



FINAL MINUTES

LAFCO REGULAR MEETING

Wednesday, September 10, 2008, 9:00 a.m.

Planning Commission Hearing Room, Hall of Administration
10 Civic Center Plaza
Santa Ana, CA

1. CALL TO ORDER

Chair Withers called the regular meeting of the Local Agency Formation Commission (LAFCO) to order at 9:02 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Bill Campbell led the pledge of allegiance.

3. ROLL CALL

The following Commissioners and alternates were present:

- **Chair John Withers**
- **Vice Chair Susan Wilson**
- **Commissioner Cheryl Brothers**
- **Commissioner Bill Campbell**
- **Commissioner Peter Herzog**
- **Commissioner John Moorlach**
- **Commissioner Arlene Schafer**
- **Alternate Commissioner Pat Bates**
- **Alternate Commissioner Patsy Marshall**
- **Alternate Commissioner Rhonda McCune**
- **Alternate Commissioner Charley Wilson**

The following Commissioners were absent at roll call:

None

The following LAFCO staff members were present:

- **Legal Counsel Clark Alsop**
- **Executive Officer Joyce Crosthwaite**
- **Assistant Executive Officer Bob Aldrich**
- **Senior Project Manager Carolyn Emery**
- **Commission Clerk Esther Garcia-Negrete**

- Policy Analyst Benjamin Legbandt
- Consultant Joe Serrano

4. APPROVAL OF MINUTES

August 13, 2008 – Strategic Planning Session Minutes

Chair Withers called for any changes and approval of the August 13, 2008 Strategic Planning Session minutes. There were none.

MOTION: Approve August 13, 2008 strategic planning session meeting minutes without revision (Arlene Schafer)
SECOND: Susan Wilson
FOR: Cheryl Brothers, Bill Campbell, Peter Herzog, John Moorlach, Arlene Schafer, Vice Chair Susan Wilson, and Chair John Withers
AGAINST: None
ABSTAIN: None
MOTION PASSED

5. PUBLIC COMMENT

Chair Withers requested public comments on any non-agenda item. There were none.

6. CONSENT CALENDAR

None

7. PUBLIC HEARING

7a. – Cypress Recreation and Parks District Sphere of Influence Review

Assistant Executive Officer Bob Aldrich summarized the sphere of influence report for the Cypress Recreation and Parks District. He noted that the District was originally formed in 1949 to provide recreation and park services and is largely coterminous with the City of Cypress jurisdictional boundary with exception of three areas. He noted that he had received two comment letters. The first was from the City of La Palma who was requesting that the ten (10) acre residential area be detached from the District's boundary. The second letter, from the City of Cypress, requested that a 78 acre portion of the Los Alamitos race track and the two (2) acre portion of Forest Lawn Cemetery be added to the District's sphere. Assistant Executive Officer Aldrich concluded by requesting the Commission approve staff's recommendations and to direct staff coordinate with both cities to initiate a boundary change resulting in coterminous boundaries for both the City of Cypress and the Cypress Recreation and Parks District.

Chair Withers asked for Commissioner comments or questions.

Vice Chair Wilson inquired about a specific area.

Executive Officer Crosthwaite noted that there were representatives from both Cities and asked that they clarify the area in question.

Chair Withers opened the public hearing.

Ted Commerdinger, City of Cypress Community Development Director, stated that the area is a subdivision in City of Stanton

Chair Withers closed the public hearing.

MOTIONS: Approve the proposed Sphere of Influence review and update the Sphere of influence boundary. (Arlene Schafer)
SECOND: Bill Campbell
FOR: Cheryl Brothers, Bill Campbell, Peter Herzog, John Moorlach, Arlene Schafer, Vice Chair Susan Wilson, and Chair John Withers
AGAINST: None
ABSTAIN: None
MOTION PASSED

7b. – S&S Annexation to the Yorba Linda Water District (DA 07-29)

Analyst Benjamin Legbandt summarized the proposed S&S annexation to the Yorba Linda Water District. He noted that it consisted of 191 acres of uninhabited land located within the city of Yorba Linda and surrounded by residential properties. He recommended that the Commission amend the application to include the one (1) acre parcel which is owned by the Metropolitan Water District of Southern California. He noted that staff had not received any formal opposition to the inclusion.

Chair Withers asked for Commissioner comments or questions.

Commissioner Campbell requested clarification regarding the one (1) acre parcel to ensure it was not an area involved in a previous dispute. Executive Officer Crosthwaite responded that it was not.

Chair Withers opened the public hearing. There were no public comments.

Vice Chair Withers closed the public hearing.

MOTIONS: Approve the proposed S&S annexation to the Yorba Linda Water District including amendment to application to include one (1) acre parcel. (Bill Campbell)

SECOND: Peter Herzog

FOR: Cheryl Brothers, Bill Campbell, Peter Herzog, John Moorlach, Arlene Schafer, Vice Chair Susan Wilson, and Chair John Withers

AGAINST: None

ABSTAIN: None

MOTION PASSED

8. COMMISSION DISCUSSION AND ACTION

8a. – Updated Job Descriptions and Benefits

Assistant Executive Officer Bob Aldrich presented the staff report. He noted that the Commission had previously updated the LAFCO policies & procedures but that updated job description and summary of employee benefits are two additional administrative documents for their review. He noted that generally the benefits of LAFCO employees mirror those of the County of Orange employees. He concluded by noting that the Office Manager position was new and was included in the staff report.

Chair Withers asked for Commissioner comments or questions.

Commissioner Moorlach inquired about the vacant positions. Executive Officer Crosthwaite replied that the staff intends on returning the job descriptions on a yearly basis and will evaluate the need to eliminate some job descriptions.

Vice Chair Wilson inquired about the policy regarding sick time and vacation time accruals. Executive Officer Crosthwaite explained that when employees leave LAFCO they are paid for any vacation time accrued as required by law. However when LAFCO employees leave, they are not paid for accrued sick time.

MOTIONS: Approve updated job descriptions and LAFCO benefits summary. (Bill Campbell)

SECOND: John Moorlach

FOR: Cheryl Brothers, Bill Campbell, Peter Herzog, John Moorlach, Arlene Schafer, Vice Chair Susan Wilson, and Chair John Withers

AGAINST: None

ABSTAIN: None

MOTION PASSED

8b. – Quarterly Legislative Report

Senior Project Manager Emery noted the LAFCO legislative successes during the year and added that the success was largely due to the involvement and participation of the Commission. She noted that the Commission supported four (4) bills and that three (3) of them were chaptered into law and the fourth is awaiting the Governor's signature. She summarized the following legislative bills; AB 3047 (2008 Cortese-Knox-Hertzberg Omnibus Bill), SB 301, Vehicle License Fee (VLF) Subventions and SB 1458, County Service Area law revision. She also noted that the Commission took an opposing position to Senate Bill 375 which involves transportation and land use planning. She concluded by noting that the next legislative update is scheduled for the November 12th regular LAFCO meeting.

Commissioner Moorlach mentioned that the Orange County Board of Supervisors had also voted unanimously to write a letter to the Governor urging him to Veto Senate Bill 375. He asked if the Commission would like to also send a letter to the Governor opposing SB 375.

Commissioner Herzog commended the Orange County Board of Supervisors for opposing SB375 and added that he would support the Commission also opposing SB375. He summarized the discussions of SB375 at the annual CALAFCO conference and noted that the Orange County League of Cities also sent a letter to the Governor urging him to veto SB 375. He added that the Orange County League of Cities sent a letter to every city in California requesting that they write the Governor and urge him to veto Senate Bill 375.

Commissioner Marshall noted that the Buena Park City Council also voted to send a letter of opposition to SB 375 to the Governor.

Commissioner Brothers noted that at the CALAFCO annual conference, Executive Director Bill Chiat indicated that it is very likely the Governor would sign Senate Bill 375.

MOTIONS:	Approve sending a letter to the Governor urging him to veto Senate Bill 375. Additionally, approve sending a letter to every LAFCO office requesting they also write a veto letter to the Governor. (Peter Herzog)
SECOND:	Cheryl Brothers
FOR:	Cheryl Brothers, Bill Campbell, Peter Herzog, John Moorlach, Arlene Schafer, Vice Chair Susan Wilson, and Chair John Withers
AGAINST:	None
ABSTAIN:	None

Commissioner Schafer stated that she will discuss the issue at the California Special Districts Association.

9. COMMISSIONER COMMENTS

None

10. INFORMATIONAL ITEMS & ANNOUNCEMENTS

Executive Officer Crosthwaite invited the Commission to attend a meeting on September 12, 2008 with other southern California LAFCOs. They will be discussing issues with the CALAFCO organization.

In addition she noted that the October 8th meeting had been canceled.

Executive Officer Crosthwaite thanked all the Commissioners for attending the annual CALAFCO Conference and noted that the white papers produced by CALAFCO would be distributed to the Commission.

Commissioner Moorlach raised a concern regarding Item 11b and the raised issues with meeting in a closed session. He requested that the item be discussed in open session. Clark Alsop, LAFCO legal counsel, noted that he would address the issues regarding the employee's evaluation in closed session but that any issues regarding compensation would be addressed as Item 12B under the New Business. He noted that while he believed the Commission could safely discuss compensation issues in closed session he recommended that compensation be discussed in an open session.

11. CLOSED SESSION

11a. – Public Employee Performance Evaluation

The Commission met in closed session to discuss the evaluation of the Executive Officer. There was no reportable action.

11b. – Conference with Labor Negotiators

12. NEW BUSINESS

12a. – Discussion to Amend Executive Officers Contract

Vice Chair Wilson commented that the Executive Committee had received salary information from other comparable LAFCOs. She noted that in order to align Executive Officer Crosthwaite's salary with other Executive Officers a seven percent (7%) salary adjustment was proposed. She noted that even with the proposed adjustment the Executive Officer's salary would remain below the regional range for other Executive Officers.

Chair Withers clarified the proposed increase would include a seven percent (7%) salary adjustment and a three percent (3%) merit increase. He concluded that Executive Officer

Crosthwaite is on the lower range of base compensation for Executive Officers in the surrounding counties.

Commissioner Campbell noted that during Executive Officer Crosthwaite's first few years the LAFCO budget had problems which resulted in a reduction in staff. During this period she declined any salary adjustments in consideration of the current situation.

Commissioner Brothers expressed her concern that during the current financial climate a ten percent (10%) increase is not a percentage she feels comfortable supporting.

Commissioner Moorlach inquired as to what percent **Commissioner Brothers** might support.

Commissioner Brothers responded that she would be comfortable with a five percent (5%) salary adjustment and a three percent (3%) merit increase. She noted that she had not returned the performance evaluation because she had not been a Commissioner long enough to adequately evaluate the Executive Officer Crosthwaite. She concluded by stating that while she was pleased with the Executive Officer's performance, she could not support a ten percent (10%) increase at this time.

Chair Withers noted that under normal circumstances he would agree however it is evident that the Executive Officer is undercompensated at this time.

Commissioner Moorlach expressed his appreciation for **Commissioner Brothers** viewpoint and expressed a concern basing salaries on other agency ranges. He asked if the Executive Officer's salary was comparable to that of a director of a county agency.

Chair Withers responded that the Executive Officers salary has remained constant for the last couple of years and in evaluating her responsibilities it was comparable to an Orange County department director.

Commissioner Moorlach asked how much salary savings had been rolled over to reduce agency apportionments during the previous fiscal year. Executive Officer Crosthwaite responded that it was reduced by \$150,000.00.

Commissioner Schafer noted that management salaries of special districts are above or comparable to what the LAFCO Executive Officer is earning.

MOTIONS: **Approve a 7% salary adjustment and a 3% merit adjustment for Executive Officer and to instruct staff to finalize a resolution and employment agreement amendments implementing same. (S. Wilson)**

SECOND: **Bill Campbell**

FOR: **Bill Campbell, Peter Herzog, John Moorlach, Arlene Schafer, Vice Chair Susan Wilson, and Chair John Withers**

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AGAINST: Cheryl Brothers
ABSTAIN: None

13. ADJOURNMENT

The meeting adjourned at 11:50 am.

JOHN WITHERS, Chair
Orange County Local Agency Formation Commission

By: Esther Garcia-Negrete
Esther Garcia-Negrete
Commission Clerk