



FINAL MINUTES

LAFCO REGULAR MEETING
Wednesday, July 9, 2014, 8:30 a.m.
Planning Commissioner Hearing Room, Hall of Administration
10 Civic Center Plaza, Santa Ana

1. CALL TO ORDER

Chair Joe Carchio called the regular meeting of the Local Agency Formation Commission (LAFCO) to order at 8:35 a.m.

2. PLEDGE OF ALLEGIANCE

Chris Nguyen, 3rd Supervisorial District Senior Policy Advisor, led the Pledge of Allegiance.

3. OATH OF OFFICE - COMMISSIONERS BATES, BROTHERS, FISLER, MCGREGOR AND WITHERS

Commission Clerk Cheryl Carter-Benjamin administered the Oath of Office to Commissioners Bates, Brothers, Fisler, McGregor and Withers.

4. ROLL CALL

The following Commissioners and Alternates were present:

- **Chair Joe Carchio**
- **Vice Chair Pat Bates**
- **Commissioner Cheryl Brothers**
- **Commissioner Derek McGregor**
- **Commissioner John Moorlach**
- **Commissioner John Withers**
- **Alternate Commissioner James Fisler**

The following Commissioner was delayed:

- **Commissioner Todd Spitzer** (arrived at 8:43 a.m.)

The following Commissioners were absent:

- **Commissioner Charley Wilson**

The following LAFCO staff members were present:

- Executive Officer Carolyn Emery
- Assistant Executive Officer Ken Lee
- Project Manager Benjamin Legbandt
- Commission Clerk Cheryl Carter-Benjamin
- Legal Counsel Clark Alsop

**5. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS
(Received After Agenda Distribution)**

None

6. APPROVAL OF MINUTES

June 18, 2014 - Regular Commission Meeting Minutes

The minutes were approved with corrections.

MOTION: Approve the June 18, 2014 Regular Commission Meeting Minutes with revisions (John Withers)

SECOND: John Moorlach

**FOR: Joe Carchio, Cheryl Brothers, James Fisler,
Derek McGregor, John Moorlach, John Withers**

AGAINST: None

ABSTAIN: Pat Bates

MOTION PASSED

7. PUBLIC COMMENT

Chair Carchio requested public comments on any non-agenda items. There were none.

Chair Carchio closed public comments.

8. CONSENT CALENDAR

8a. - California Environmental Quality Act (CEQA) Guidelines Update

8b. - Recognition of Service

Chair Carchio called for approval of the consent calendar.

MOTION: Approve the Consent Calendar (John Withers)

SECOND: John Moorlach

FOR: Joe Carchio, Pat Bates, Cheryl Brothers, James Fisler,
Derek McGregor, John Moorlach, John Withers
AGAINST: None
ABSTAIN: None

MOTION PASSED

9. PUBLIC HEARING

None

10. COMMISSION DISCUSSION AND ACTION

10a. - Yorba Linda Unincorporated Areas

Executive Officer Carolyn Emery notified the Commission that staff had no new reportable action.

10b. - Revisions to LAFCO Personnel Policies and Procedures

Chair Carchio called for discussion and a motion on the recommended revisions to LAFCO's Personnel Policies and Procedures.

MOTION: Approve the revisions to LAFCO's Personnel Policies and Procedures. (John Moorlach)
SECOND: Pat Bates
FOR: Joe Carchio, Pat Bates, Cheryl Brothers, James Fisler,
Derek McGregor, John Moorlach, John Withers
AGAINST: None
ABSTAIN: None

MOTION PASSED

10c. - Center for Demographic Research - Member Benefits

Project Manager Benjamin Legbandt presented the staff report on the member benefits associated with being a contributing partner to the Center for Demographic Research (CDR).

MOTION: Receive and file the Center for Demographic Research Member Benefits Report. (John Moorlach)
SECOND: Derek McGregor
FOR: Joe Carchio, Pat Bates, Cheryl Brothers, James Fisler,
Derek McGregor, John Moorlach, John Withers
AGAINST: None
ABSTAIN: None

MOTION PASSED

Commissioner Spitzer arrived at 8:43 a.m. **Chair Carchio** returned to Agenda Item 10a - Yorba Linda Unincorporated Area to allow **Commissioner Spitzer** to provide an update to the Commission.

10a. - Yorba Linda Unincorporated Areas

Commissioner Spitzer provided a brief status update on the litigation proceedings for the unincorporated areas in Yorba Linda. **Commissioner Spitzer** also provided an update on the environmental review process for both development projects, noting that the response to comments for the Esperanza Hills Draft EIR was complete and that the developers of Celia Vista had hired a land use attorney to review their EIR for any deficiencies.

10d. - South Orange County Governance - Financial Model and Visioning Process Schedule

Project Manager Benjamin Legbandt provided an update on the South Orange County Governance Visioning Process. He reported that the preparation of a financial model by LAFCO consultant was complete and stakeholder working group meeting had been scheduled for the Rancho Mission Viejo Governance and Rancho Santa Margarita Governance Study Areas.

Stan Hoffman, President of Stanley R. Hoffman Associates (SRHA) and LAFCO consultant, provided brief comments and responses on the financial model and visioning process.

Vice Chair Bates asked staff to include a representative from the 5th Supervisorial District staff on the stakeholder working groups to observe the process and discussions.

Commissioner Moorlach asked if the stakeholder discussions would focus on the best governance approach for the area. Mr. Legbandt responded that the process would be an open and deliberative process and discussions would focus on the viability of alternative governance scenarios.

Commissioner Withers asked staff to invite Sharon Browning to the September 10, 2014 Commission meeting for further discussion on the South Orange County Governance process.

Commissioner McGregor asked if the properties in the northern portion of the sphere of influence of the City of Rancho Santa Margarita would be involved in the working group process or have any impact on the financial model. Assistant Executive Officer Ken Lee responded that the northern properties have no impact on the process and therefore would not be included in the stakeholder discussions or process.

MOTION: Receive and file the report on South Orange County Governance - Financial Model and Visioning Process Schedule. (Derek McGregor)

SECOND: John Withers

FOR: Joe Carchio, Pat Bates, Cheryl Brothers, James Fisler, Derek McGregor, John Moorlach, John Withers

AGAINST: None

ABSTAIN: None

MOTION PASSED

10e. - LAFCO Public Member Seat Guidelines Revision and Alternate Public Member Vacancy

Executive Officer Carolyn Emery presented the staff report on the revisions to the guidelines for the appointment of the LAFCO Public Member and the process for the Alternate Public Member seat.

Chair Carchio asked Ms. Emery about the application and selection process. Ms. Emery replied that the Executive Committee is comprised of the Commission's current Chair, current Vice Chair and the immediate past Chair. In the absence of the immediate past Chair Susan Wilson, **Chair Carchio** asked for a volunteer from the Commission to participate on the Executive Committee for the public member selection process. **Commissioner McGregor** volunteered and Chair Carchio duly appointed him.

Commissioner Moorlach asked Legal Counsel Clark Alsop if the terms for the Regular/Alternate Public Member seat election could be aligned. Legal Counsel replied that it is a policy question of the Commission and that the Commission has the ability to change its locally adopted procedural guidelines. **Commissioner Moorlach** requested that staff bring back additional revisions to the guidelines to give the Commission the ability to appoint candidates to both the Regular and Alternate Public Member seats at the same meeting when a vacancy occurs.

MOTION: Approve the revised Guidelines for the Appointment of LAFCO's Regular and Alternate Public Members and Expiration of Commissioners' Terms of Office; Prepare and distribute the required notice advertising the Alternate Public Member seat vacancy; direct the Executive Committee to screen all applications and select finalists to be interviewed at the September 10, 2014 LAFCO regular meeting; and prepare a press release regarding the Alternate Public Member seat vacancy. (John Moorlach)

SECOND: Pat Bates

FOR: Joe Carchio, Pat Bates, Cheryl Brothers, James Fisler, Derek McGregor, John Moorlach, John Withers

AGAINST: None
ABSTAIN: None

MOTION PASSED

11. COMMISSIONER COMMENTS

None

12. INFORMATIONAL ITEMS AND ANNOUNCEMENTS

12a. - Protest Hearing Results for the "Anaheim/IRWD/YLWD Annexation to the Orange County Water District" (DA 13-13)

Project Manager Benjamin Legbandt presented an oral report on the results of the July 7, 2014 Protest Hearing for the annexation to the Orange County Water District.

12b. - LAFCO Communications and Media Relations

Commission Clerk Cheryl Carter-Benjamin presented an oral report on the additions to LAFCO's communications and media relations.

12c. - Upcoming Sphere of Influence Reviews and Amendments

Project Manager Benjamin Legbandt informed the Commission of upcoming sphere of influence (SOI) reviews and amendments at the August 13, 2014 regular meeting, including: (1) SOI reviews for the Capistrano Bay Community Services District and City of Laguna Beach; and (2) proposed SOI amendments for the City of Garden Grove and City of Stanton.

12d. - Coalition of California LAFCOs (CCL) Update

Project Manager Benjamin Legbandt informed the Commission that the next CCL quarterly meeting would be held on August 11, 2014 in San Diego, and that there would be a special presentation by Joe McKenzie on CSDA legislative activities.

Additional Announcements

Executive Officer Carolyn Emery provided a supplemental announcement that ACC-OC will hold a special meeting for the election of the LAFCO Alternate City Member seat on July 26, 2014.

13. CLOSED SESSION

13a. - Public Employee Performance Evaluation

13b. - Conference with Labor Negotiators

The Commission adjourned to Closed Session at 9:41 a.m.

The Commission reconvened in open session at 10:00 a.m. Legal Counsel Clark Alsop indicated no reportable action and stated that, at the direction of the Commission, an additional Closed Session will take place during the August 13, 2014 Regular meeting.

14. ADJOURNMENT OF REGULAR COMMISSION MEETING

The meeting adjourned at 10:05 a.m.

Joe Carchio, Chair
Orange County Local Agency Formation Commission

By: _____
Cheryl Carter-Benjamin
Commission Clerk