



FINAL MINUTES

LAFCO REGULAR MEETING

Wednesday, November 18, 2009, 9:00 a.m.

**Board of Supervisors Hearing Room, Hall of Administration
10 Civic Center Plaza
Santa Ana, CA**

1. CALL TO ORDER

Chair Wilson called the regular meeting of the Local Agency Formation Commission (LAFCO) to order at 9:07 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner John Withers led the pledge of allegiance.

3. ROLL CALL

The following Commissioners and alternates were present:

- **Chair Susan Wilson**
- **Commissioner Bill Campbell**
- **Commissioner John Withers**
- **Alternate Commissioner Derek J. McGregor**
- **Alternate Commissioner Charley Wilson**

The following Commissioners were absent at roll call:

- **Vice Chair Peter Herzog**
- **Commissioner Cheryl Brothers**
- **Commissioner John Moorlach**
- **Commissioner Arlene Schafer**
- **Alternate Commissioner Pat Bates**
- **Alternate Commissioner Patsy Marshall (Arrived at 9:41 am)**

The following LAFCO staff members were present:

- **Legal Counsel Scott Smith**
- **Executive Officer Joyce Crosthwaite**
- **Senior Project Manager Carolyn Emery**
- **Commission Clerk Esther Garcia-Negrete**
- **Policy Analyst Benjamin Legbandt**
- **Financial Consultant Joe Serrano**

4. APPROVAL OF MINUTES

October 14, 2009 – Regular Commission meeting minutes

Chair Wilson called for any changes and approval of the October 14, 2009 regular commission meeting minutes. There were none.

MOTION: Approve October 14, 2009 regular commission meeting minutes without revision. (Bill Campbell)
SECOND: Charley Wilson
FOR: Bill Campbell, Charley Wilson, Susan Wilson, and John Withers
AGAINST: None
ABSTAIN: None
MOTION PASSED

5. PUBLIC COMMENT

Chair Wilson requested public comments on any non-agenda item. No public comments were made.

6. CONSENT CALENDAR

None

7. PUBLIC HEARING

None

8. COMMISSION DISCUSSION AND ACTION

8a. – Adoption of 2010 LAFCO Calendar

Commission Clerk Esther Garcia-Negrete reviewed proposed dates for 2010 Commission meetings. She noted a correction to the April and July meeting dates. Commission Clerk Garcia-Negrete also recommended moving the June and September meetings to the third Wednesday of the month to avoid a meeting conflict with the Board of Supervisors budget hearings (June) and in observance of Rosh Hashanah (September). She recommended that the Commission adopt the revised 2010 LAFCO calendar.

Chair Wilson called for questions and comments.

Commissioner Campbell noted that the Orange County Board of Supervisors (BOS) had recently adopted a 2010 meeting calendar and requested staff to review the proposed date for the June meeting.

MOTION: Adopt the revised 2010 LAFCO Calendar and review BOS
2010 meeting calendar. (Bill Campbell)
SECOND: Charley Wilson
FOR: Bill Campbell, Charley Wilson, Susan Wilson, and John
Withers
AGAINST: None
ABSTAIN: None
MOTION PASSED

8b. – South County Fiscal Study Update

Executive Officer Joyce Crosthwaite discussed the progress of the South County fiscal study. She reminded the Commission that they approved a \$5000 contribution to the cost of the study. She stated that Stanley R. Hoffman and Associates will prepare the fiscal study that is expected to come before the Commission at the March 2010 meeting. Executive Officer Crosthwaite thanked **Commissioner Bates** staff member Sergio Prince, for his assistance.

Chair Wilson noted that she thought the fiscal study would reflect a regional approach. Executive Officer Crosthwaite replied that the Working Group members agreed to use the study to educate their governing bodies and community.

8c. – Proposed Unincorporated Islands Stakeholder Plan

Senior Project Manager Carolyn Emery provided the Commission with an overview of remaining unincorporated county islands, related Commission directives, and the staff recommendation regarding prioritization for the remaining islands. She commented on the success of the islands incentive program, fiscal modeling and summarized the proposed stakeholder plan. Senior Project Manager Carolyn Emery recommended that the Commission approve the proposed unincorporated islands stakeholder plan and direct staff to provide an update to the Commission at the May 2010 meeting.

Chair Wilson noted that the City of Huntington Beach has hired a consultant to prepare a fiscal study on the feasibility of annexing Sunset Beach and asked if staff knew the status of the study. Senior Project Manager Carolyn Emery confirmed that the City has hired a consultant but the City has agreed to allow the residents of Sunset Beach six months to explore governance options for their community.

Commissioner Campbell requested additional information regarding the legislation referenced in the staff report.

Senior Project Manager Carolyn Emery stated that prior to the adoption of current legislation a small unincorporated area could not be annexed under the streamlined provisions if it involved a reorganization (two or more actions). With the successful legislation, the small islands streamlined procedures now apply to reorganizations.

Commissioner Campbell stated that there have been discussions with the residents in Orange Park Acres regarding annexation and requested that Orange Park Acres be placed in a higher priority group. Project Manager Carolyn Emery stated that staff would include Orange Park Acres as a high priority area.

Executive Officer Joyce Crosthwaite commended Ms. Emery for her hard work on the islands program including related islands legislation.

**MOTION: Adopt the proposed unincorporated islands stakeholder plan.
(Bill Campbell)**
SECOND: John Withers
**FOR: Bill Campbell, Patsy Marshall, Charley Wilson, Susan Wilson,
and John Withers**
AGAINST: None
ABSTAIN: None
MOTION PASSED

8d. – School District Boundary Report

Policy Analyst Benjamin Legbandt stated that, based on direction from the Commission at the 2009 Strategic Planning session, staff prepared the Orange County School District Boundary Report. He noted that the report focuses on the irregular boundaries and highlights the use of joint use agreements as a Best Practice. He recommended that the Commission receive and file the report.

Chair Wilson asked the dates of maps used in the School District Boundary report. Policy Analyst Legbandt responded that the aerial imagery is from 2008.

Commissioner Withers commended staff for their meticulous work and added that the Orange County Department of Education, Orange County Grand Jury, Little Hoover Commission, and various universities might find the report useful.

Chair Wilson inquired if the report would be distributed to the Superintendents of the Orange County School Districts and the Orange County Department of Education. Executive Officer Crosthwaite responded that the report will be distributed to agencies as the Commission directs.

Commissioner McGregor inquired if a school district or a public agency is obligated to provide access to their facilities and/or services if it is determined that there is a community need. Policy Analyst Benjamin Legbandt responded that there is no obligation for either to make their facilities available.

MOTION: Receive and file the Orange County School Districts Report and distribute to Orange County School District Superintendents, Orange County Department of Education, Orange County Grand Jury, Little Hoover Commission, and various universities. (John Withers)

SECOND: Bill Campbell

FOR: Bill Campbell, Charley Wilson, Susan Wilson, and John Withers

AGAINST: None

ABSTAIN: None

MOTION PASSED

8e. – Best Practices Update- Energy Audits

Policy Analyst Benjamin Legbandt observed that the Best Practice Update is an extension of the Best Practices summit held in March 2009. He noted that the future updates will focus on innovative service provisions by Orange County cities and special districts. He stated that the current report highlights energy audits as a method of reducing energy use and costs. He recommended the Commission receive and file the report.

Chair Wilson noted that many utility companies also provide energy audits to homeowners.

Commissioner C. Wilson mentioned that the City of Santa Ana and the County of Orange also participate in energy audits. He noted that energy efficiency and conservation are high priorities. He referenced a new program in which cities will compete amongst each other to be named the most efficient city.

Chair Wilson indicated her preference that the energy audit be expanded and made available to all public agencies.

Commissioner Campbell discussed the County's efforts to reduce their energy consumption. He mentioned that the county will be participating in the AB811 program which will allow interested homeowners to install energy efficient technology in their homes and repay the cost through their property tax bill.

Chair Wilson called for questions and comments.

Commissioner Withers discussed carbon footprint analysis and ways to achieve quantifiable savings in energy use and costs.

MOTION: Receive and file the best practices update and distribute Best Practices Update- Energy Audits report and distribute to the appropriate agencies. (John Withers)
SECOND: Charley Wilson
FOR: Bill Campbell, Patsy Marshall, Charley Wilson, Susan Wilson, and John Withers
AGAINST: None
ABSTAIN: None
MOTION PASSED

8f. – Ratification of Contract with Bob Aldrich

Executive Officer Joyce Crosthwaite noted that Assistant Executive Officer Bob Aldrich will retire on December 31, 2009. She stated that since he has worked on both projects and training staff there has not been sufficient time to complete some assignments. Executive Officer Crosthwaite recommended ratification of contract with Bob Aldrich to allow completion of projects and transition of his responsibilities to other staff.

Chair Wilson called for questions and comments.

Commissioner Withers inquired if there would be a cost savings to the agency. Executive Office Crosthwaite responded that there will be a cost savings of approximately 30%.

Commissioner Marshall observed that rate proposed in contract was very modest.

MOTION: Ratify consultant contract with Bob Aldrich. (Bill Campbell)
SECOND: Charley Wilson
FOR: Bill Campbell, Patsy Marshall, Charley Wilson, Susan Wilson, and John Withers
AGAINST: None
ABSTAIN: None
MOTION PASSED

9. COMMISSIONER COMMENTS

Chair Wilson inquired if the County of Orange has satisfied the debt obligations related to the Orange County bankruptcy. **Commissioner Campbell** responded that the debt will be fully satisfied in the year 2014.

Commissioner Marshall apologized for arriving late. She invited the Commission and staff to attend Buena Park's annual Mayor's Prayer breakfast on Thursday, November 19th.

10. INFORMATIONAL ITEMS & ANNOUNCEMENTS

10a. – CALAFCO Annual Conference debrief

Commissioner McGregor stated that he found the conference to be very informative and very helpful. He commended Policy Analysts Benjamin Legbandt and Joe Serrano for solving various technical difficulties. He did note that he was surprised at the north and south division amongst the various LAFCOs.

Commissioner Campbell stated that he was unable to attend the conference.

Chair Wilson stated that she was also unable to attend.

Commissioner Withers stated that he did attend the conference and thought it well planned. He noted that Assemblyman Jim Silva attended the conference and was honored with the Legislator of the Year award. He also observed the division among the LAFCOs but preferred that Orange County LAFCO continue to be a member of CALAFCO.

Commissioner Marshall inquired about the funding structure of CALAFCO. Executive Officer Crosthwaite responded that CALAFCO is funded by membership dues and conference/workshop revenues.

Commissioner Marshall expressed her disappointment regarding the actions by the CALAFCO Board of Directors on the issue of regional representation. She asked that Executive Officer Crosthwaite consult with other Southern California LAFCOs regarding the current CALAFCO organizational structure. She noted that continuing to contribute to CALAFCO without representation is not a wise decision and requested the Commission discuss the issue at the December 9th regular meeting.

Chair Wilson directed Executive Officer Joyce Crosthwaite to consult with the other Southern California LAFCOs and present some options for the Commission to consider at the December 9th regular LAFCO meeting.

Commissioner Campbell acknowledged the governance issue at the CALAFCO Board of Directors but also noted that there are benefits to membership in a state-wide organization. Commissioner Campbell stated that he would prefer that the CALAFCO governance structure change instead of withdrawing from CALAFCO but that without leverage the structure might not be changed.

Commissioner Withers stated that he spoke to CALAFCO Executive Director Bill Chiat who recognized that there is a governance problem.

Commissioner Wilson noted that this is not a unique problem but one that has faced other state-wide membership organizations.

Executive Officer Joyce Crosthwaite informed the Commission that the County Boundary Report was awarded the Project of the Year award at the CALAFCO annual conference and that Senior Project Manager Carolyn Emery accepted the award.


11. CLOSED SESSION

None

12. ADJOURNMENT

The meeting adjourned at 9:59 am.

Susan **Wilson**, Chair
Orange County Local Agency Formation Commission

By: 

Esther Garcia-Negrete
Commission Clerk