



FINAL MINUTES

LAFCO REGULAR MEETING
Wednesday, February 11, 2015, 8:30 a.m.
Planning Commissioner Hearing Room, Hall of Administration
10 Civic Center Plaza, Santa Ana

1. CALL TO ORDER

Chair Pro Tem McGregor called the regular meeting of the Local Agency Formation Commission (LAFCO) to order at 8:36 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Todd Spitzer led the Pledge of Allegiance.

3. OATH OF OFFICE - COMMISSIONERS BARTLETT, BERNSTEIN, DO AND SPITZER.

Commission Clerk Cheryl Carter-Benjamin administered the Oath of Office to Commissioners Bartlett, Bernstein, Do and Spitzer.

4. ROLL CALL

The following Commissioners and Alternates were present:

- **Chair Pro Tem Derek J. McGregor**
- **Commissioner Lisa Bartlett**
- **Commissioner Allan Bernstein**
- **Commissioner Cheryl Brothers**
- **Commissioner Todd Spitzer**
- **Commissioner Charley Wilson**
- **Commissioner John Withers**
- **Alternate Commissioner Andrew Do**
- **Alternate Commissioner James Fisler**

The following LAFCO staff members were present:

- Executive Officer Carolyn Emery
- Project Manager Benjamin Legbandt
- Policy Analyst Carolyn Jones
- Commission Clerk Cheryl Carter-Benjamin
- Legal Counsel Scott Smith

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

None

6. APPROVAL OF MINUTES

December 10, 2014 - Regular Commission Meeting Minutes

The minutes were approved with no corrections.

MOTION: Approve the December 10, 2014 Regular Commission Meeting Minutes. (Allan Bernstein)

SECOND: Todd Spitzer

**FOR: Derek J. McGregor, Allan Bernstein, Cheryl Brothers,
Todd Spitzer, Charley Wilson, John Withers**

AGAINST: None

ABSTAIN: Lisa Bartlett

MOTION PASSED

7. PUBLIC COMMENT

Chair Pro Tem McGregor requested public comments on any non-agenda items. There were none.

Chair Pro Tem McGregor closed public comments.

8. CONSENT CALENDAR

None

9. PUBLIC HEARING

None

10. COMMISSION DISCUSSION AND ACTION

10a. - Election of LAFCO Officers for 2015

Executive Officer Carolyn Emery presented the staff report for the election of a LAFCO Chair and Vice-Chair for 2015. Ms. Emery informed the Commissioners that in accordance with the LAFCO bylaws there is an Executive Committee, which meets with staff on budget preparation and serves in an advisory role to the full Commission. The Executive Committee is comprised of the Chair, Vice-Chair, and Immediate Past-Chair.

Commissioner Withers provided a brief overview of the election process to the new Commissioners and nominated **Commissioner McGregor** to serve as the 2015 LAFCO Chair. **Chair Pro Tem McGregor** called for other nominations for LAFCO Chair. There were none.

MOTION: Nominate Commissioner McGregor to serve as the 2015 LAFCO Chair. (John Withers)

SECOND: Todd Spitzer

FOR: Derek J. McGregor, Lisa Bartlett, Allan Bernstein, Cheryl Brothers, Todd Spitzer, Charley Wilson, John Withers

AGAINST: None

ABSTAIN: None

MOTION PASSED

Chair McGregor nominated **Commissioner Withers** to serve as the LAFCO Vice-Chair. **Chair McGregor** called for other nominations for LAFCO Vice-Chair. There were none.

MOTION: Nominate Commissioner Withers to serve as the 2015 LAFCO Vice-Chair. (Derek J. McGregor)

SECOND: Todd Spitzer

FOR: Derek J. McGregor, Lisa Bartlett, Allan Bernstein, Cheryl Brothers, Todd Spitzer, Charley Wilson, John Withers

AGAINST: None

ABSTAIN: None

MOTION PASSED

Chair McGregor informed the Commission that in accordance with the LAFCO bylaws, the Executive Committee is comprised of the immediate past chair, current chair and vice-chair of the Commission. **Chair McGregor** noted that with the recent Commissioner vacancies the immediate past chair was **Commissioner Wilson** who will serve on the Executive Committee.

10b. - OCERS Membership Waiver for Future Eligible LAFCO Employees

Project Manager Benjamin Legbandt presented the staff report to the Commission to consider adoption of an OCERS regulation that would allow future eligible LAFCO employees that are at least 60 years of age to waive OCERS membership.

Commissioner Spitzer informed the Commission that the Board of Supervisors created the enabling legislation so other agencies could consider opting out of the OCERS membership.

Commissioner Bartlett added that this also provides an alternative option to future new eligible employees that allows each new employee the option to choose.

MOTION: Authorize the Chair to sign the Employer's Concurrence - Waiver of Membership making the OCERS regulation applicable to future eligible LAFCO Employees. (Lisa Bartlett)

SECOND: Allan Bernstein

FOR: Derek J. McGregor, John Withers, Lisa Bartlett, Allan Bernstein, Cheryl Brothers, Todd Spitzer, Charley Wilson

AGAINST: None

ABSTAIN: None

MOTION PASSED

10c. - Municipal Service Review Process for the Proposed "East Orange County Water District Reorganization for Local Sewer Service" (RO 14-01)

Project Manager Ben Legbandt presented the update on the MSR process for the proposed "EOCWD Reorganization for Local Sewer Services."

Executive Officer Carolyn Emery also acknowledged representatives from Orange County Sanitary District, East Orange County Water District, Irvine Ranch Water District, and the City of Tustin.

Chair McGregor opened the public comments.

Steve LaMar, President of IRWD spoke to the excellent sewer service they would provide at half the cost to customers of OCSD Service Area 7. Mr. LaMar noted the District's intent to file their formal application and made himself available to answer any questions.

Commissioner Fisler asked Mr. LaMar if the proposed rate was the District's normal rate or if they would have a lower rate for OCSD Service Area 7 as compared to the rest of the District. Mr. LaMar stated that an analysis was done to compare services to determine the costs of providing local sewer service to Service Area 7.

Chair McGregor closed the public comments.

Commissioner Spitzer stated that the decision of the service provider should be data driven, asked staff to clarify the metrics presented in Attachment A to the staff report, and asked whether or not the outreach would take place before or after the Commission's recommendations. Mr. Legbandt responded that LAFCO is in the process of collecting data for review and analysis, which will then be followed by public outreach. The Executive Officer added that the approach allows staff to present a draft to the public to receive public input prior to the presentation of the final municipal service review with recommendations to the Commission.

Chair McGregor expressed that both public outreach and data are key components during this process.

MOTION: Receive and file the report. (Allan Bernstein)
SECOND: Cheryl Brothers
FOR: Derek J. McGregor, John Withers, Lisa Bartlett, Allan Bernstein, Cheryl Brothers, Todd Spitzer, Charley Wilson
AGAINST: None
ABSTAIN: None

MOTION PASSED

10d. - Interview and Appointment Process for LAFCO Alternate Public Member

Executive Officer Carolyn Emery summarized the interview and appointment process. The Commission interviewed four candidates for the Alternate Public Member Seat: Kathryn Freshley, Mark Gaughan, Mark Levy, and Peter Whittingham.

After careful consideration of the applicants, **Chair McGregor** opened the nominations for the selection of the LAFCO Alternate Public Member.

MOTION: Appoint Mark Levy as LAFCO Alternate Public Member. (Lisa Bartlett)
SECOND: Todd Spitzer
FOR: John Withers, Lisa Bartlett, Todd Spitzer, Charley Wilson
AGAINST: Derek J. McGregor, Allan Bernstein, Cheryl Brothers
ABSTAIN: None

MOTION FAILED (Majority required that includes a member from each of the appointing authorities)

MOTION: Appoint Kathryn Freshley as LAFCO Alternate Public Member. (Todd Spitzer)
SECOND: John Withers

FOR: Derek J. McGregor, John Withers, Todd Spitzer,
Charley Wilson

AGAINST: Lisa Bartlett, Allan Bernstein, Cheryl Brothers

ABSTAIN: None

MOTION FAILED (Majority required that includes a member from each of the appointing authorities)

MOTION: Appoint Peter Whittingham as LAFCO Alternate Public Member. (Allan Bernstein)

SECOND: Charley Wilson

FOR: John Withers, Allan Bernstein, Cheryl Brothers,
Charley Wilson

AGAINST: Derek J. McGregor, Lisa Bartlett, Todd Spitzer

ABSTAIN: None

MOTION FAILED (Majority required that includes a member from each of the appointing authorities)

MOTION: Appoint Mark Gaughan as LAFCO Alternate Public Member.
(Cheryl Brothers)

SECOND: None

FOR: None

AGAINST: None

ABSTAIN: None

MOTION LOST (Due to lack of a second)

MOTION: Appoint Kathryn Freshley as LAFCO Alternate Public Member. (Cheryl Brothers)

SECOND: John Withers

FOR: Derek J. McGregor, John Withers, Allan Bernstein,
Cheryl Brothers, Todd Spitzer, Charley Wilson

AGAINST: Lisa Bartlett

ABSTAIN: None

MOTION PASSED

Chair McGregor invited back the candidates and announced the appointment of Kathryn Freshley as LAFCO's Alternate Public Member. The Commissioners commended each applicant for their outstanding qualifications and interest in local government.

Commissioners Bartlett and Spitzer left at 10:21 a.m.

10e. – Comprehensive Quarterly Report

MOTION: Receive and file the second quarter comprehensive quarterly report. (John Withers)
SECOND: Charley Wilson
FOR: Derek J. McGregor, John Withers, Allan Bernstein, Cheryl Brothers, Andrew Do, Charley Wilson
AGAINST: None
ABSTAIN: None

MOTION PASSED

10f. – Quarterly Legislative Report

MOTION: Receive and file the legislative quarterly report. (John Withers)
SECOND: Cheryl Brothers
FOR: Derek J. McGregor, John Withers, Allan Bernstein, Cheryl Brothers, Andrew Do, Charley Wilson
AGAINST: None
ABSTAIN: None

MOTION PASSED

11. COMMISSIONER COMMENTS

Commissioner Brothers made a recommendation to the Commission to consider at a future meeting reviewing the Commission policy on the selection and appointment of the public member seat that would allow for better timing of the process and the ability to apply for the seat while being seated on other boards. She added that this would allow interested parties to participate in the process but resign from their conflicting appointments if they are selected to serve on the Commission.

Commissioner Do left at 10:24 a.m.

12. EXECUTIVE OFFICER'S REPORT

Executive Officer updated the Commission on the following:

- The City of Orange adopted a resolution requesting LAFCO to terminate proceedings for the Ridgeline annexation, which included a detachment of an area from the City. The project application has been terminated in accordance with state law.

13. INFORMATIONAL ITEMS & ANNOUNCEMENTS

13a. - Coalition of California LAFCOs Annual Summit (CCL)

Commissioner Brothers gave an update on the annual summit held on January 26, 2015. The discussion included Rosenberg's Rules of Order, a presentation from the Institute of Local Government, and an update of the CCL bylaws.

13b. - 2015 Orange County Collaborative Shared Services Summit

13c. - 2015 LAFCO Strategic Planning Session

13d. - New LAFCO Regular Meeting Location and Time

Chair McGregor provided a summary on the informational items and asked for any discussion from the Commission.

14. CLOSED SESSION

None

15. ADJOURNMENT OF REGULAR COMMISSION MEETING

The meeting adjourned at 10:30 a.m.

Derek J. McGregor, Chair
Orange County Local Agency Formation Commission

By: _____

Cheryl Carter-Benjamin
Commission Clerk