



FINAL MINUTES

LAFCO SPECIAL AND REGULAR MEETING
Wednesday, November 12, 2014, 8:30 a.m.
Planning Commissioner Hearing Room, Hall of Administration
10 Civic Center Plaza, Santa Ana

1. CALL TO ORDER

Chair Carchio called the special meeting of the Local Agency Formation Commission (LAFCO) to order at 8:36 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Jim Fisler led the Pledge of Allegiance.

3. 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 Allan Bernstein**
- **Alternate Commissioner James Fisler**
- **Alternate Commissioner Todd Spitzer**

The following Commissioner was 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**

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

None

5. APPROVAL OF MINUTES

October 8, 2014 - Regular Commission Meeting Minutes

The minutes were approved with no corrections.

MOTION: Approve the October 8, 2014 Regular Commission Meeting Minutes. (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

6. PUBLIC COMMENT

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

Chair Carchio closed public comments.

7. SELECTION OF LAFCO CHAIR PRO TEMPORE

Executive Officer Carolyn Emery presented the staff report and recommendation to the Commission to consider the nomination and selection of a LAFCO Chair Pro Tempore for the December 10, 2014 regular meeting.

Commissioner Withers asked the Commission to consider the current public member and nominated **Commissioner McGregor**.

Commissioner Moorlach asked the Commission to consider the current county member and nominated **Commissioner Spitzer**. **Commissioner Spitzer** thanked Commissioner Moorlach and declined, stating reasons related to the anticipated reorganization of the County Board of Supervisors and existing time commitments.

MOTION: Approve selection of Derek McGregor as Chair Pro Tempore for the December 10, 2014 regular meeting. (John Withers)

SECOND: Cheryl Brothers

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

AGAINST: None

ABSTAIN: None

MOTION PASSED

8. ADJOURNMENT OF SPECIAL COMMISSION MEETING

The special meeting adjourned at 8:45 a.m.

9. CALL TO ORDER

Chair Carchio called the regular meeting of the Local Agency Formation Commission (LAFCO) to order at 8:45 a.m.

7. CONSENT CALENDAR

7a. - Via Vista Annexation to the Orange County Sanitation District (DA 14-09)

Chair Carchio called for approval of the consent calendar.

MOTION: Approve the Consent Calendar. (John Withers)

SECOND: Derek McGregor

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

AGAINST: None

ABSTAIN: None

MOTION PASSED

8. PUBLIC HEARING

8a. - Santa Ana/Colleen Island Annexation to the City of Costa Mesa (IA 13-16)

Project Manager Benjamin Legbandt presented the staff report to the Commission on the proposed annexation of 14 acres of unincorporated inhabited territory to the City of Costa Mesa.

Commissioner Fisler asked Mr. Legbandt to clarify language in Attachment B to the staff report referencing Government Code Section 56375, where the Commission has the discretion to approve or deny the application. As a small island annexation under Government Code Section 56375.3, the Commission does not have the authority to deny the proposed annexation. Mr. Legbandt stated that the language in the Commission's "Factors Considered in Review of Proposal" (Attachment B) references a general provision in the code and that he would revise Attachment B to reflect the Commission's requirements under Government Code Section 56375.3.

Chair Joe Carchio opened the public hearing.

Rick Francis, Assistant Chief Executive Officer of the City of Costa Mesa, expressed the City's support for the proposal.

Commissioner Moorlach asked Mr. Francis who currently provides police services. Mr. Francis stated that, for emergencies, Costa Mesa Police Department is the first responder and, for non-urgent matters, Orange County Sheriff is the first responder.

Gary Armstrong, City of Costa Mesa Planning and Building Director, made himself available to the Commission for questions.

Joanne Perler, Costa Mesa resident, requested that the Commission continue the public hearing and provide island residents additional time to obtain a better understanding of the issues and process.

Chair Carchio closed the public hearing.

MOTION: Approve the annexation of Santa Ana/Colleen Island to the City of Costa Mesa; approve the form of resolution; direct staff to file the Notice of Exemption; and waive protest proceedings. (John Moorlach)

SECOND: John Withers

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

AGAINST: None

ABSTAIN: None

MOTION PASSED

9. COMMISSION DISCUSSION AND ACTION

9a. - Yorba Linda Unincorporated Areas

Commissioner Spitzer provided the Commission with an update on litigation involving the Cielo Vista and Esperanza Hills development projects and stated that in the future he would defer to the Executive Officer to keep the Commission informed.

Executive Officer Carolyn Emery informed the Commission of LAFCO's attendance at a recent County Planning Commission meeting on the proposed development projects and stated that staff would not keep the item as a placeholder on the Commission's monthly agendas as the project is not currently active but would provide future updates to the Commission as needed.

9b. - Relocation Update

The Commission received an oral update from Executive Officer Carolyn Emery on execution of the lease agreement, status of office improvements, and the ninety day termination notice to the County of Orange for LAFCO's current office space. With regard to future Commission meeting dates/times and location starting in early 2015, Ms. Emery recommended that Commission meetings remain on the second Wednesday of each month with an earlier start time of 8:00 a.m. in the OCTA Board Room (600 S. Main Street, Orange).

MOTION: Receive and file the Relocation Update; approve moving location for LAFCO Regular Meetings to the OCTA Board Room with a start time of 8:00 a.m. on the 2nd Wednesday of each month. (Cheryl Brothers)

SECOND: Derek McGregor

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

AGAINST: None

ABSTAIN: None

MOTION PASSED

9c. - Cancellation of January 2015 LAFCO Meeting

MOTION: Approve cancellation of the January 2015 LAFCO Meeting. (Cheryl Brothers)

SECOND: Derek McGregor

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

AGAINST: None

ABSTAIN: None

MOTION PASSED

9d. - LAFCO Alternate Public Member Recruitment Process

Executive Officer Carolyn Emery summarized the Executive Committee's report on the LAFCO Alternate Public Member Recruitment process and the Committee's recommendation to reopen the recruitment process with a new timeline.

The Commission discussed reopening the recruitment process, including the two qualified applications already received.

MOTION: Reopen the recruitment process for the LAFCO Alternate Public Member; approve the revised timeline in Table A, with the current applicants participating in the reopened recruitment process. (John Withers)

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

MOTION PASSED

9e. – FY 2013-14 LAFCO Annual Audit

Michael Ludin of White Nelson Diehl Evans presented the audit report for the FY 2013-14 LAFCO Annual Audit.

MOTION: Receive and file LAFCOs FY 2013-14 audited financial statements prepared by White Nelson Diehl Evans. (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 Withers left at 9:37 a.m.

9f. – Proposed Memorandum of Understanding for Multi-County special Districts

Project Manager Benjamin Legbandt presented the staff report on the continued MOU for Multi-County Special Districts with Riverside LAFCO.

The Commission discussed and asked clarifying questions about the proposed development project, including wastewater and public safety services. Laree Brommer, Planning Manager for the County of Orange, addressed the use of septic systems and Michele Hernandez, Management Analyst for OCFA, addressed questions about proposed fire service.

MOTION: Approve the Memorandum of Understanding for Multi-County Special Districts with Riverside LAFCO (Cheryl Brothers)
SECOND: Derek McGregor
FOR: Joe Carchio, Pat Bates, Cheryl Brothers, James Fisler
Derek McGregor, John Moorlach
AGAINST: None
ABSTAIN: None

MOTION PASSED

Commissioner Bates left at 10:04 a.m.

9g. - Legislative Quarterly Report (November 2014) and Proposed 2015 Legislative Program

MOTION: Receive and file the November 12, 2014 Legislative Quarterly Report; and Direct staff to distribute to the County and each city and special district. (John Moorlach)

SECOND: Todd Spitzer

FOR: Joe Carchio, Cheryl Brothers, James Fisler
Derek McGregor, John Moorlach, Todd Spitzer

AGAINST: None

ABSTAIN: None

MOTION PASSED

Commissioner Spitzer left at 10:13 a.m.

9h. - Comprehensive Quarterly Report

Commissioner Moorlach requested that staff update the quarterly budget report to include quarterly budget targets.

MOTION: Receive and file the November 12, 2014 Comprehensive Quarterly Report. (John Moorlach)

SECOND: James Fisler

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

AGAINST: None

ABSTAIN: None

MOTION PASSED

10. COMMISSIONER COMMENTS

None

11. EXECUTIVE OFFICER'S REPORT

The Executive Officer commented on the upcoming November 13, 2014 City Selection Committee election that will be held for the LAFCO Regular City Member seat that would become vacant on December 1. Staff will provide an update to the Commission upon completion of the election process.

12. INFORMATIONAL ITEMS & ANNOUNCEMENTS

12a. - CALAFCO Annual Conference

Commissioners Brothers, McGregor, and Bernstein and **Chair Carchio** commented on the conference, including presentations made by **Commissioner McGregor** and staff at various conference sessions. **Chair Carchio** congratulated San Bernardino LAFCO for an outstanding job hosting the conference and thanked Best Best & Krieger for the client appreciation dinner.

Commissioner Moorlach left at 10:16 a.m.

12b. - Coalition of California LAFCOs (CCL)

The Commission was reminded of the upcoming CCL quarterly meeting scheduled for December 1, 2014 by teleconference.

13. CLOSED SESSION

None

14. ADJOURNMENT OF REGULAR COMMISSION MEETING

The meeting adjourned at 10:23 a.m.

Joe Carchio, Chair
Orange County Local Agency Formation Commission

By: _____
Cheryl Carter-Benjamin
Commission Clerk