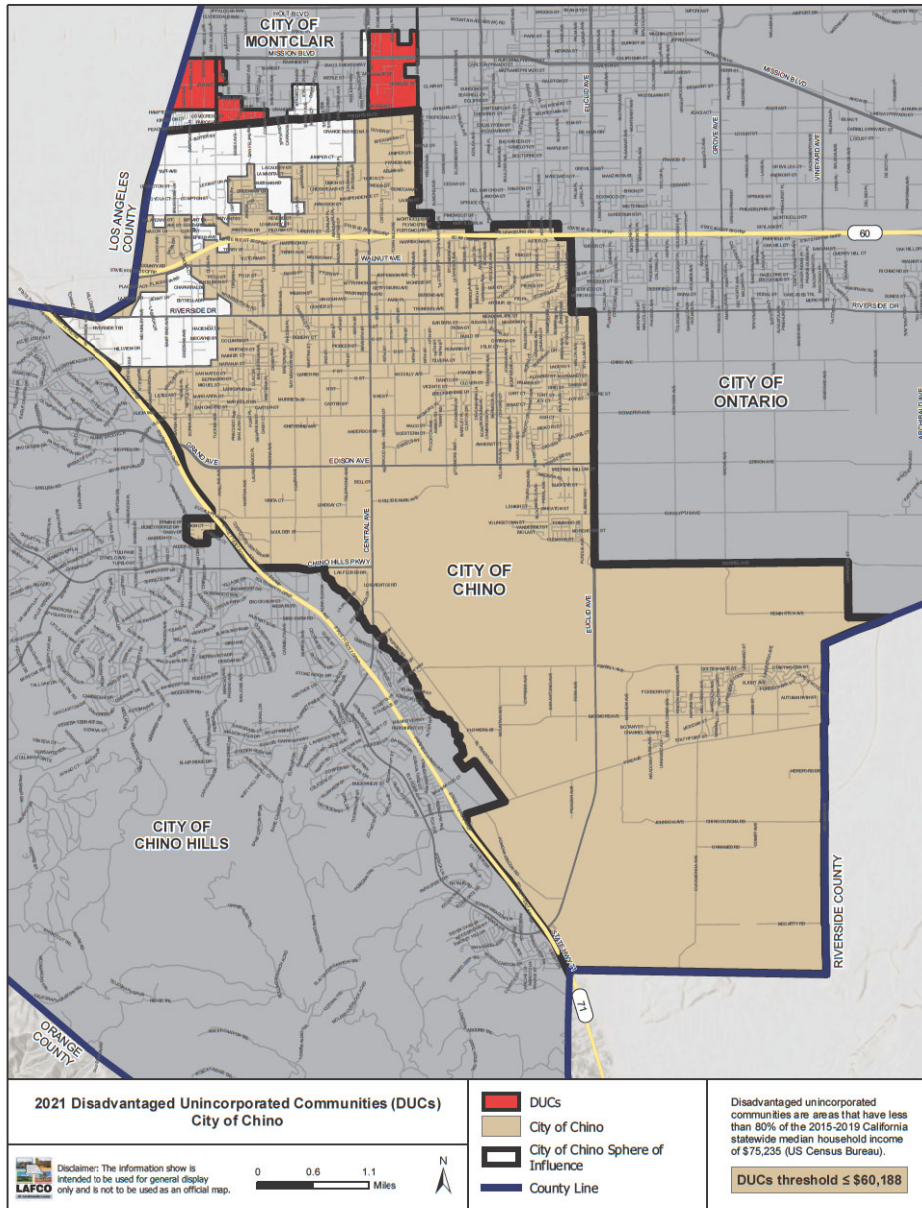
Side-by-side Comparison between the 2021 and 2026 Maps of Disadvantaged Unincorporated Communities Within and Contiguous to the Spheres of Influence for Each City/Town

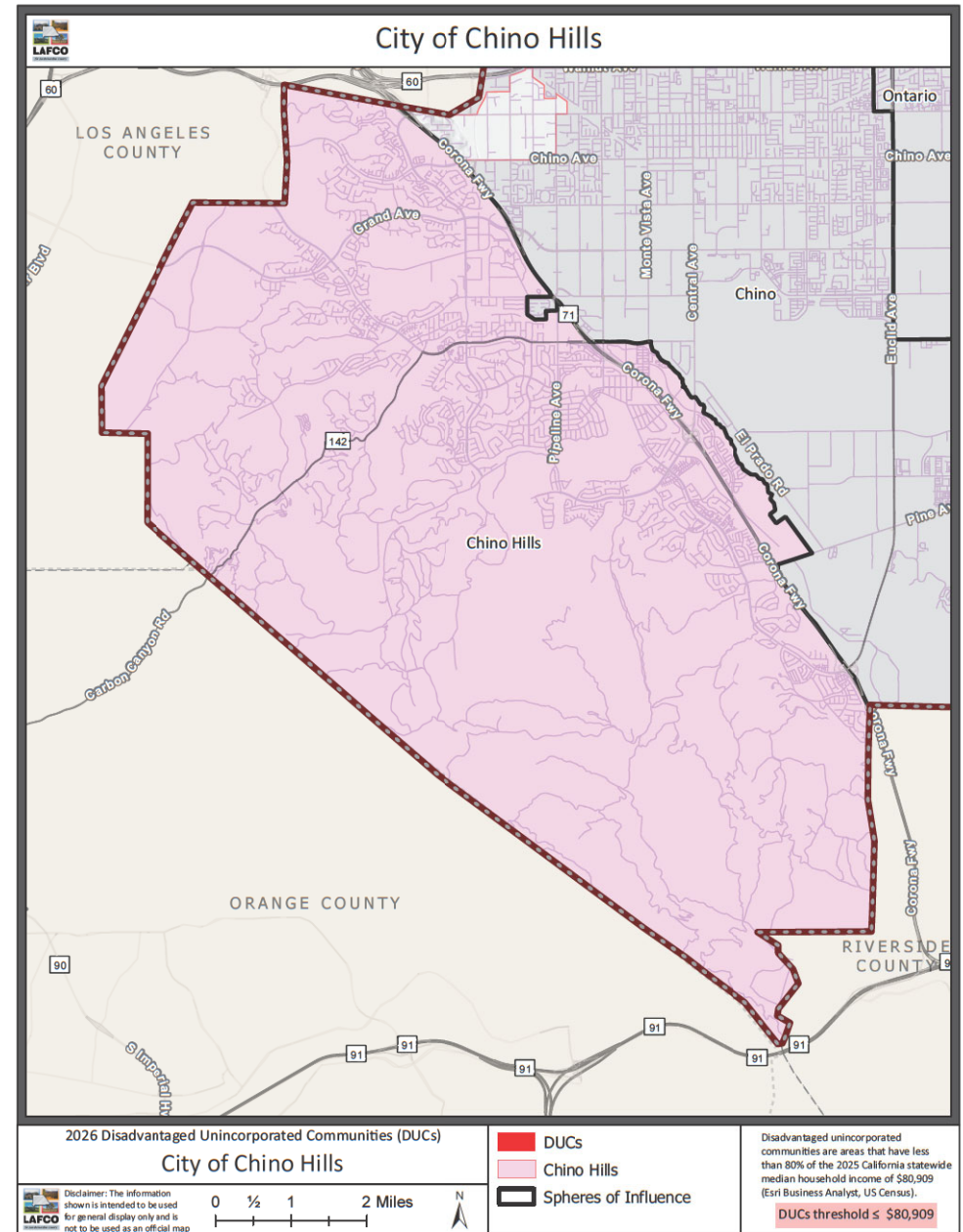
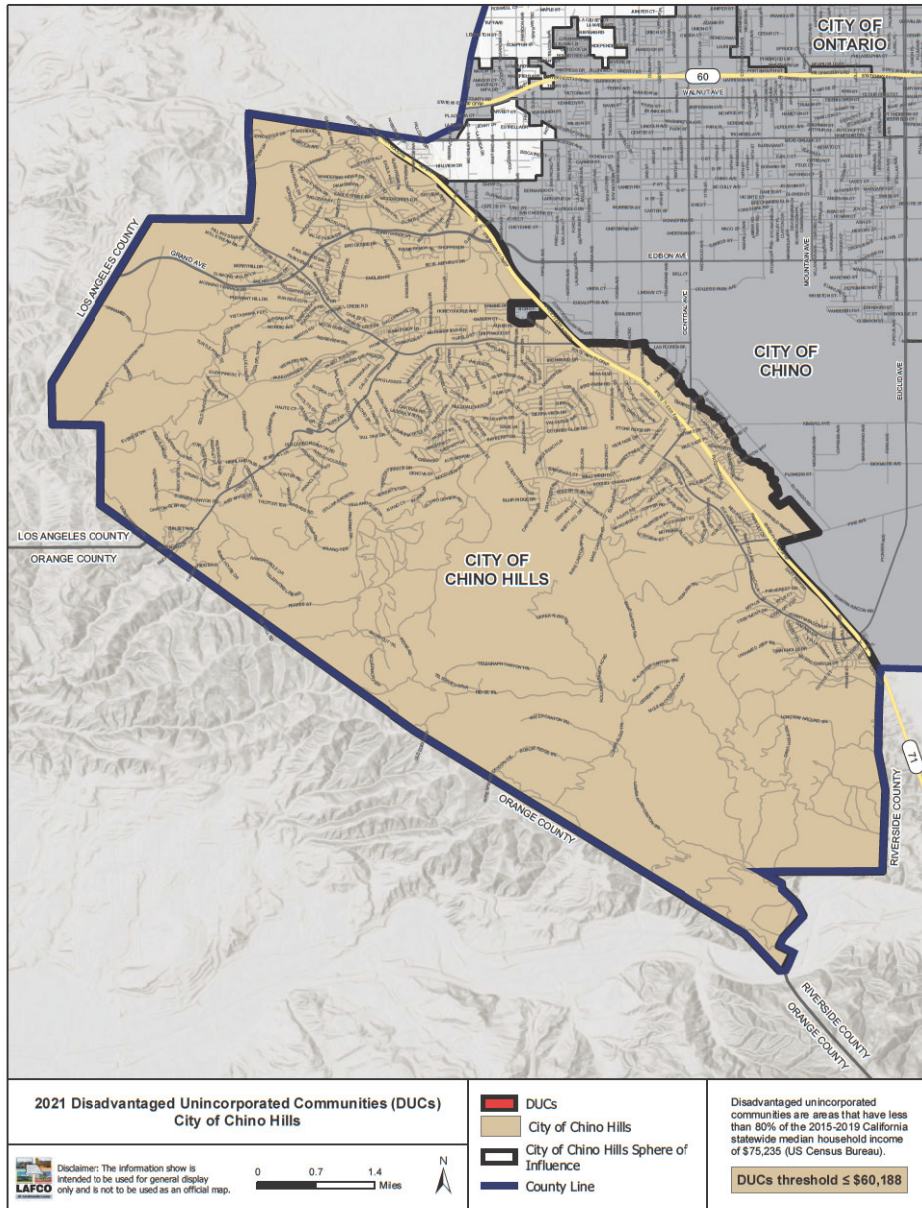


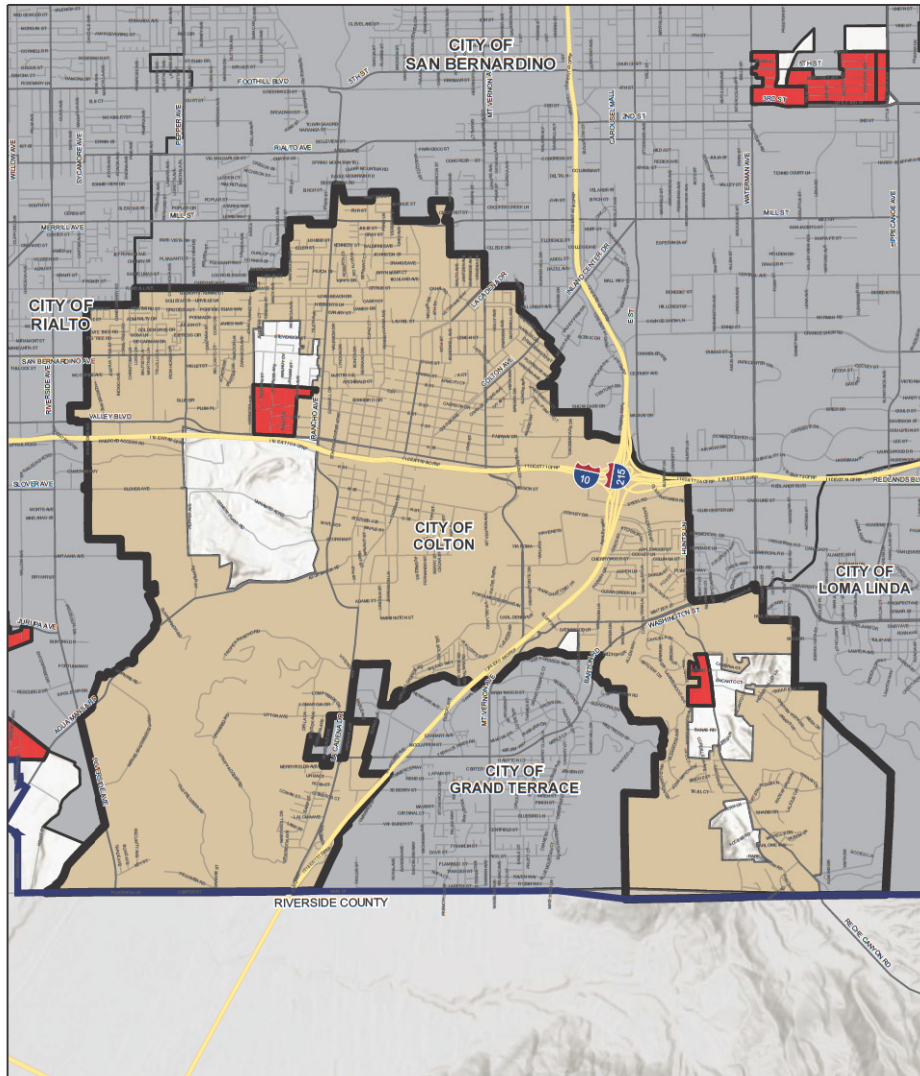












2021 Disadvantaged Unincorporated Communities (DUCs)
City of Colton



Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.

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Miles

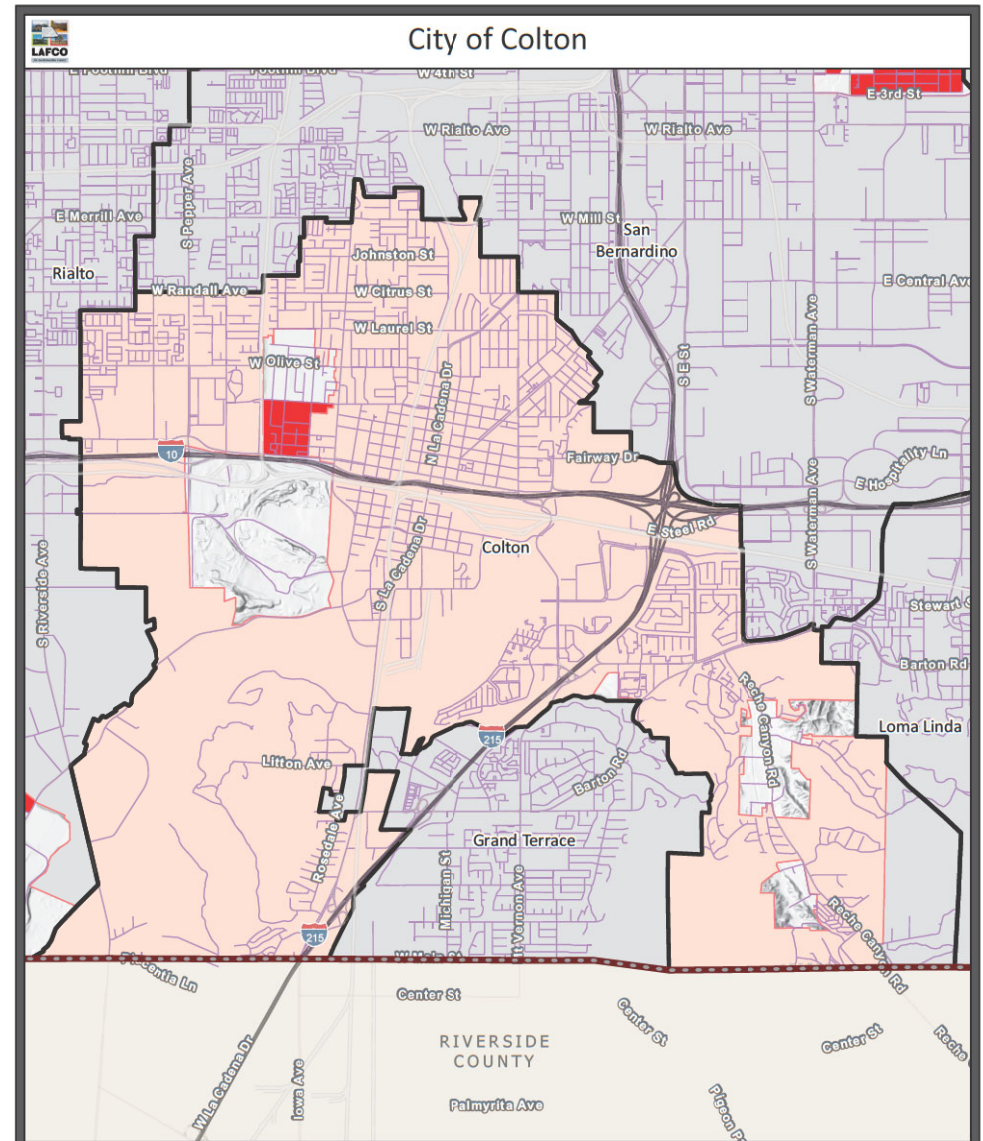


- DUCs
- City of Colton
- City of Colton Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Lawton Date Created: 02/07/2022



2026 Disadvantaged Unincorporated Communities (DUCs)
City of Colton



Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.

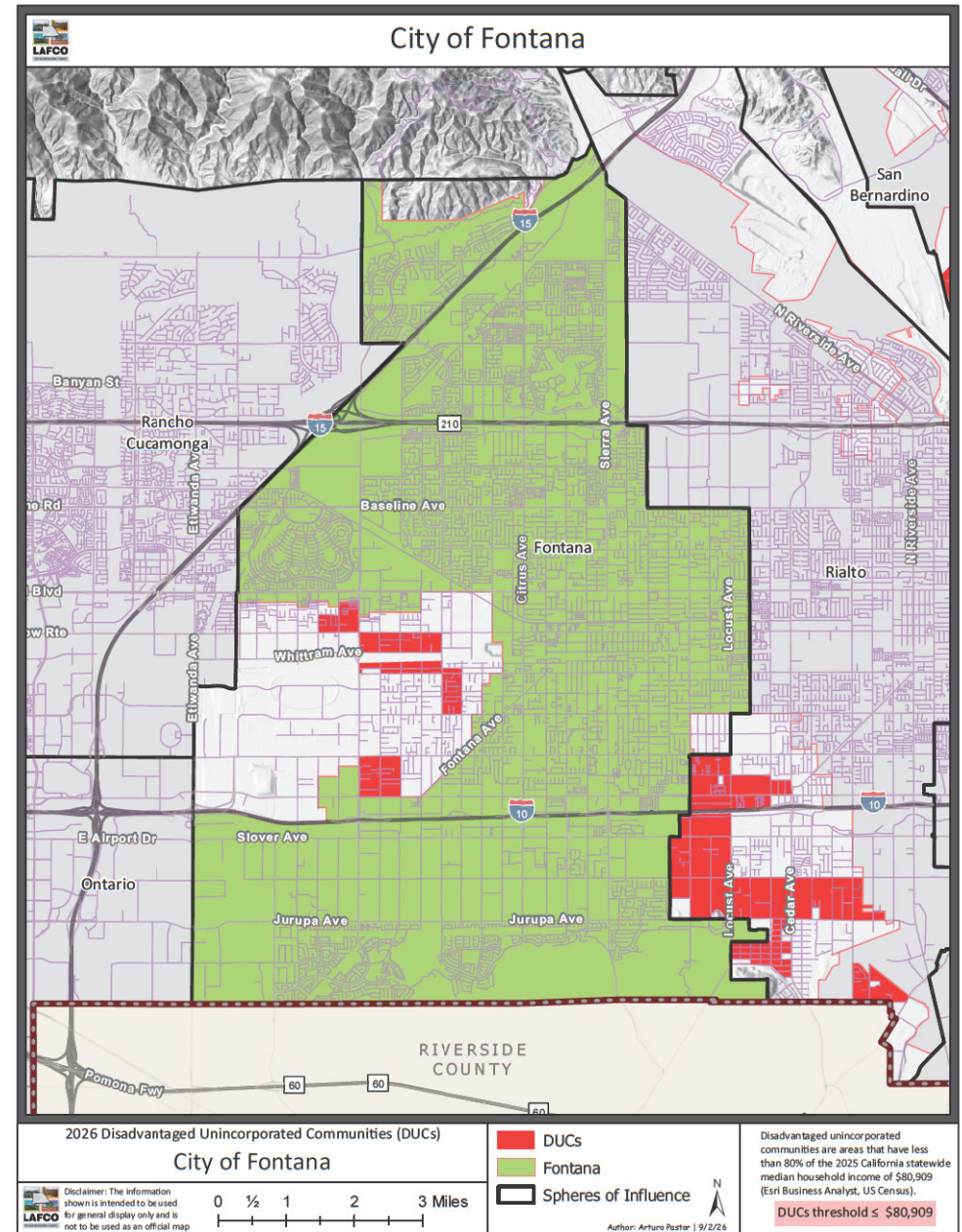
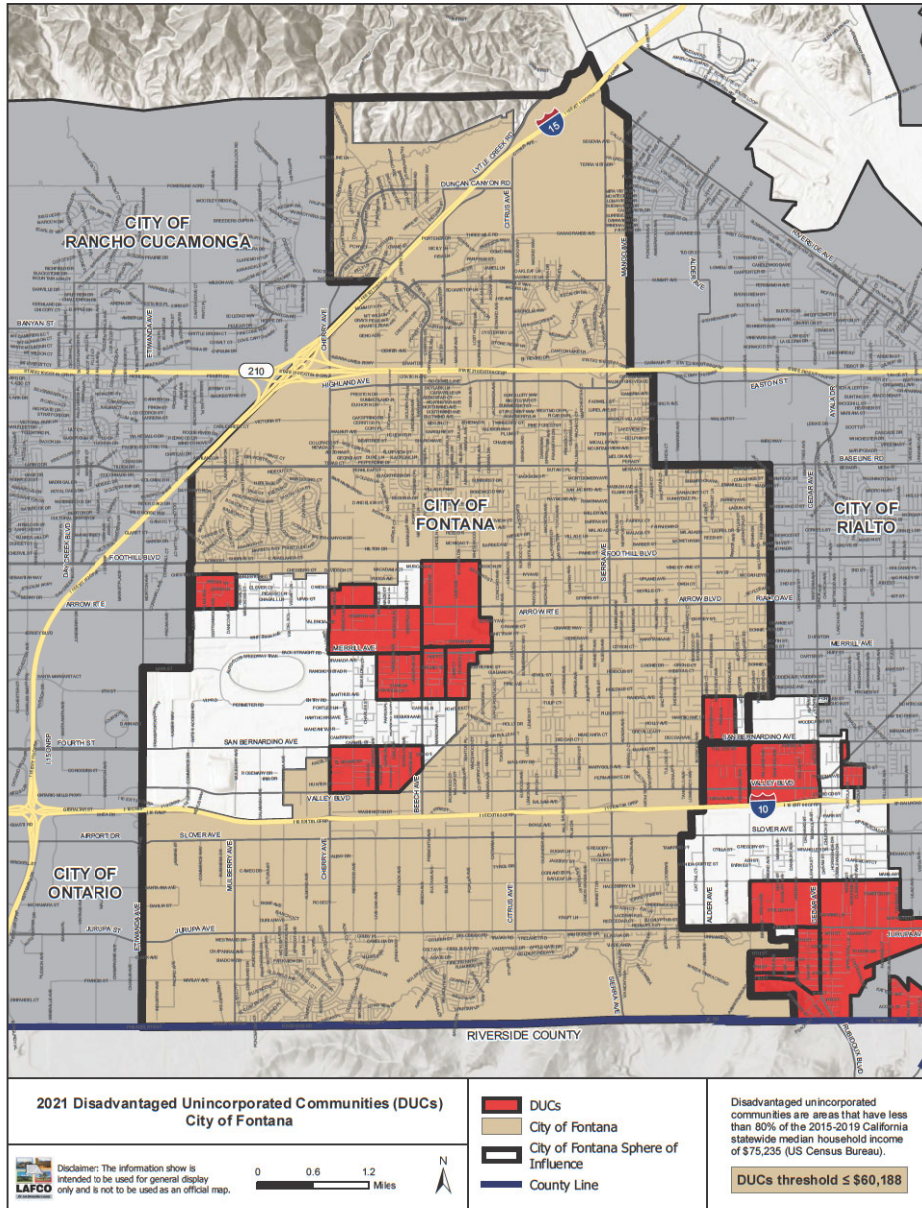
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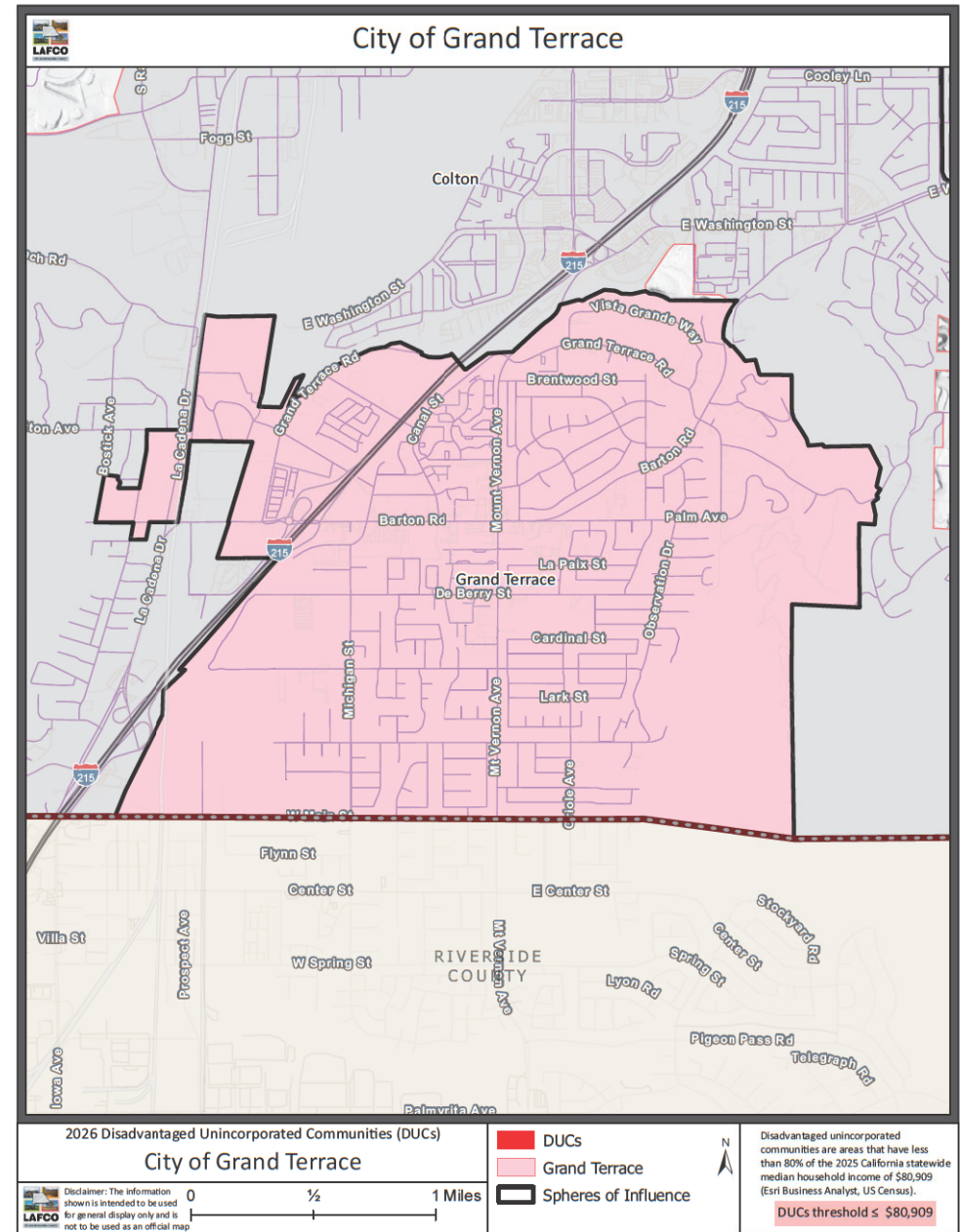
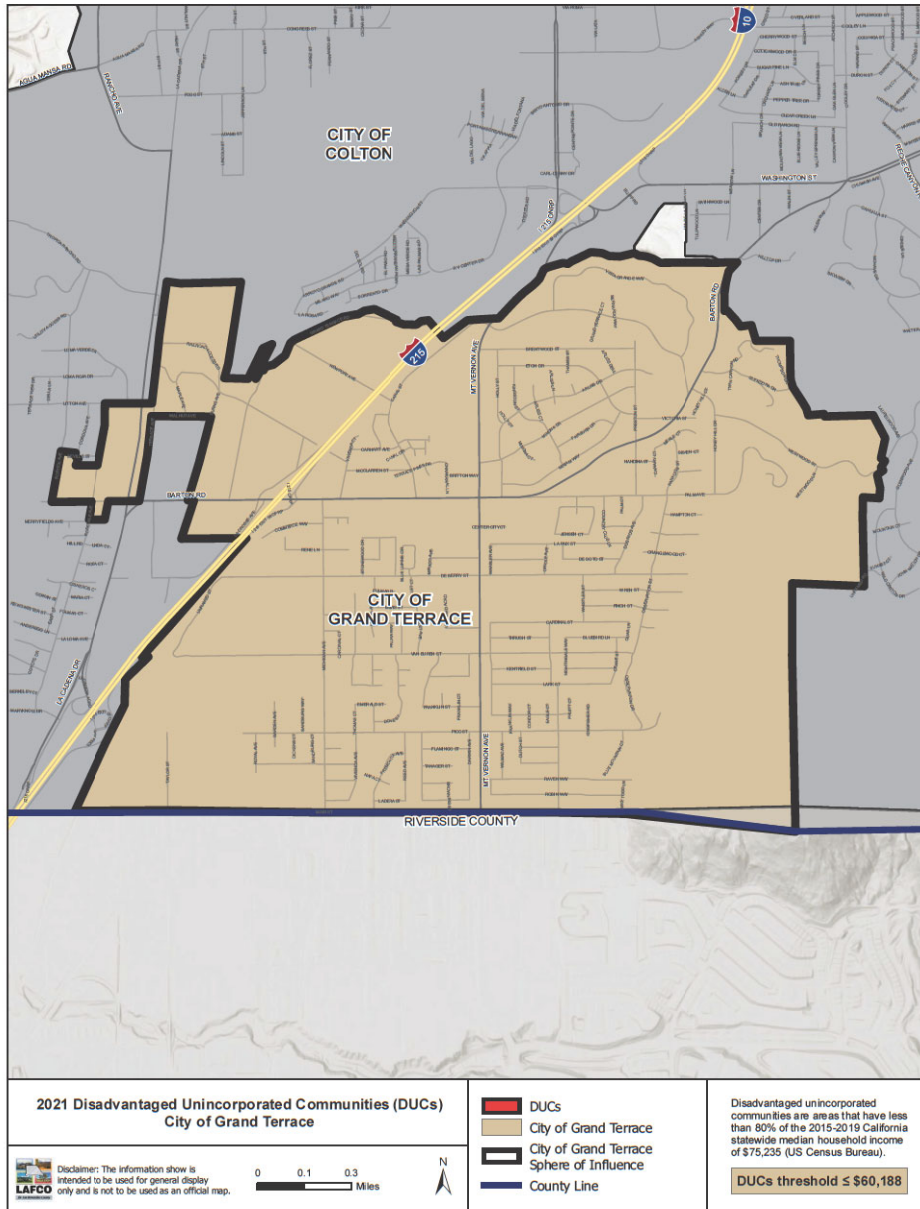


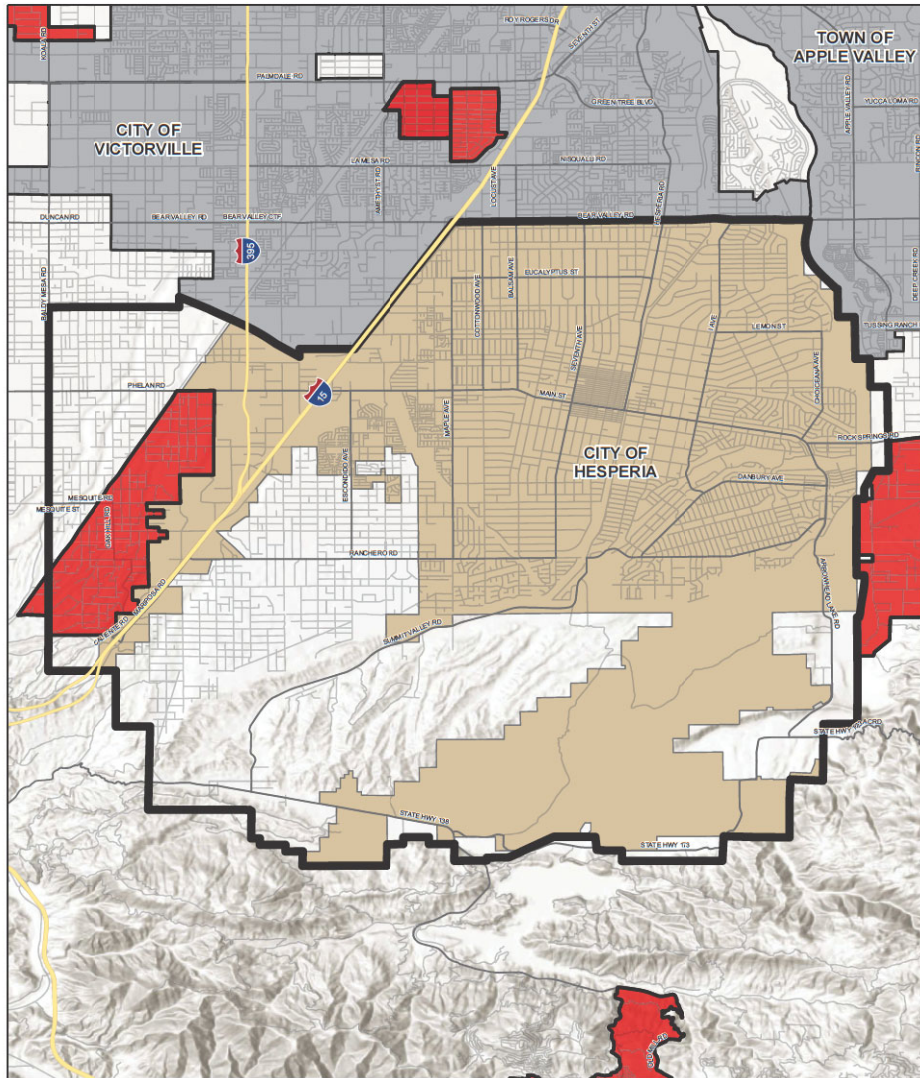
- DUCs
- Colton
- Spheres of Influence

Disadvantaged unincorporated communities are areas that have less than 80% of the 2025 California statewide median household income of \$80,909 (Esri Business Analyst, US Census).

DUCs threshold ≤ \$80,909







2021 Disadvantaged Unincorporated Communities (DUCs) City of Hesperia



Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.

0 1.1 2.1 Miles

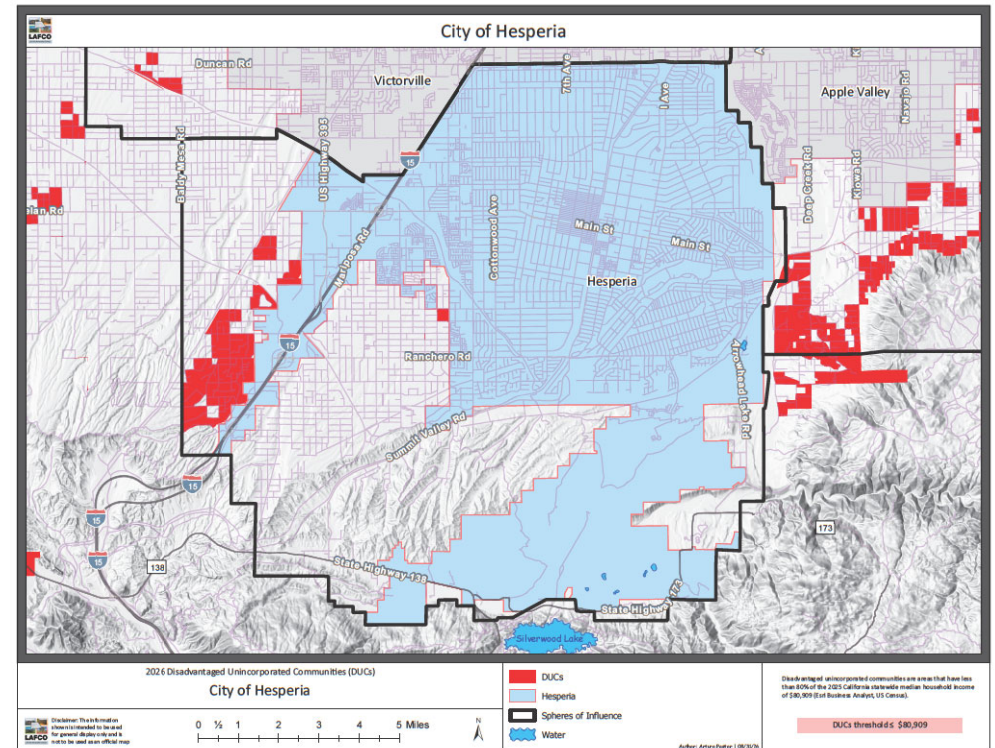


- DUCs
- City of Hesperia
- City of Hesperia Sphere of Influence

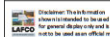
Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Lamm Date Created: 02/07/2022



2026 Disadvantaged Unincorporated Communities (DUCs) City of Hesperia



Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.

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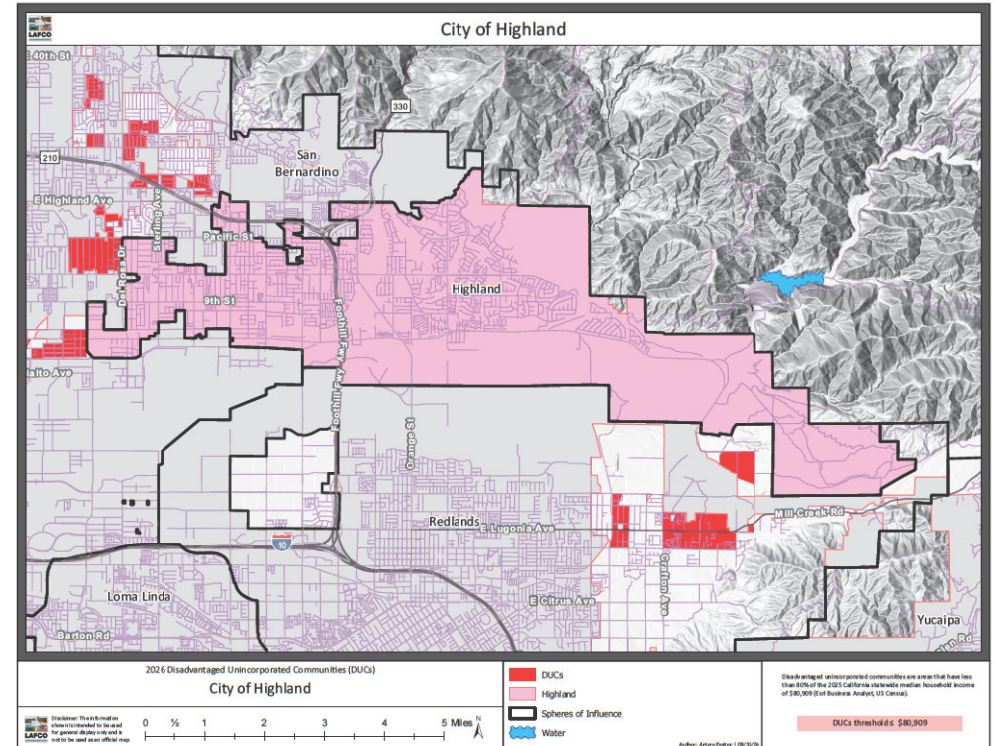
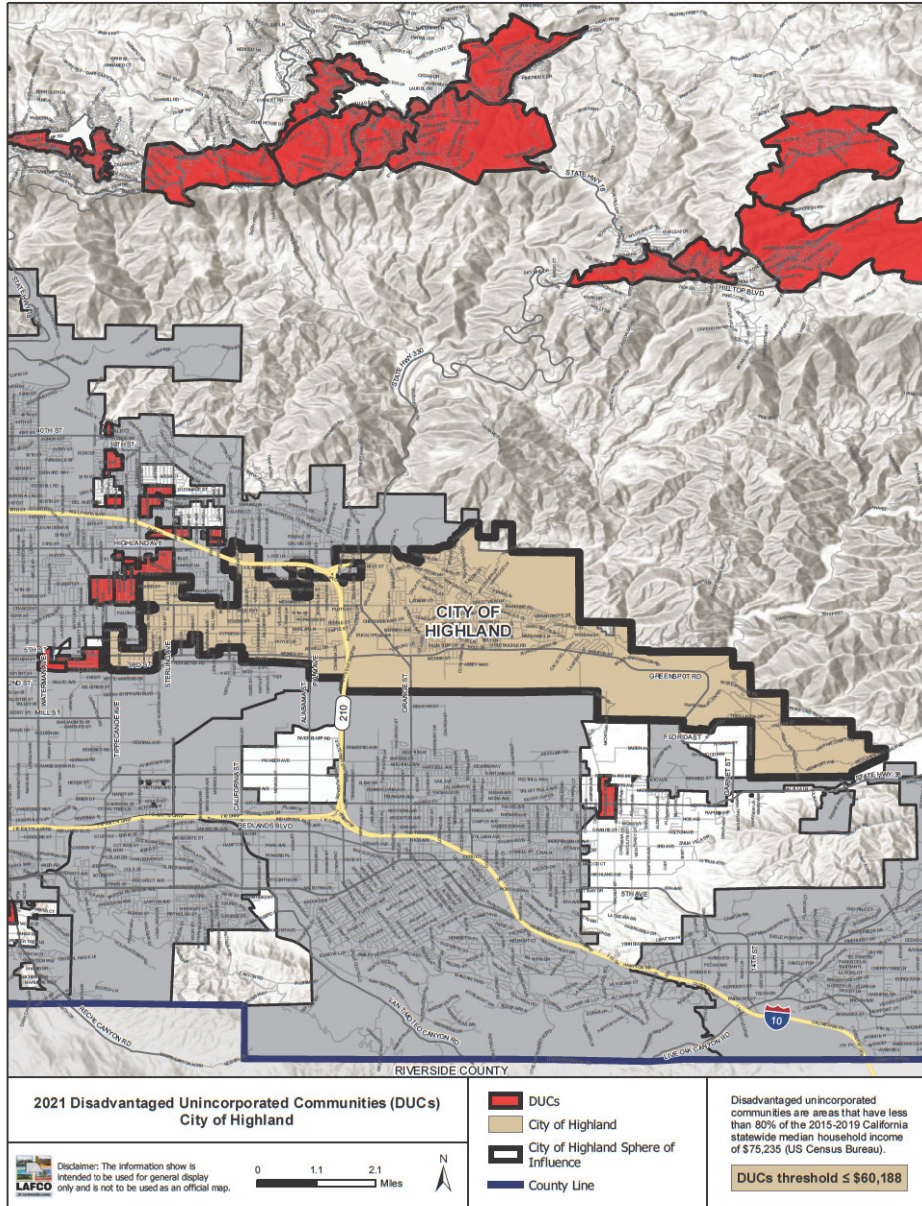


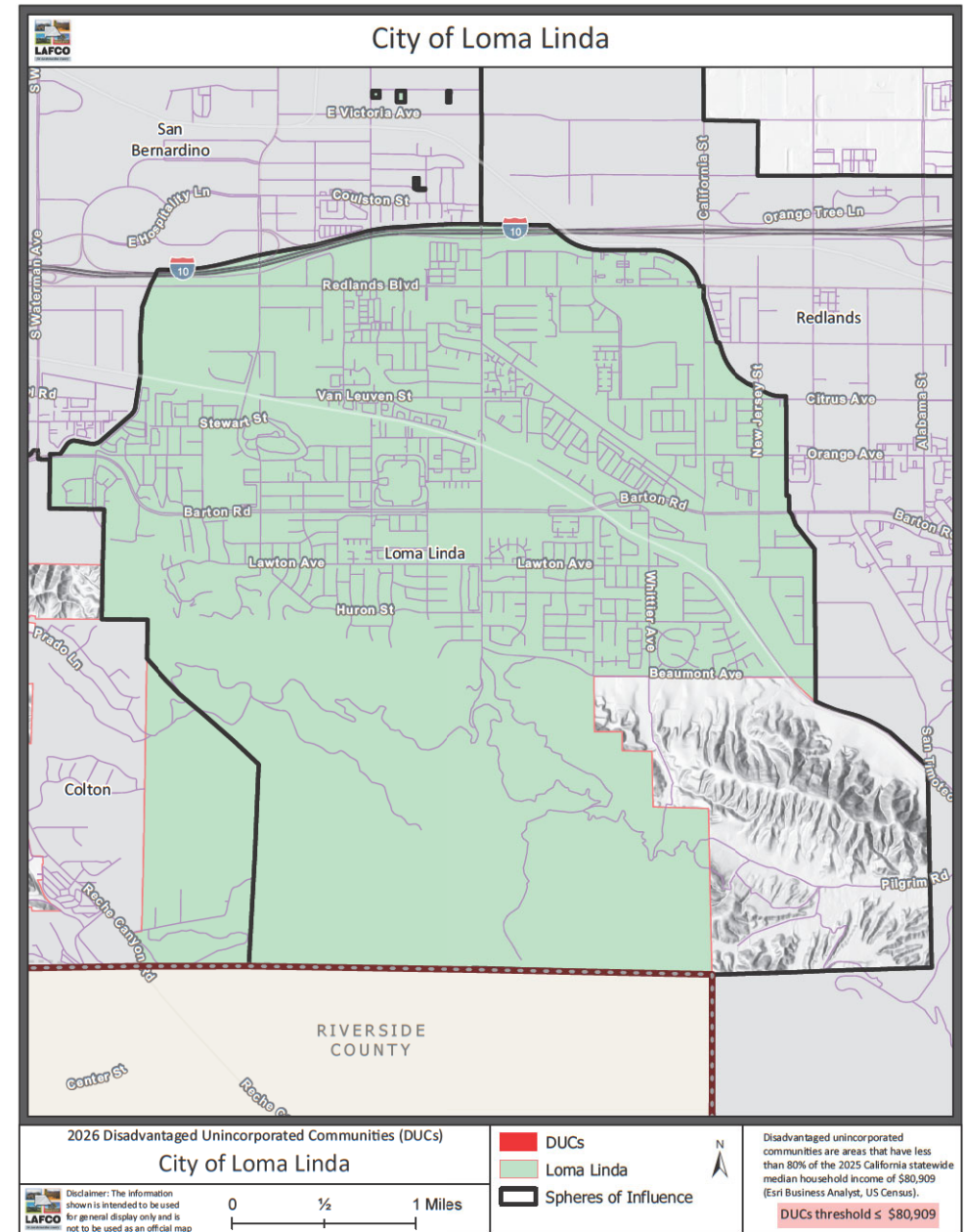
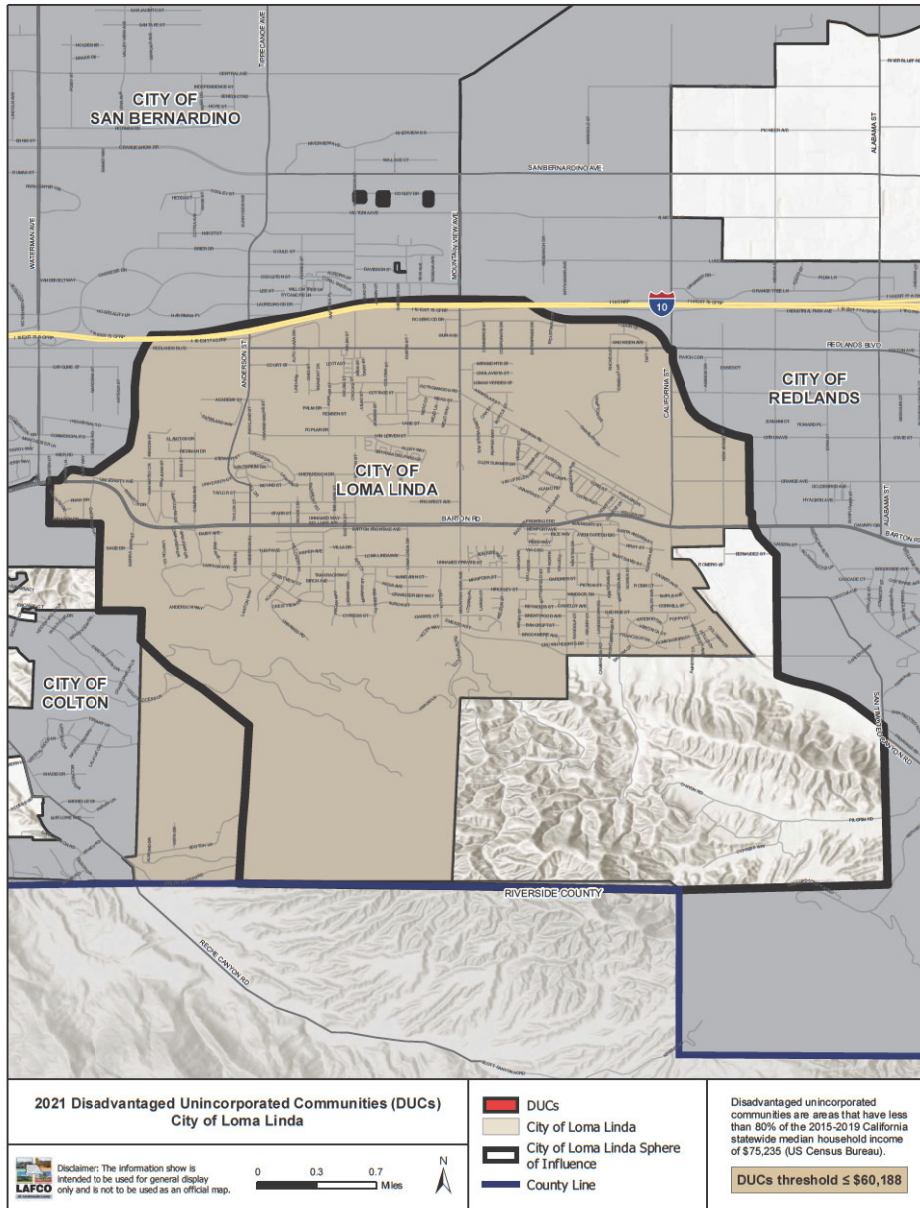
- DUCs
- Hesperia
- Spheres of Influence
- Water

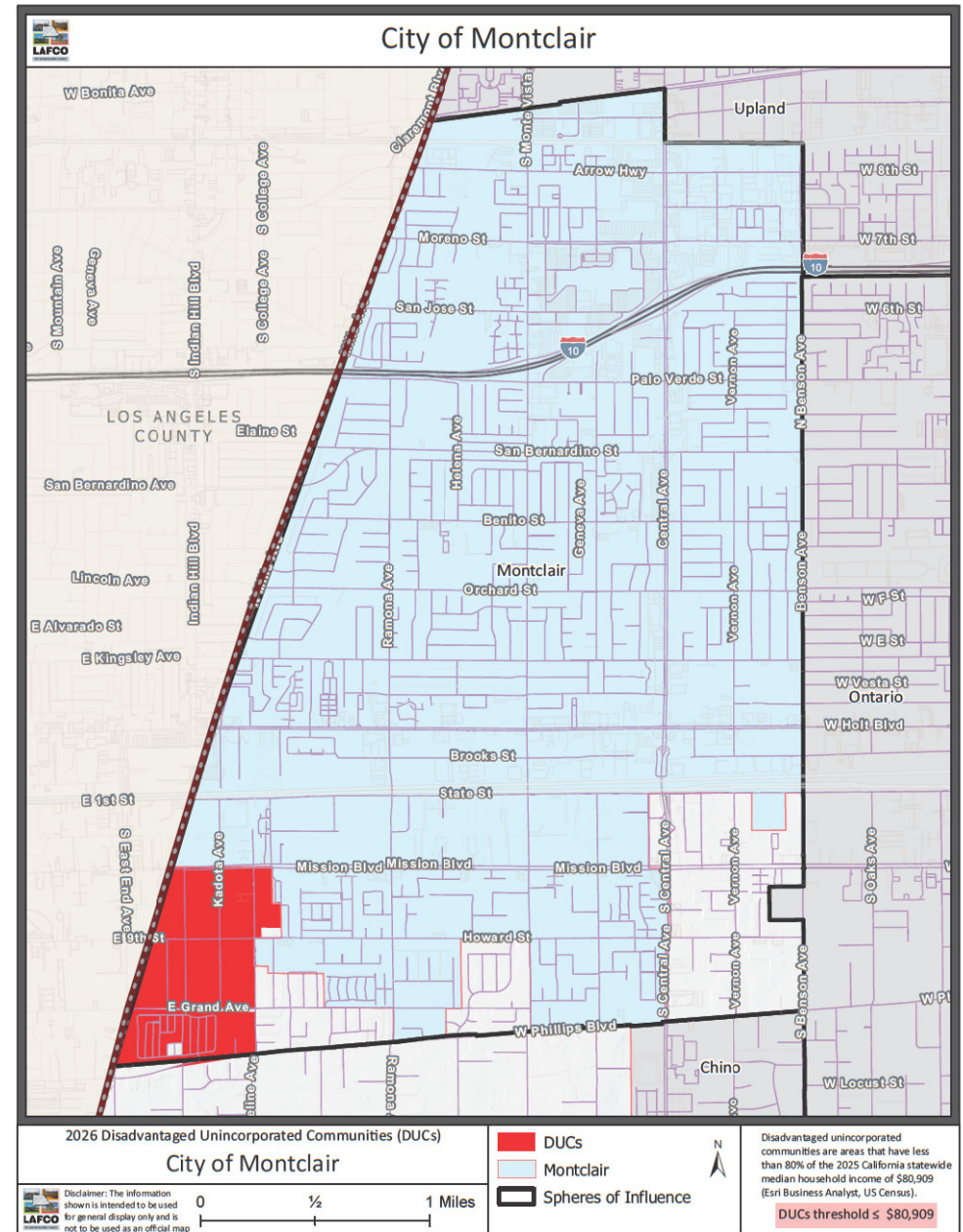
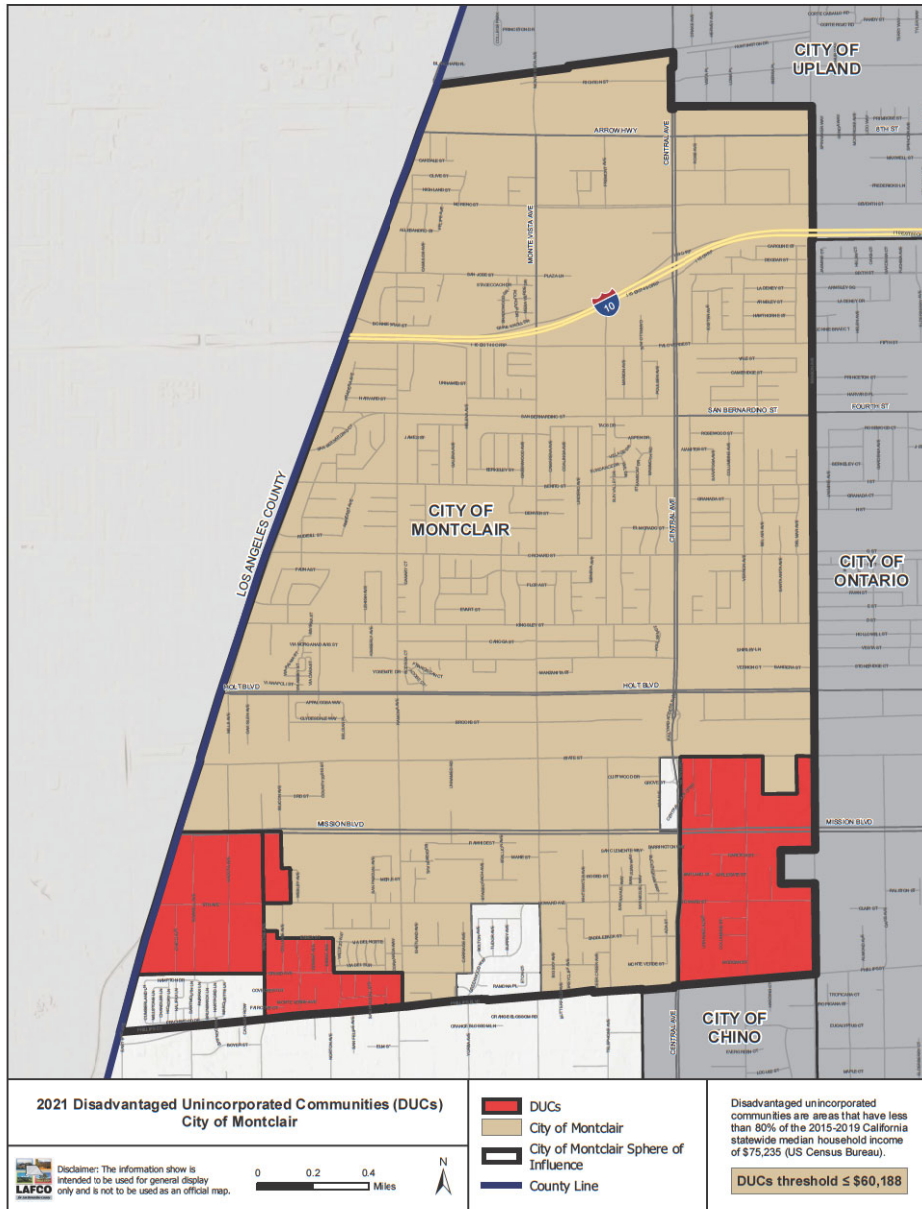
Disadvantaged unincorporated communities are areas that have less than 80% of the 2015 California statewide median household income of \$80,909 (US Census Bureau).

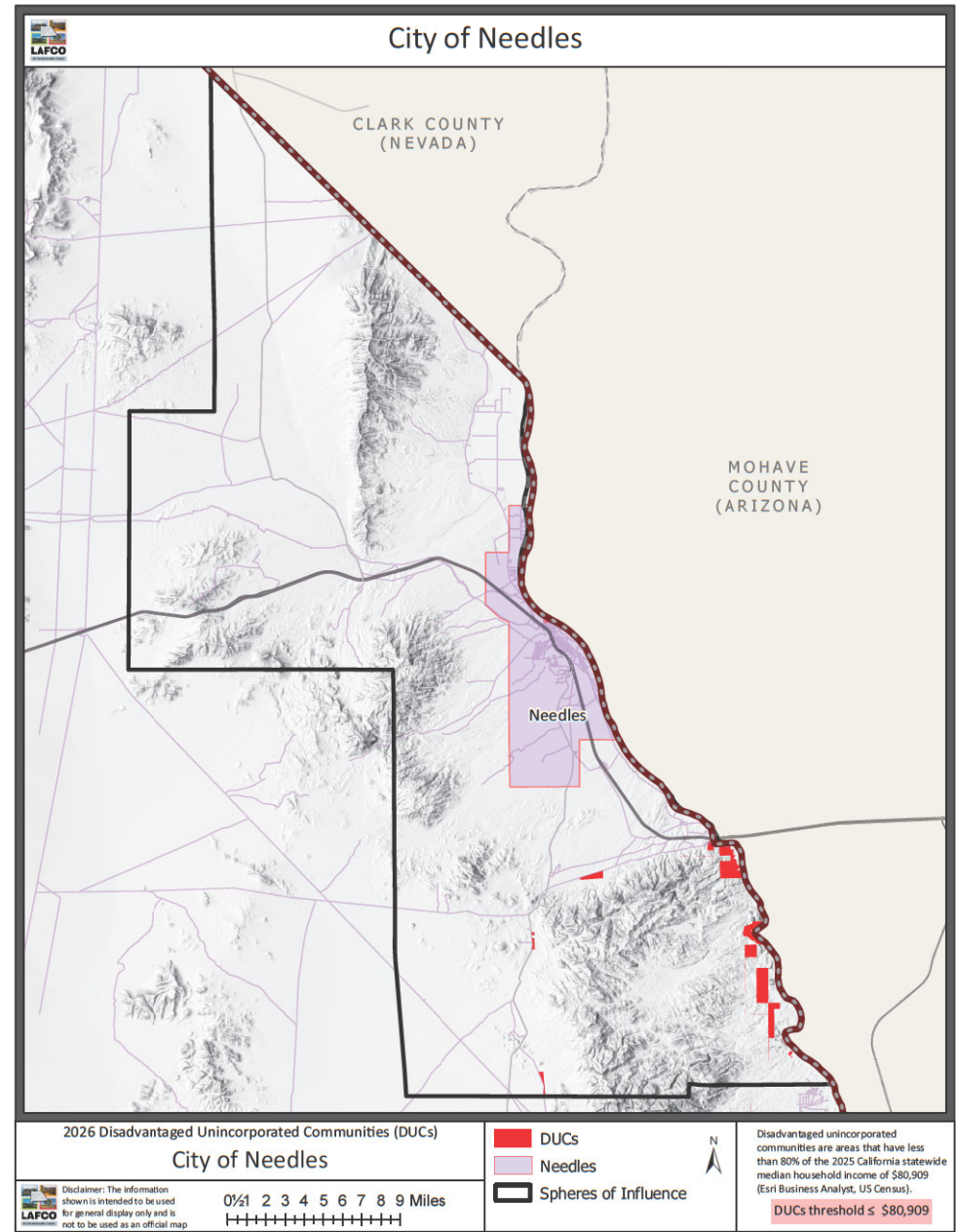
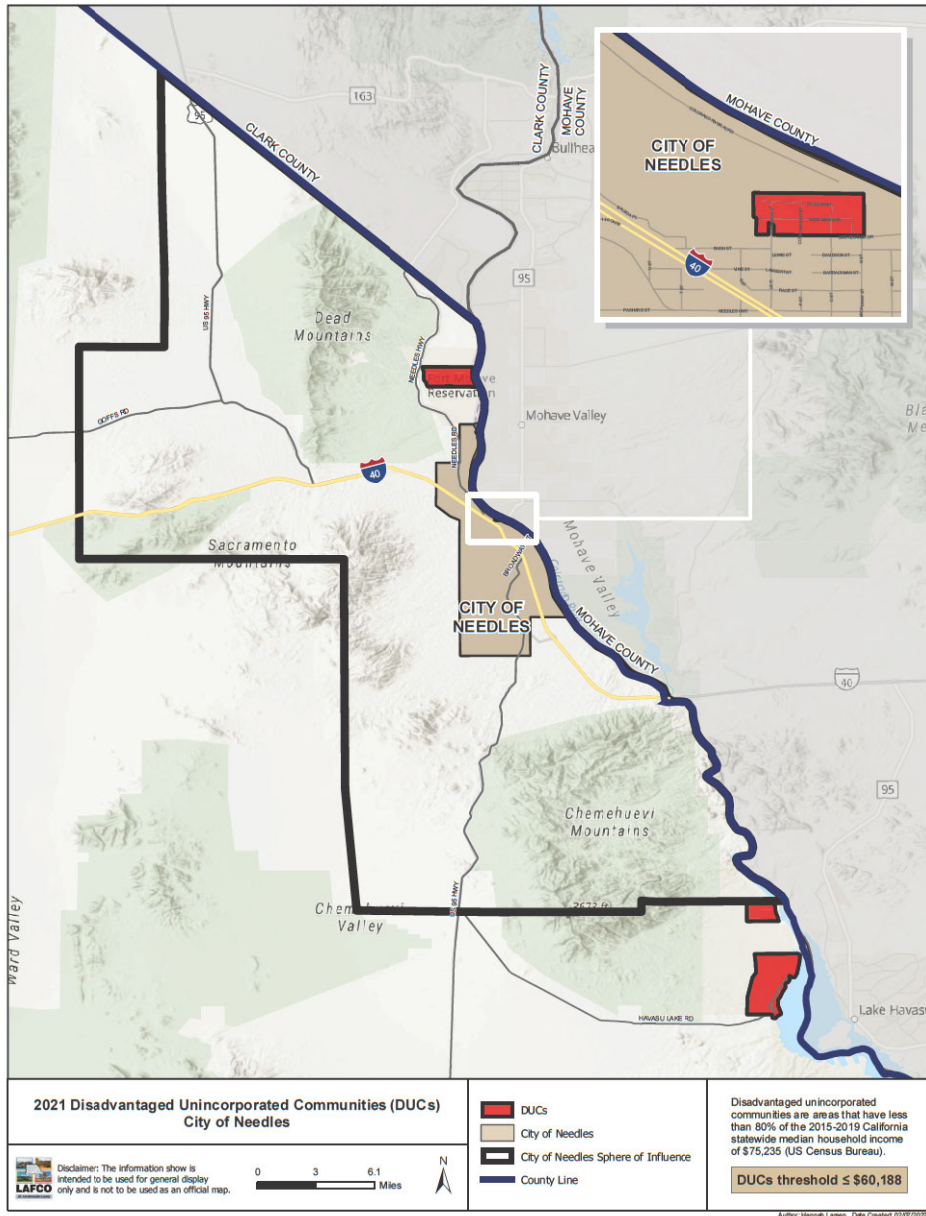
DUCs threshold ≤ \$80,909

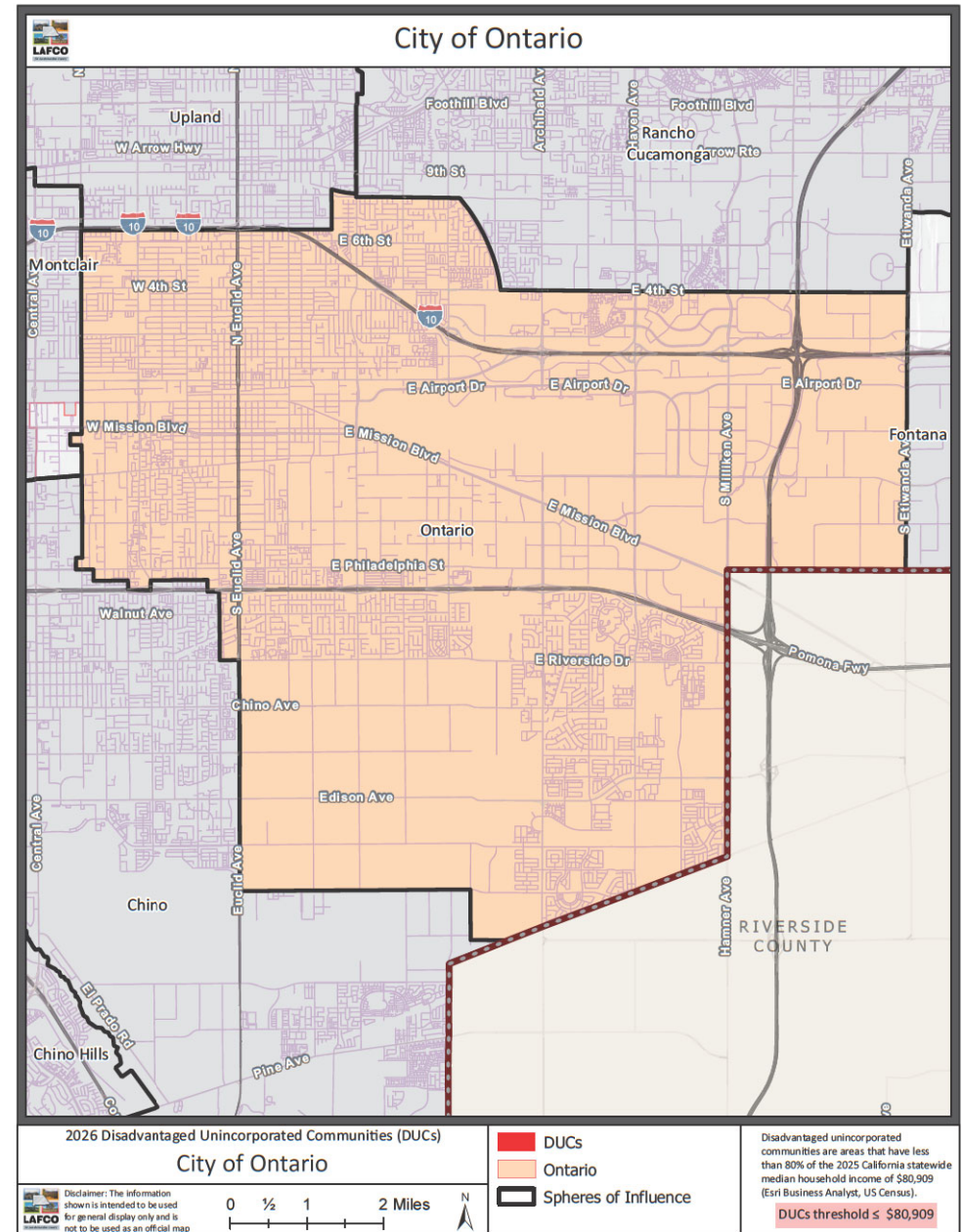
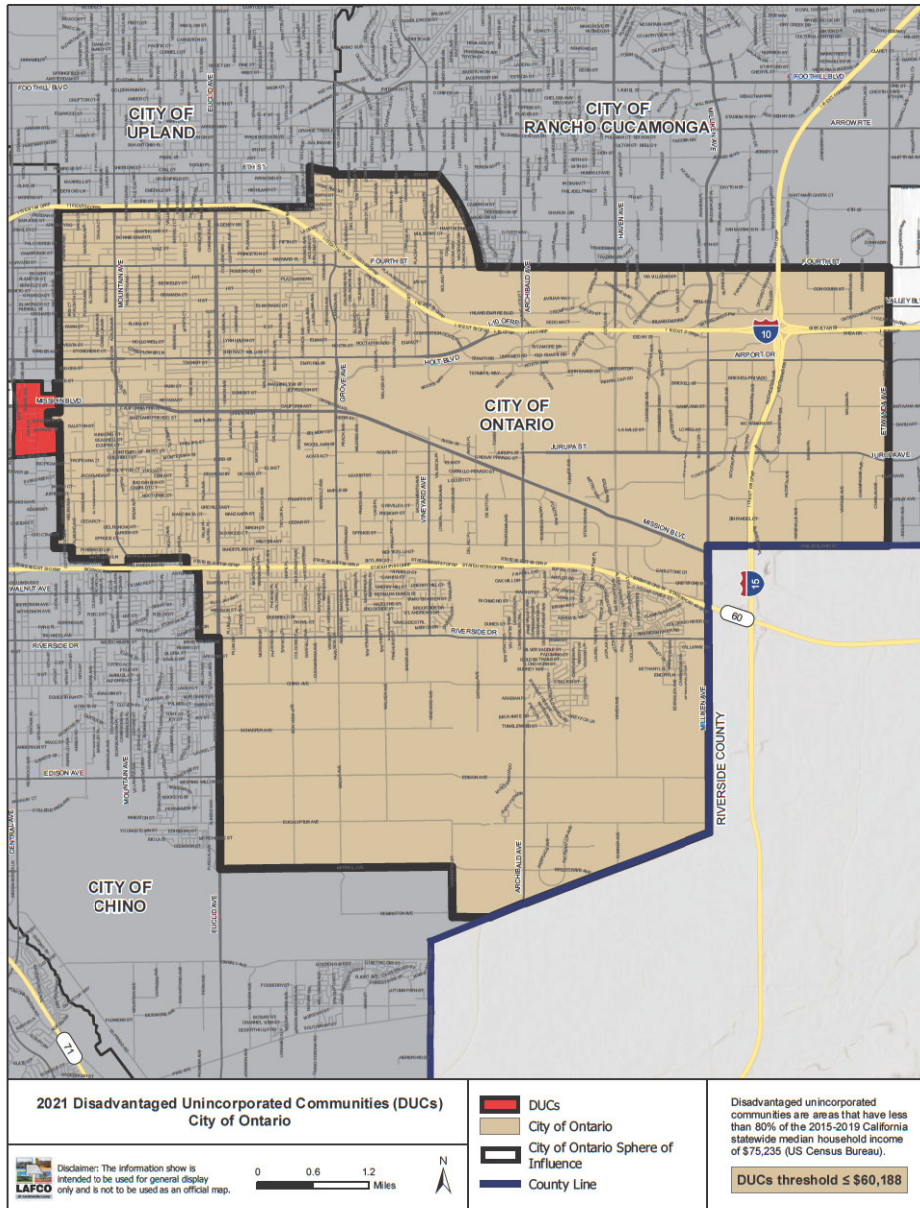
Author: Anna Parker 1/18/2023

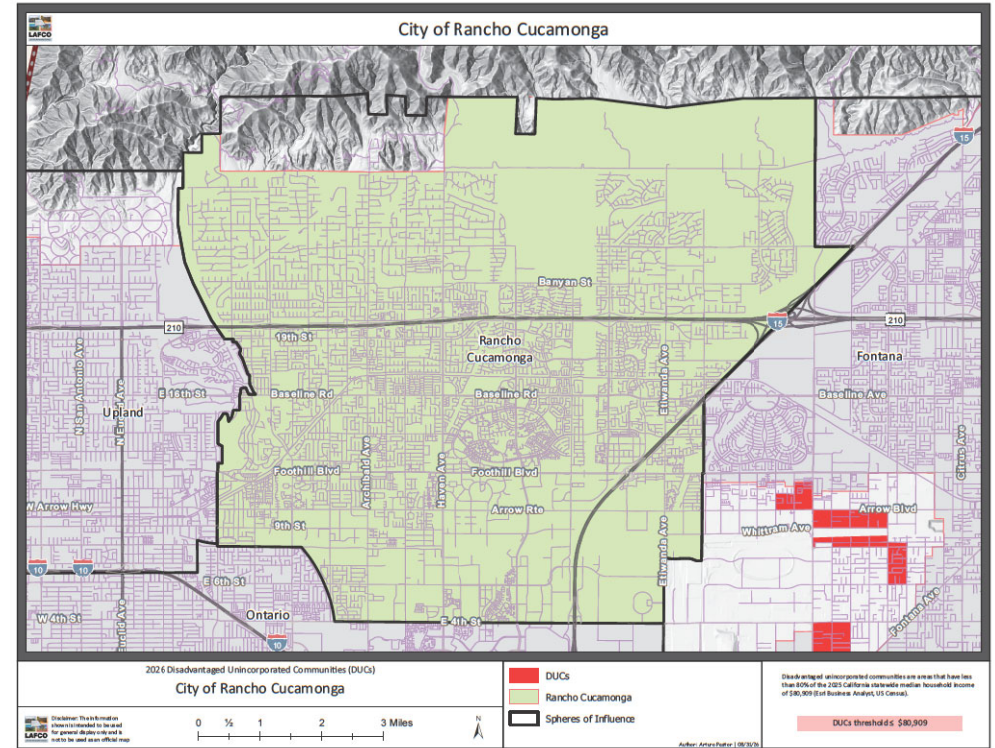
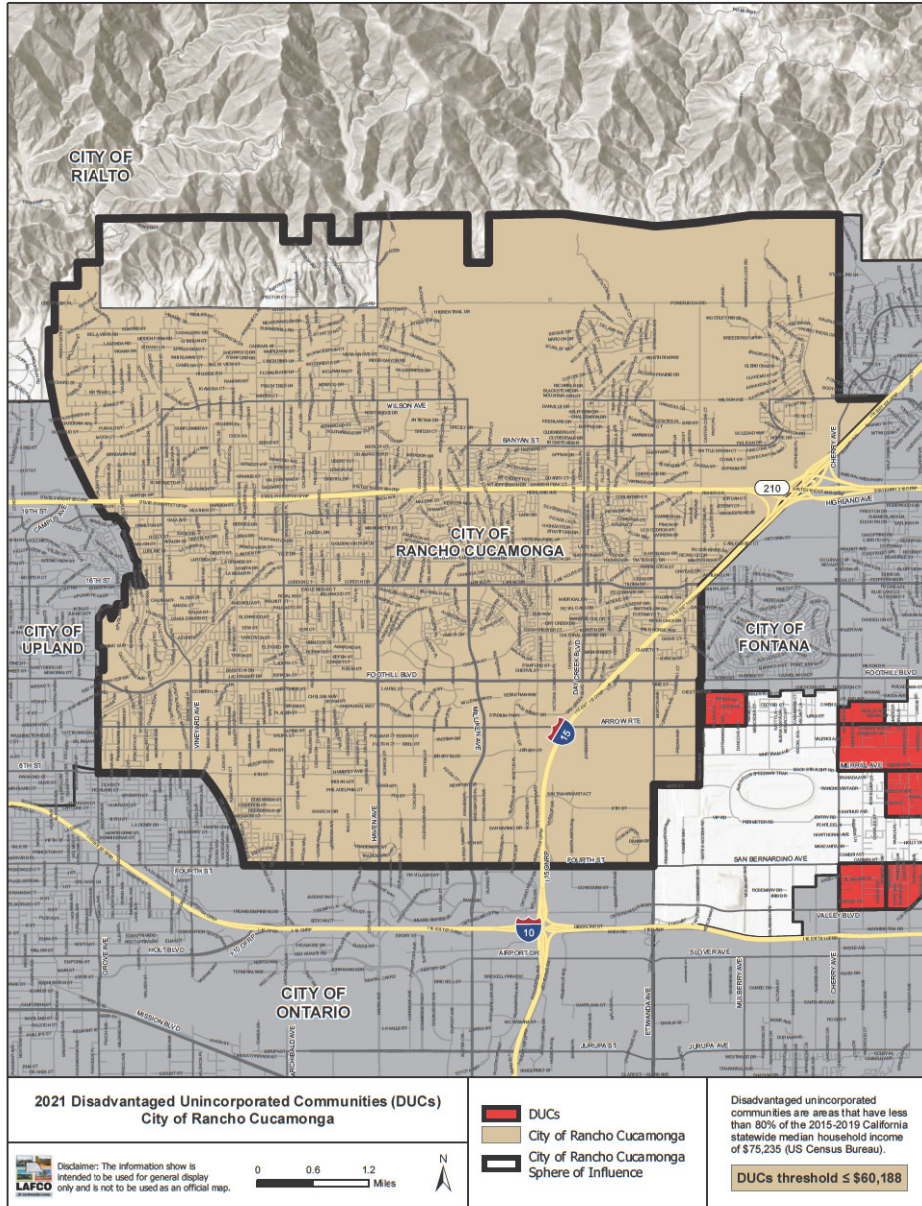


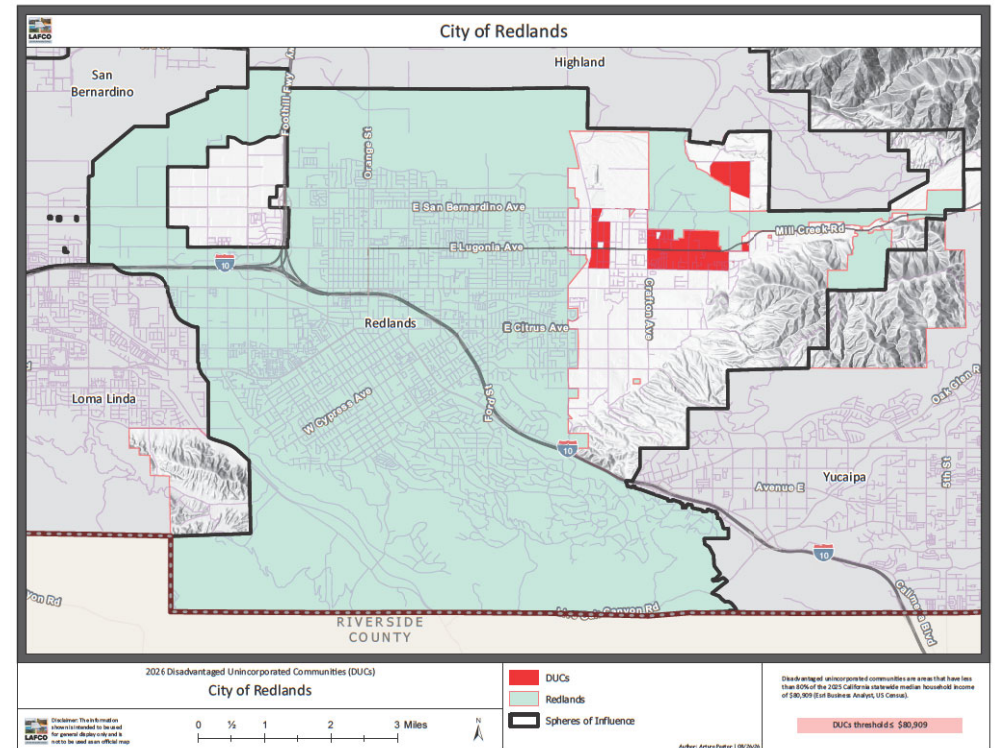
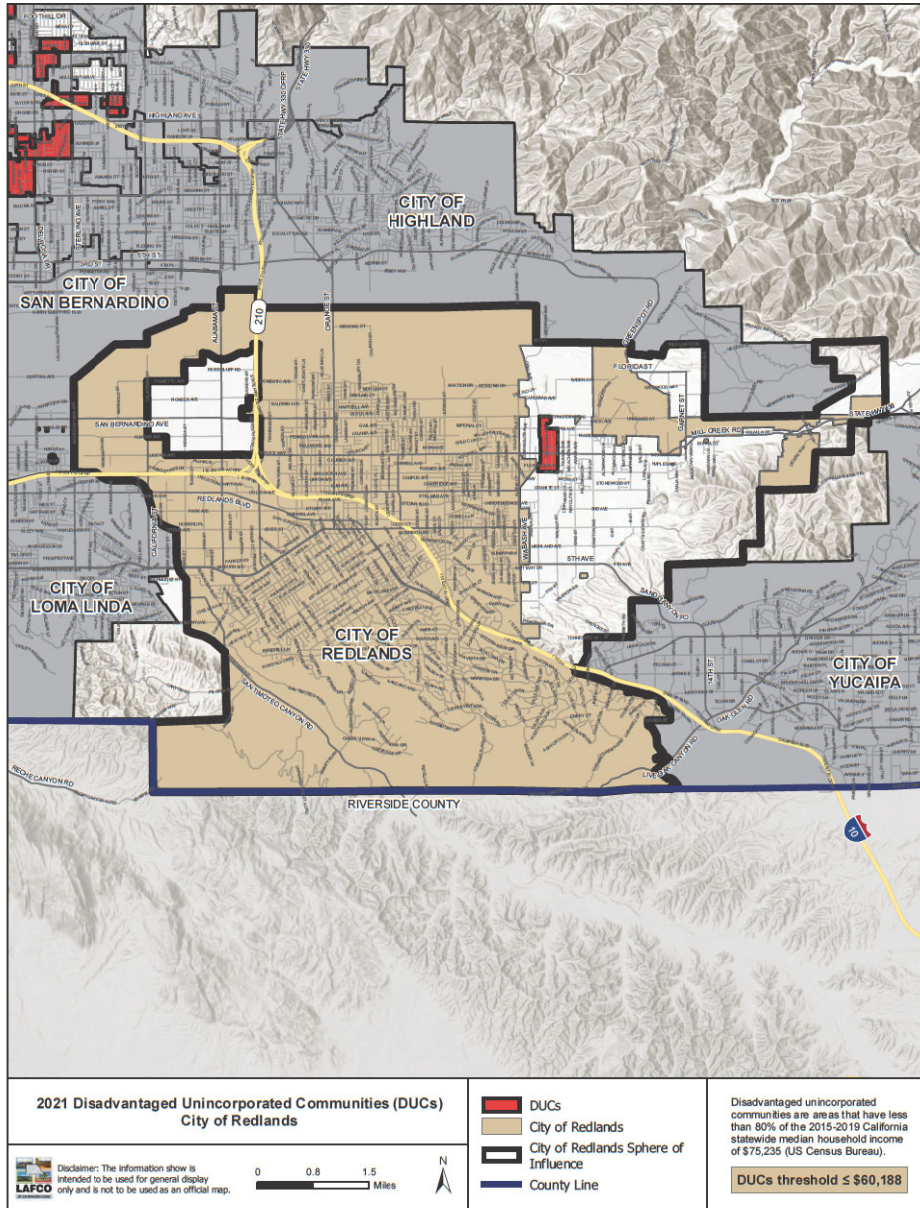


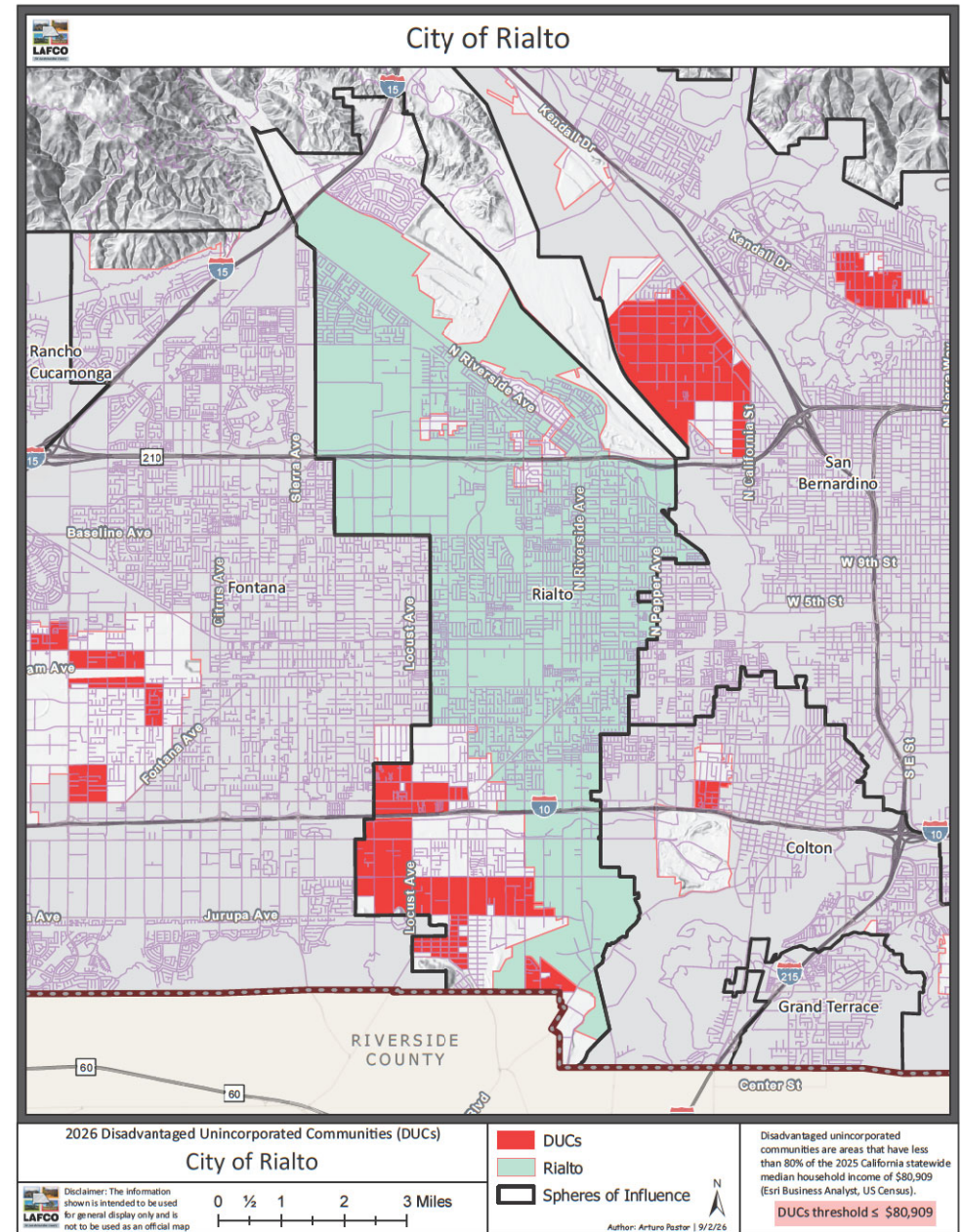
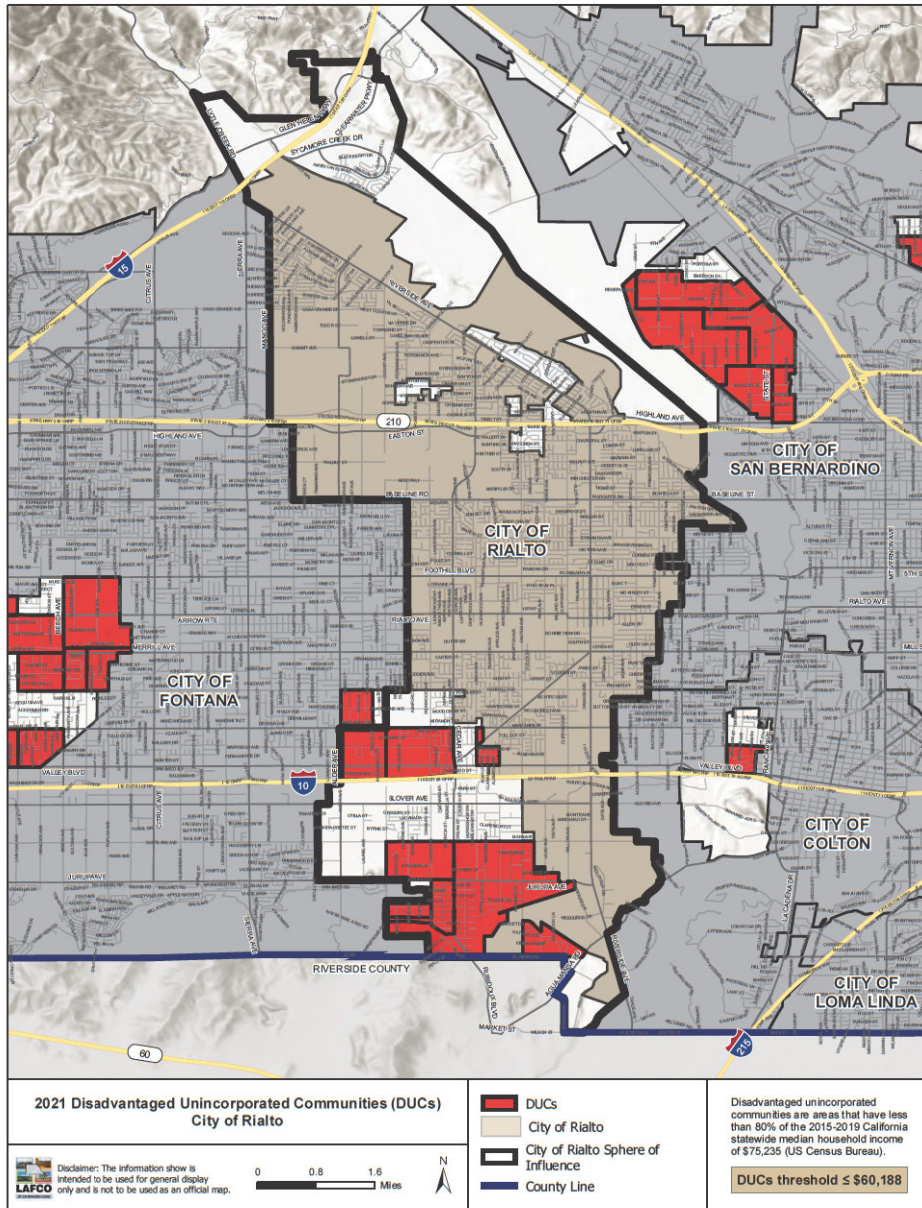


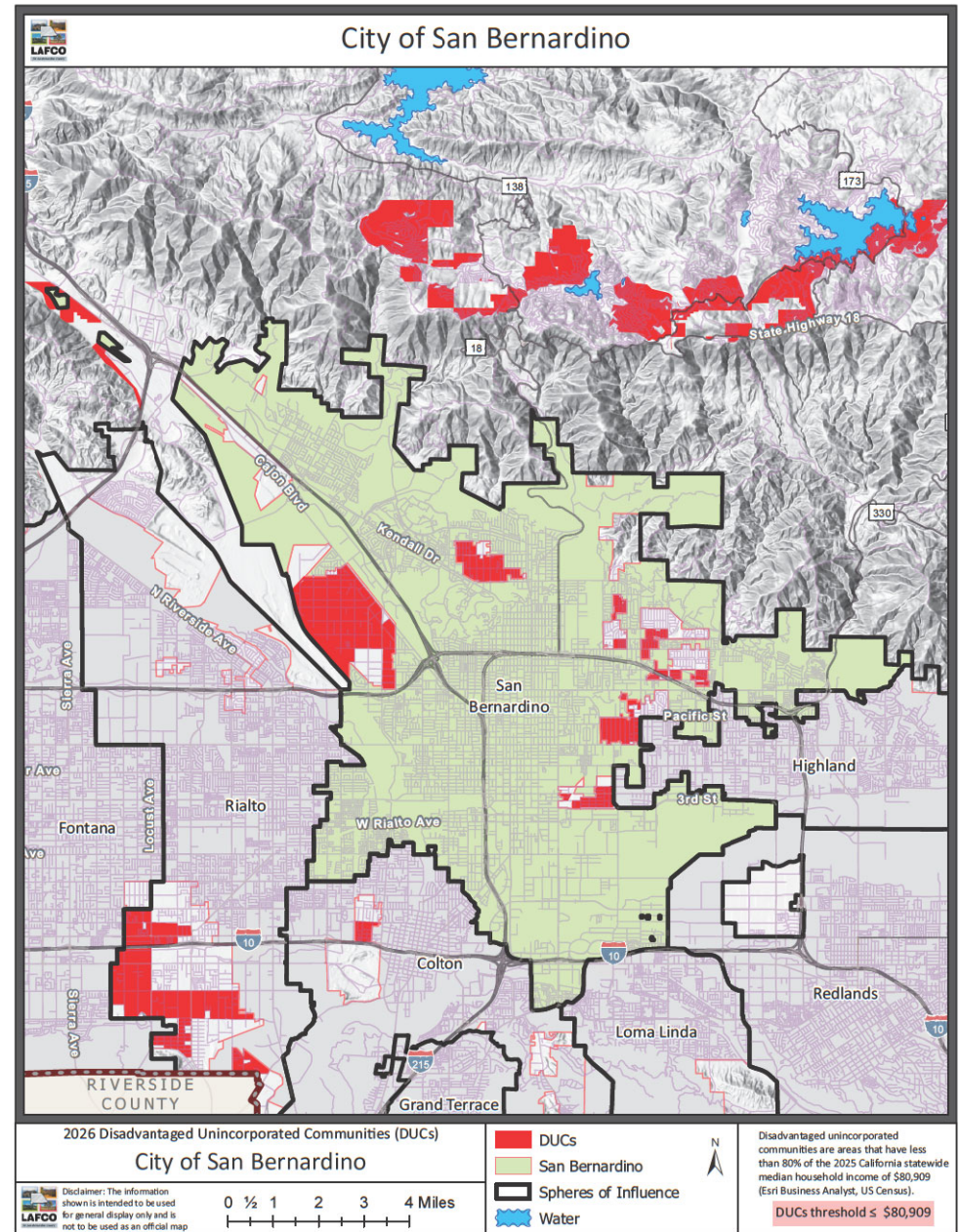
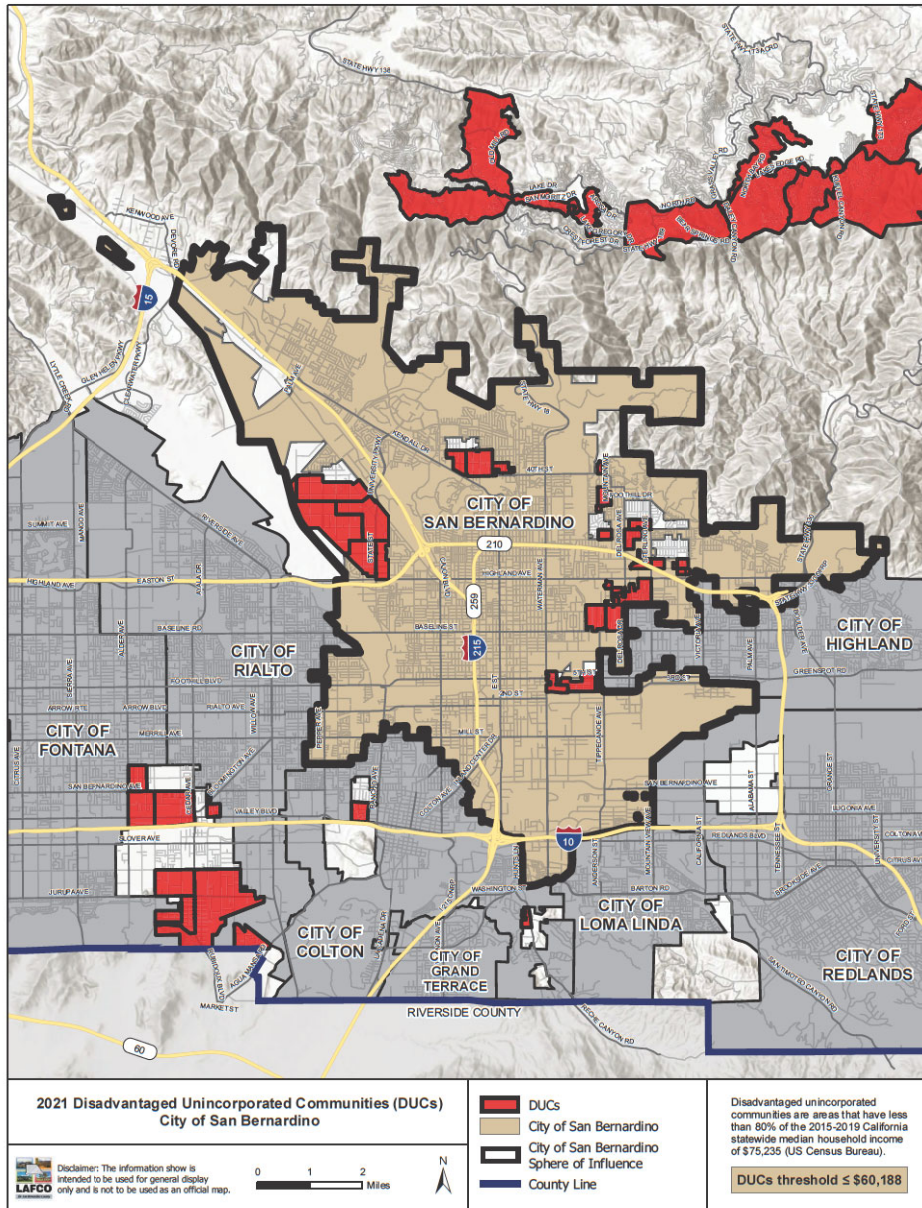


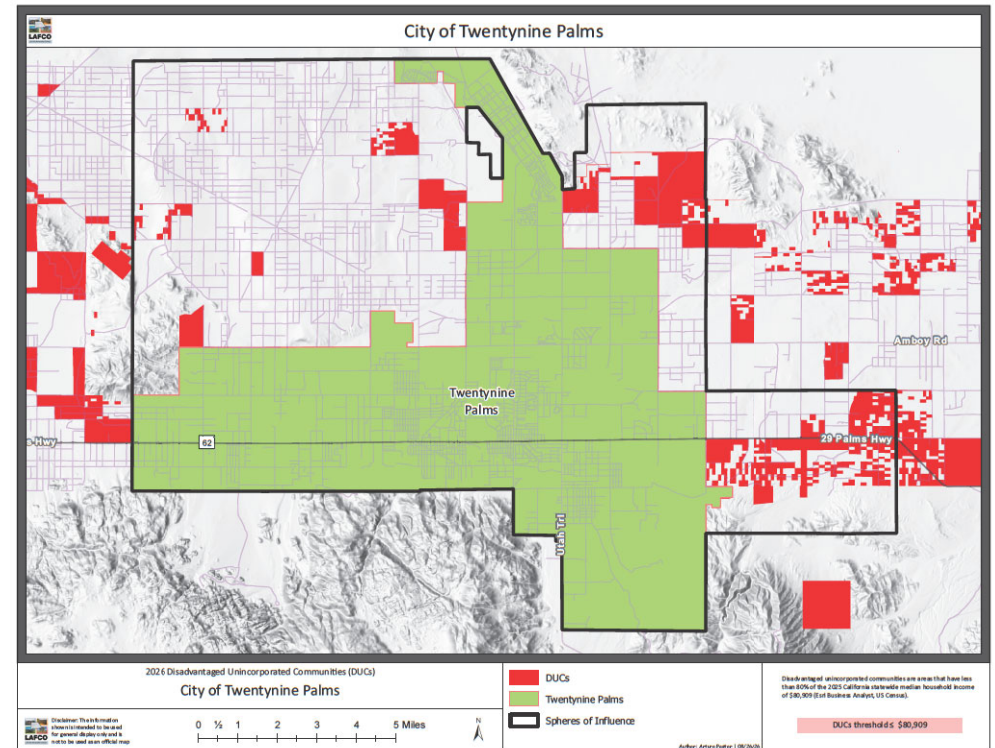
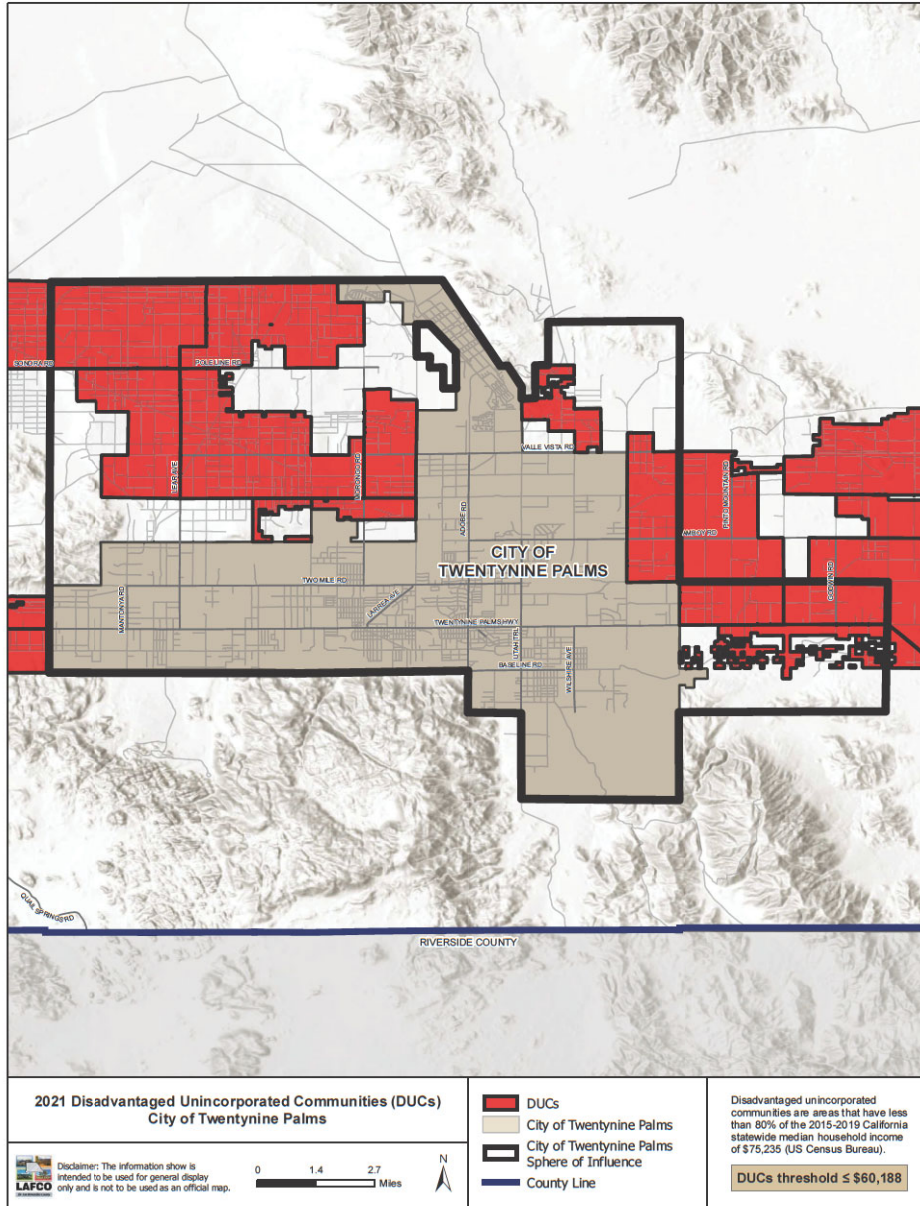


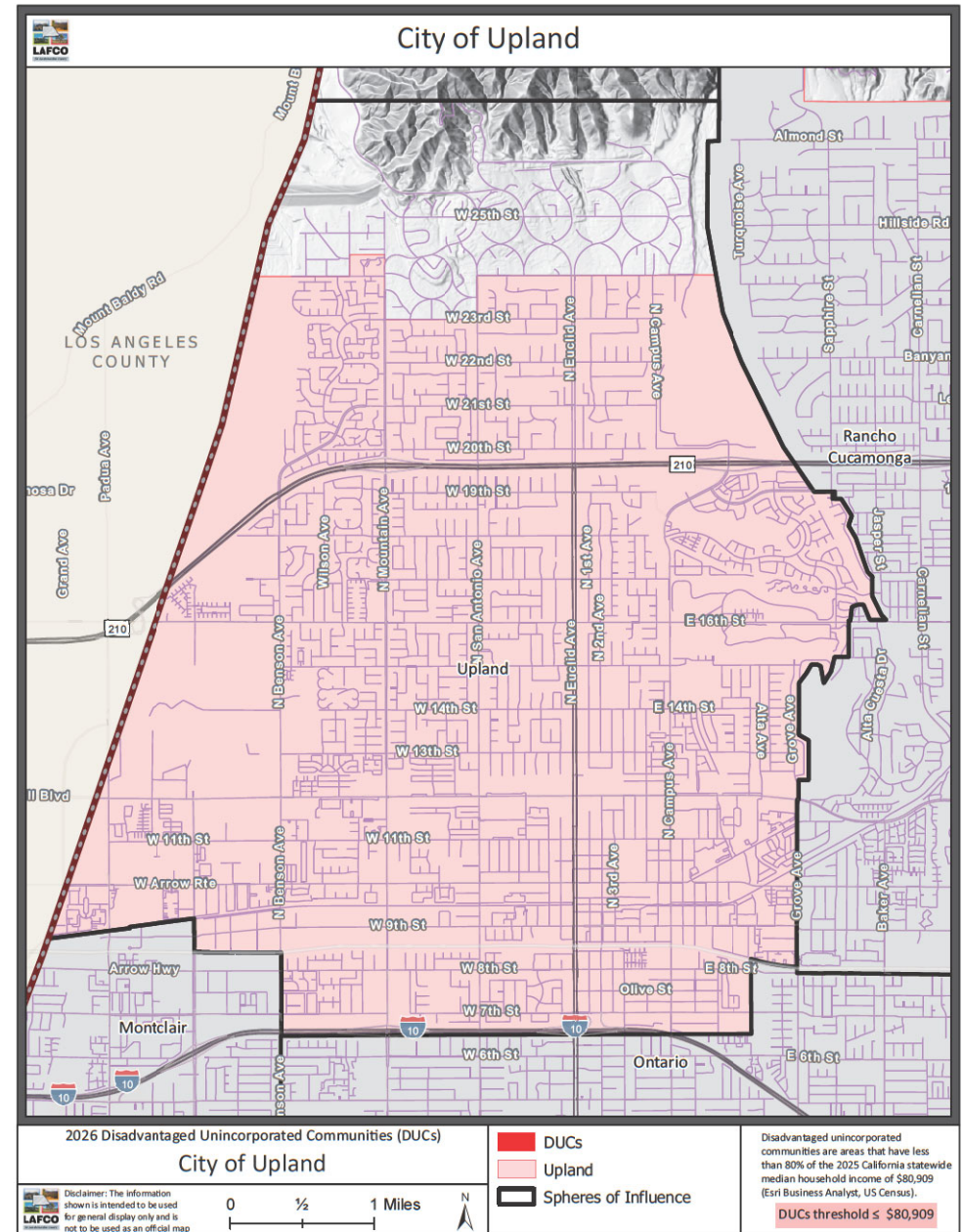
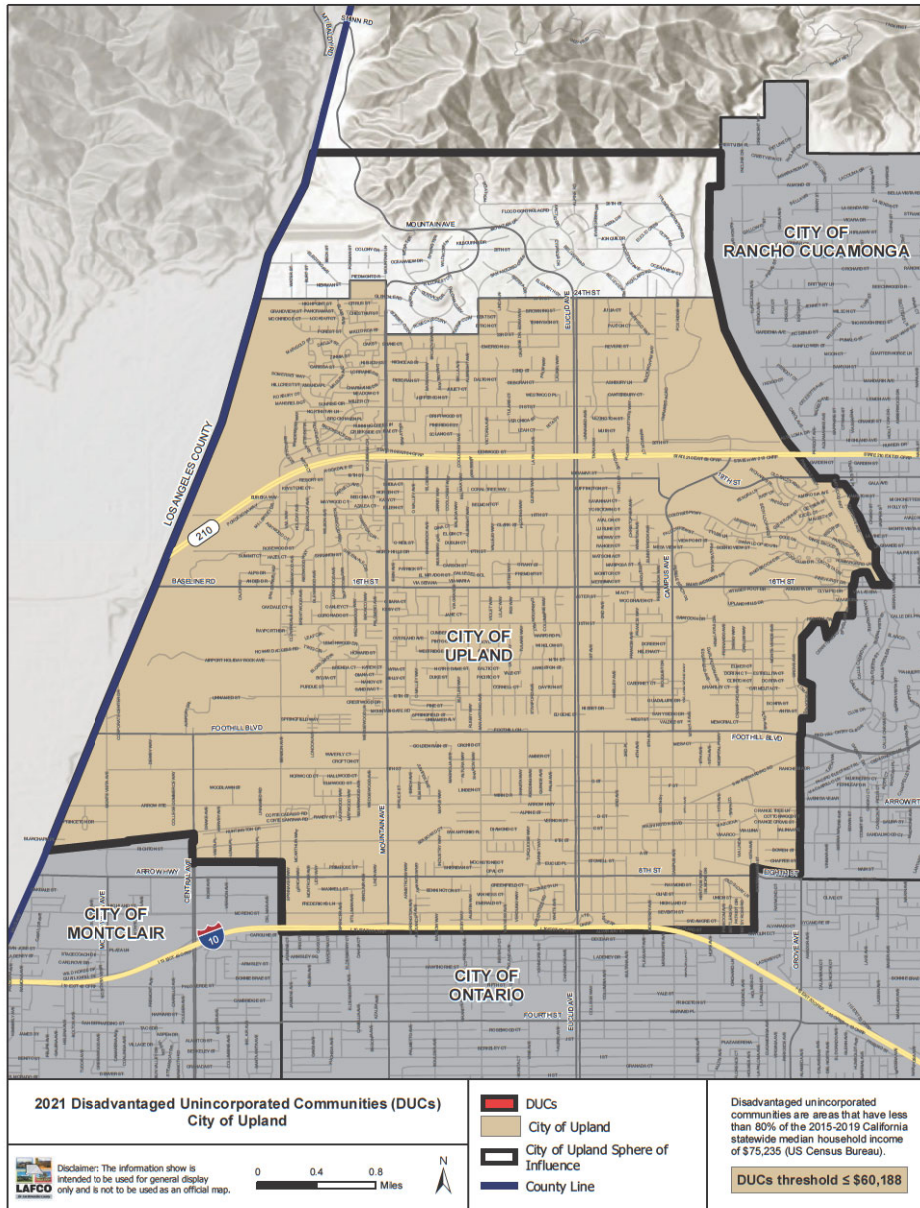


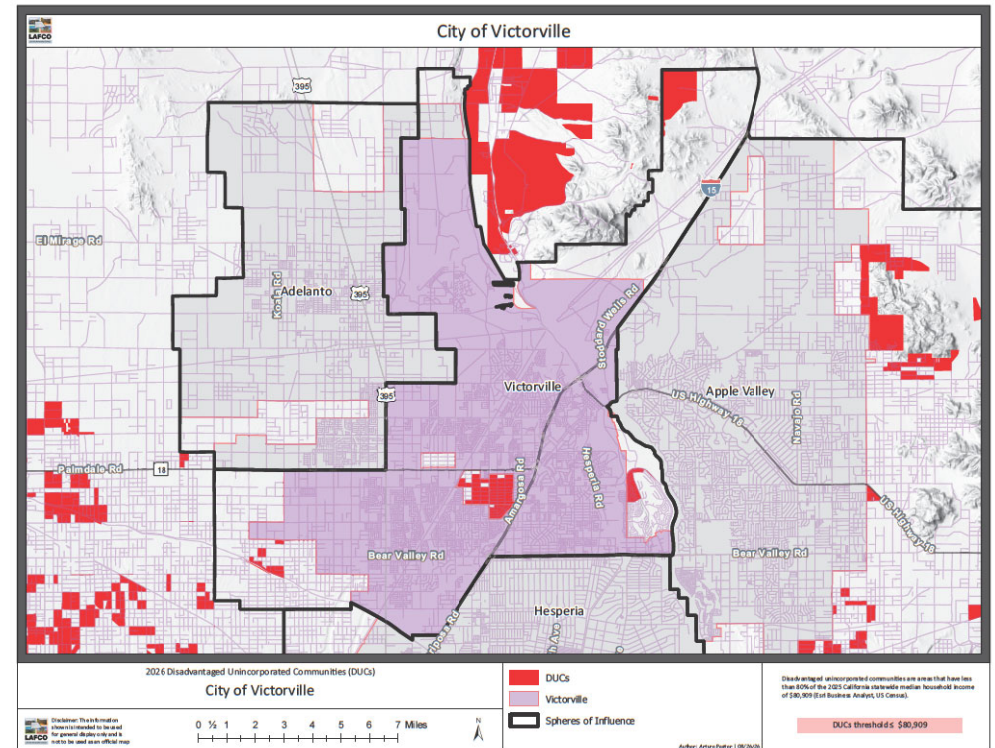
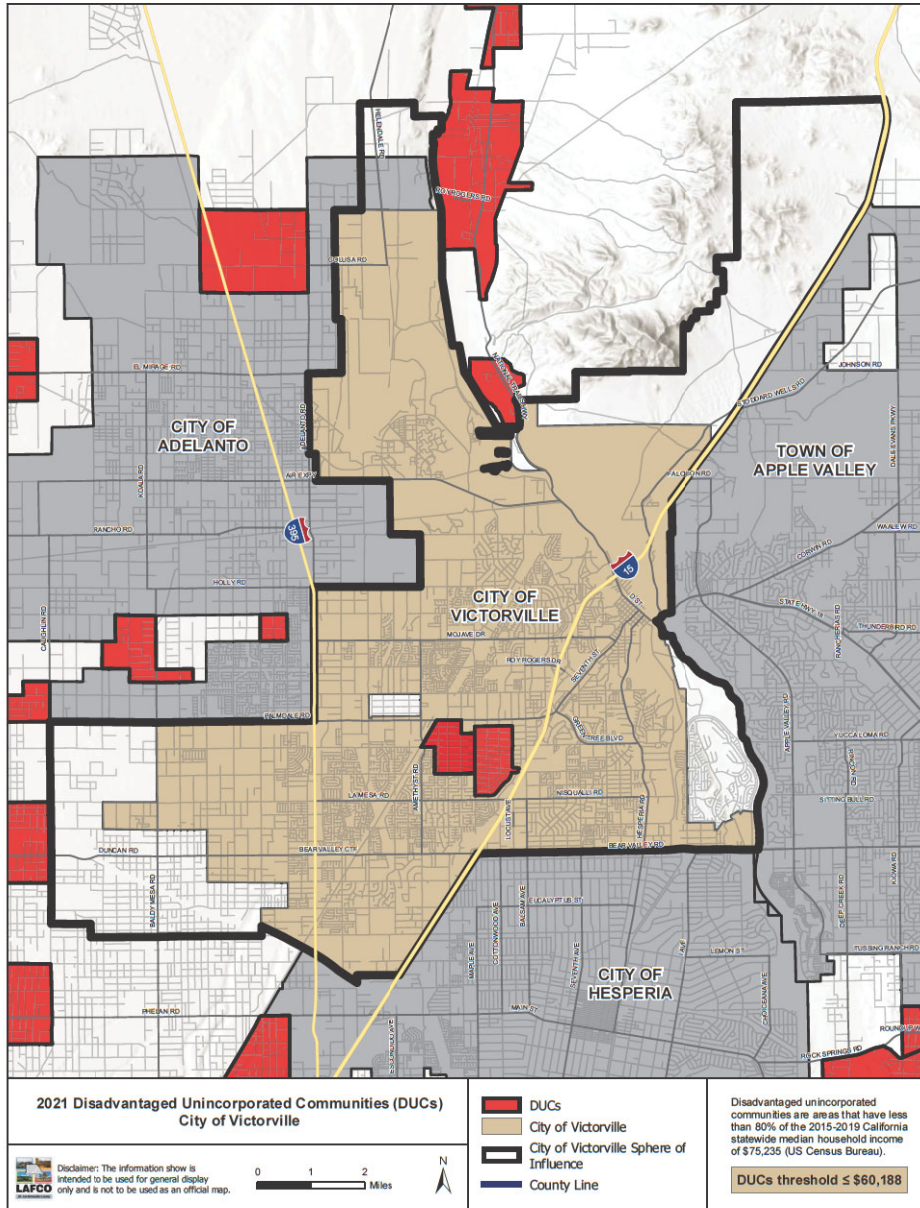


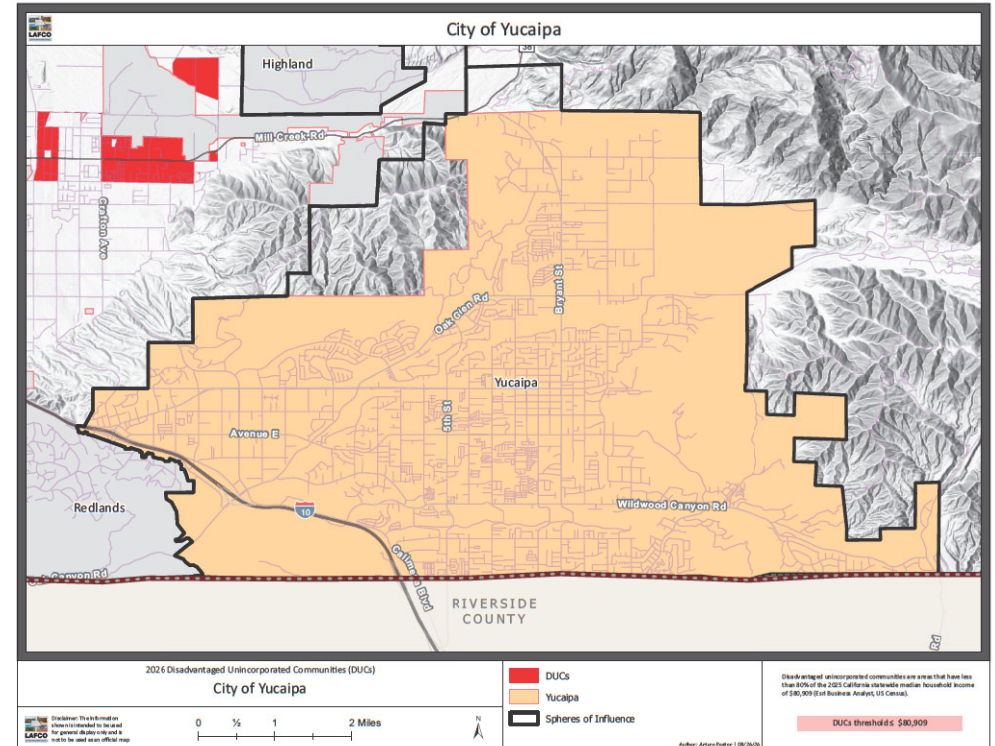
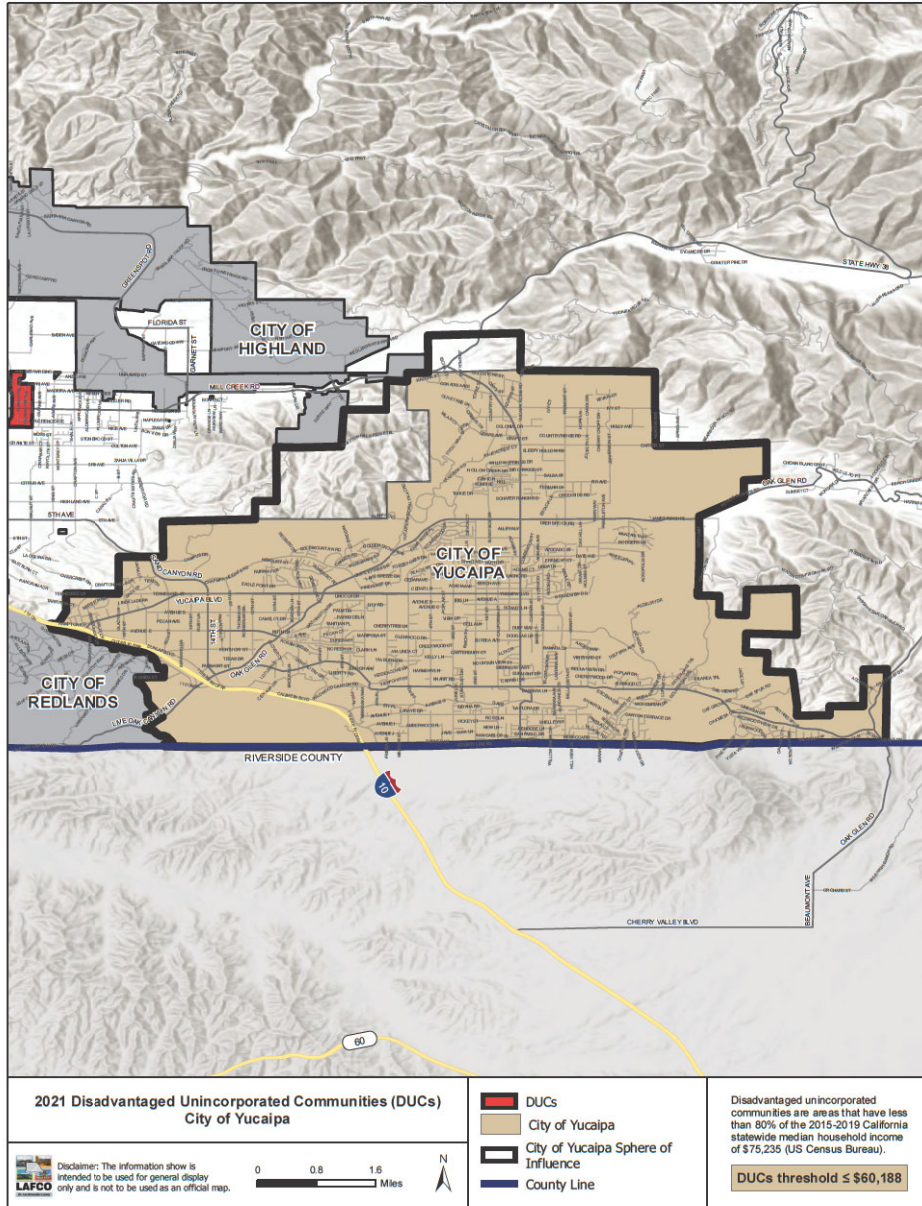


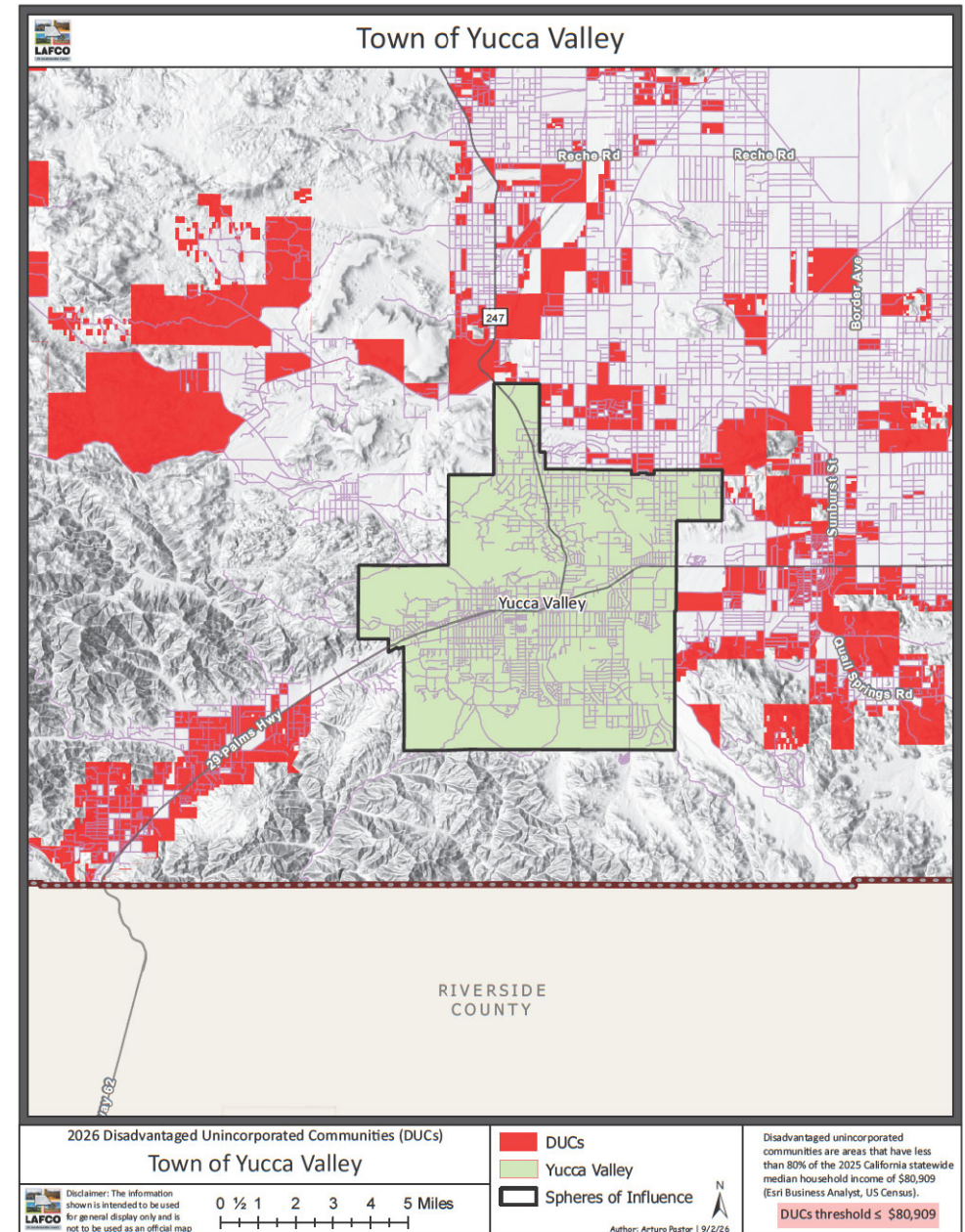
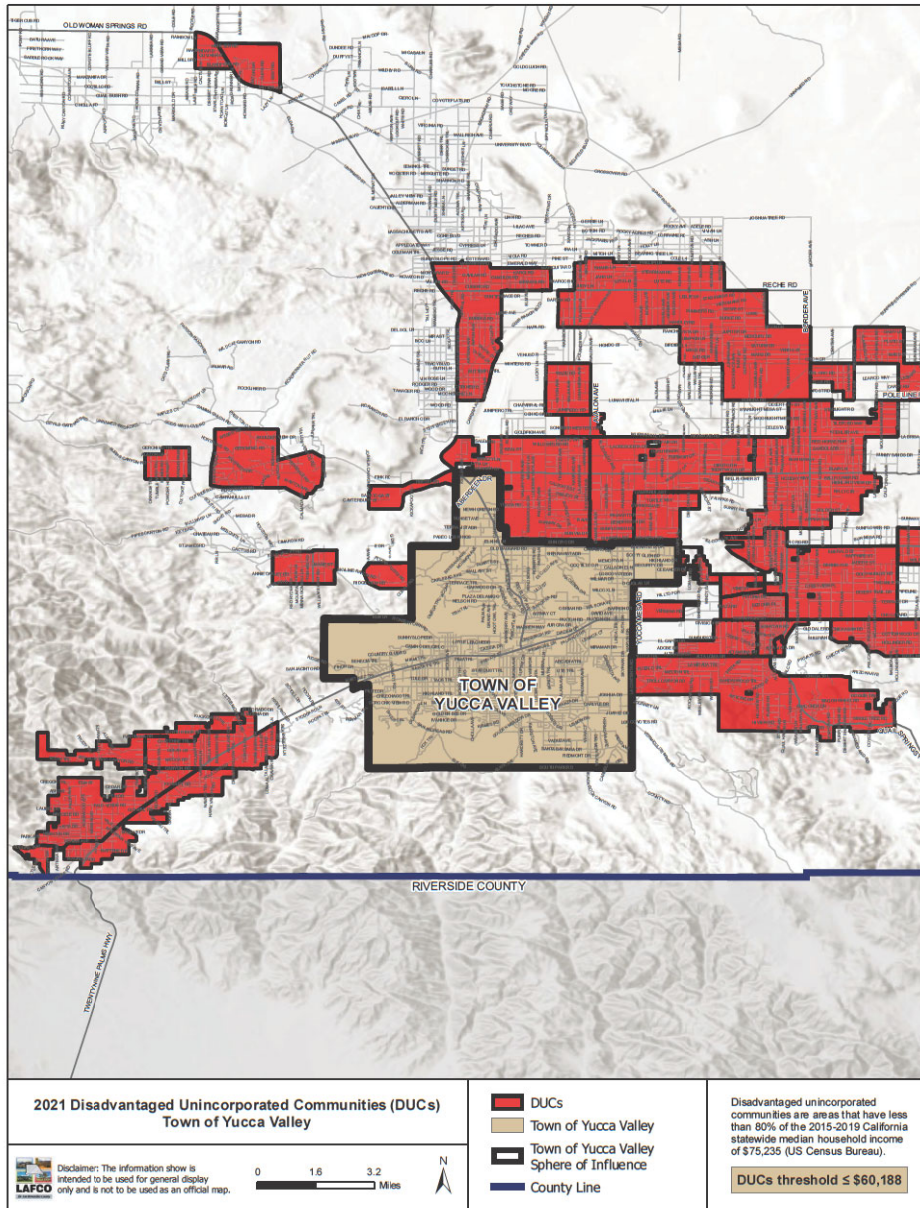












LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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lafco@lafco.sbcounty.gov
www.sanbernardinolafco.gov

DATE: SEPTEMBER 9, 2026 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #12: EXECUTIVE OFFICER'S REPORT

REMINDER – MEETING SCHEDULE:

Please note the meeting schedule for the remainder of the calendar year:

- October 21 – No LAFCO meeting due to the CALAFCO Conference on same week.
- November 18
- December 16 – No LAFCO meeting scheduled.

UPDATES ON PROPOSALS INCLUDING SERVICE REVIEWS/SPECIAL STUDIES, AND SPHERE OF INFLUENCE AMENDMENTS/UPDATES

- **LAFCOs 3278 & 3279** (City of Adelanto Fire Reorganization):
 - LAFCO 3278 – Sphere of Influence Amendment (Expansion) for the San Bernardino County Fire Protection District
 - LAFCO 3279 – Reorganization to Include Annexation to the San Bernardino County Fire Protection District, its North Desert Service Zone, and its Zone FP-5

Processing of LAFCOs 3278 and LAFCO 3279 are on hold pending receipt of a revised Plan for Service certified by County Fire and a revised Fiscal Impact Analysis certified by both the City and County Fire. The City and County Fire have until June 30, 2027 to submit the revised documents or LAFCOs 3278 and 3279 or the items will be closed/terminated.

- **LAFCO 3280** – Reorganization to include Annexations to the City of Barstow, Barstow Fire Protection District, and Odessa Water District, and Detachments from the San Bernardino County Fire Protection District, Its North Desert Service Zone, and its Zone FP-5, and County Service Area 70 (Area A)

LAFCO 3280 is currently undergoing the required property tax exchange/transfer negotiation process. The 60-day negotiation period ends October 20, 2026.

- **LAFCO 3281** – Reorganization to include Annexations to the City of Barstow and Odessa Water District, and Detachment from County Service Area 70 (Area B)

LAFCO 3281 is also currently undergoing the required property tax exchange/ transfer negotiation process. The 60-day negotiation period also ends October 20, 2026.

- **LAFCO 3282** – Countywide Service Review for Local Park and Recreation

LAFCO 3282 is scheduled for Commission consideration at the September 16, 2026 LAFCO meeting.

- **LAFCO 3283** – City of Adelanto Detachment of Previously City-Owned Property (APNs 0468-261-29, 0468-261-35, & 0468-261-36)

The processing of LAFCO 3283 only required LAFCO to issue and record the Certificate of Completion along with the filing with the State Board of Equalization since this was a ministerial action that required the City to adopt a resolution confirming the detachment of the non-contiguous city parcels that were no longer owned by the City pursuant to Government Code Section 56742(g). The detachment became effective July 21, 2026.

UPDATES ON OUT-OF-AGENCY SERVICE CONTRACT DELEGATED TO THE EO:

- **LAFCO SC#565** – City of San Bernardino Irrevocable Agreement to Annex No. 2026-386 for Sewer Service (APN 0268-091-05)

The City of San Bernardino submitted a request for authorization to provide sewer service to an existing single-family residence and an accessory dwelling unit on the parcel. The EO authorized this request on 8/20/2026.

LAFCO NEWS:

- **Awards:**

San Bernardino LAFCO recently received the “President’s Special Acknowledgement Award’ from the Special District Risk Management Authority (SDRMA) to acknowledge the Commission and its staff towards proactive risk management and loss prevention training. The award is to recognize members with no paid claims during the prior five consecutive program years in SDRMA’s Workers’ Compensation Program. This excellent safety record and the lack of claims reduce the Commission’s annual contribution amount for both Workers’ Comp and Property/Liability.

Attached is a copy of the award certificate.

- **Governance Training:**

The Commission's second SB 827 Finance and Fiscal Training workshop took place September 9, from 9:00 am to noon, at the San Bernardino Valley Municipal Water District, 380 East Vanderbilt Way, San Bernardino. The training workshop had a full house with more than 50 registered participants.

- **Staff Site Visit:**

Assistant Executive Officer Mike Tuerpe attended the Barstow Heights CSD Board meeting on August 25, 2026 to discuss the proposed determination in the park and recreation service review.

ALLIANCE NEWS:

The Alliance of LAFCOs met on August 14 via Zoom. Chair Farrell, Executive Officer Martinez, and Assistant Executive Officer Tuerpe attended the meeting, which discussed, among others, the draft Bylaws and the draft Articles of Incorporation for the Alliance.

CALAFCO NEWS:

CALAFCO Annual Conference

The 2026 CALAFCO Annual Conference will be held at the Sheraton Grand Sacramento Hotel in Sacramento from October 21 to October 23, 2026. Chair Farrell and Vice Chair Bagley along with staff will be attending the conference.

Attachment: SDRMA President's Special Acknowledgement Award



President's Special Acknowledgement Award

The President of the Special District Risk Management Authority

Hereby gives special recognition to

Local Agency Formation Commission for San Bernardino County

The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior five consecutive program years in the Workers' Compensation Program. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during that same period. Congratulations on your excellent claims record!


Robert J. Swan, SDRMA Board President

7/14/2026
Date